



AND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

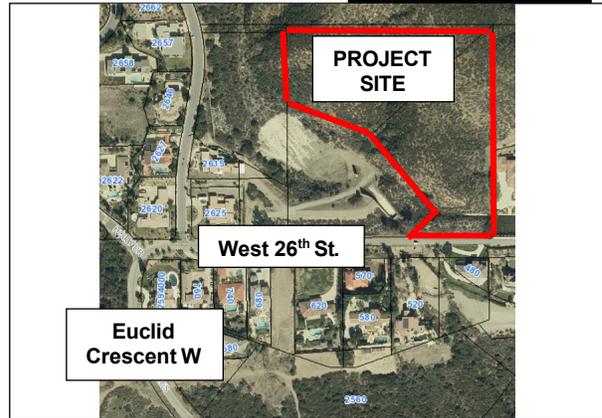
HEARING DATE: August 4, 2022

AGENDA ITEM #2

Project Description

APN: 1003-281-08 and 09
Applicant: Atabak Youssefzadeh
Community: Upland / 2nd Supervisorial District
Location: On the north side of West 26th Street, approx. 800 feet east of Holly Drive.
Project No: PROJ-2020-00111
Staff: Jim Morrissey
Rep: Kevin Kent.
Proposal: Planned Development Permit and Tentative Parcel Map No. 19985 to subdivide approximately 7.1-acres into four single family residential lots.

Vicinity Map -



11 Hearing Notices Sent on: July 20, 2022

Report Prepared By: Jim Morrissey, Contract Planner

SITE INFORMATION:

Parcel Size: 7.17 acres
 Terrain: Steep hillside, sloping down to the south.
 Vegetation: Dense chaparral.

TABLE 1 – SITE AND SURROUNDING LAND USES, POLICY PLAN, AND ZONING DISTRICTS:

AREA	EXISTING LAND USE	LAND USE POLICY	ZONING DISTRICT
SITE	Vacant	VDR (Very Low Density Residential)	SD-RES (Special Development - Residential)
North	Single Residential	Open Space	SD-RES (Special Development - Residential)
South	Single Residential	LDR (Low Density Res.)	RS-14m (Single Residential, 14,000 sq. ft. lot size)
East	Single Residential	RL (Rural Living)	RL-5 (Rural Living, five acre min. lot size)
West	Flood Control Basin	RL (Rural Living)	RL-5 (Rural Living, five acre min. lot size)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	Upland	N/A
Water Service:	San Antonio Water Co.	Mutual Water Co.
Sewer Service:	Septic	Individual Systems

STAFF RECOMMENDATION:¹ That the Planning Commission **RECOMMEND** that the Board of Supervisors **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, **ADOPT** the recommended Findings; **APPROVE** the Planned Development Permit and Tentative Tract Map No. 19985, subject to the Conditions of Approval, and; **DIRECT** Staff to File a Notice of Determination.

¹ This is a recommendation items. A disapproval recommendation by the Planning Commission shall terminate the application unless appealed in compliance with Chapter 86.08.

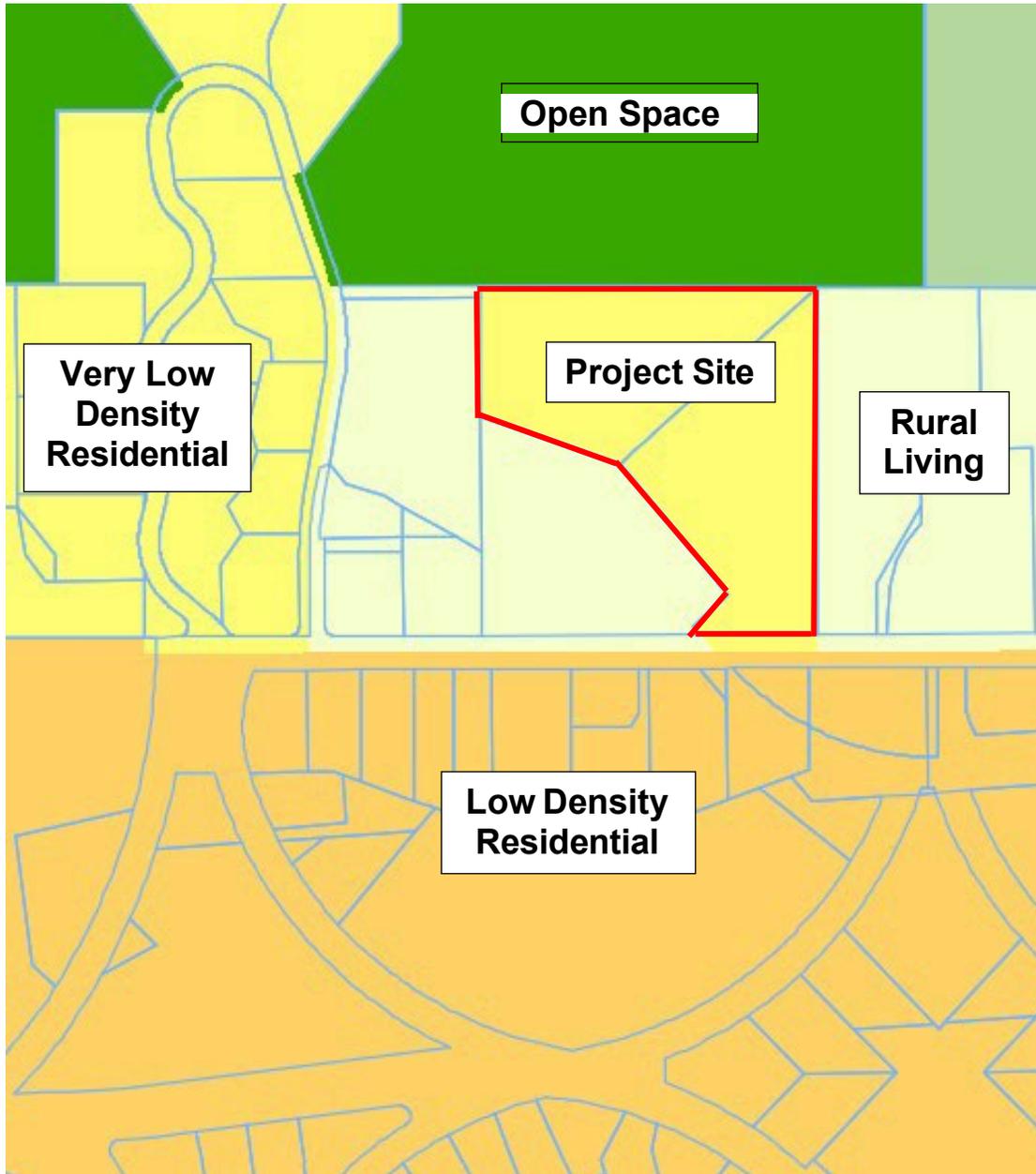
VICINITY MAP:



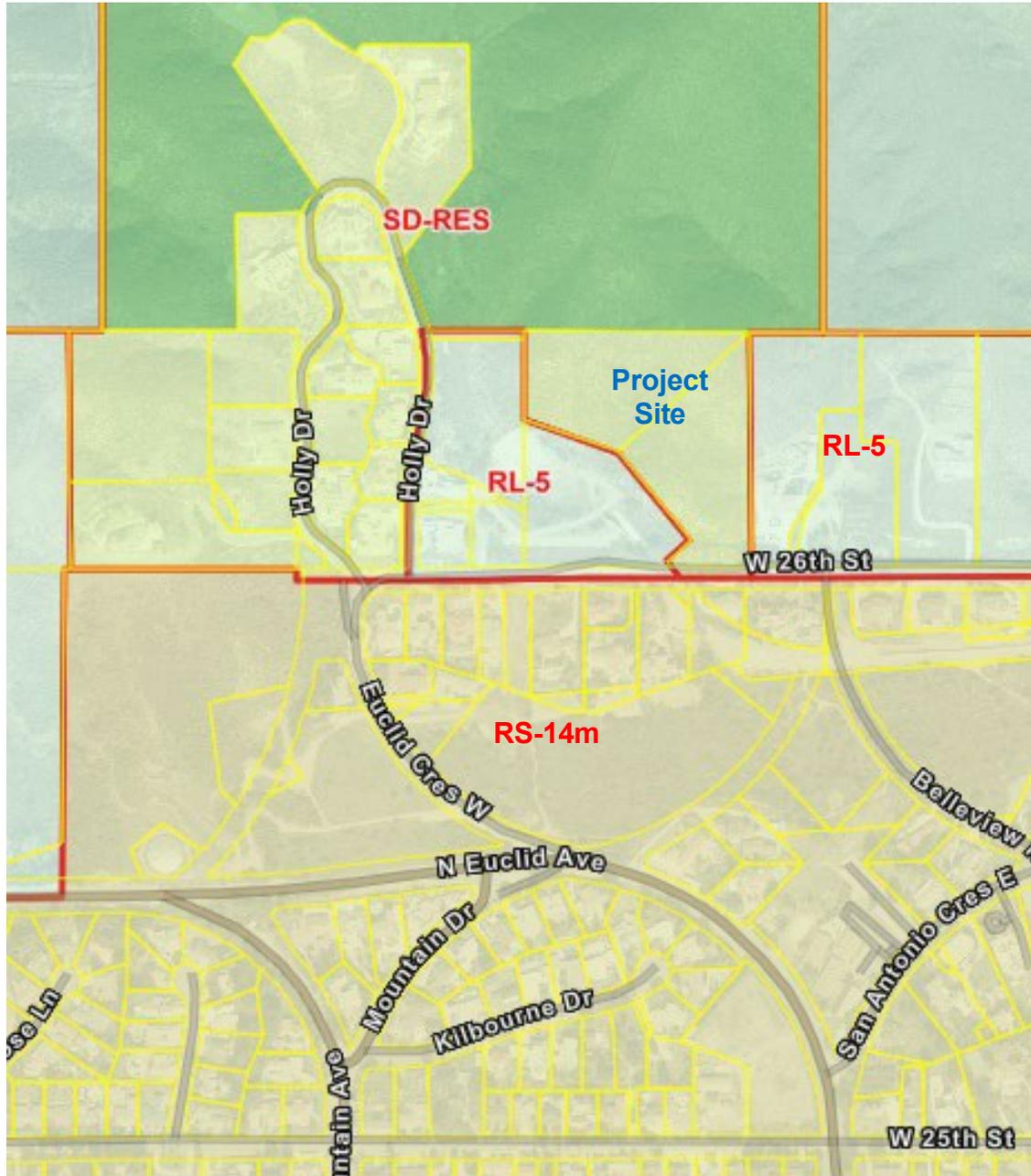
Aerial view of the Project Site



POLICY PLAN LAND USE DISTRICT MAP:



ZONING MAP:

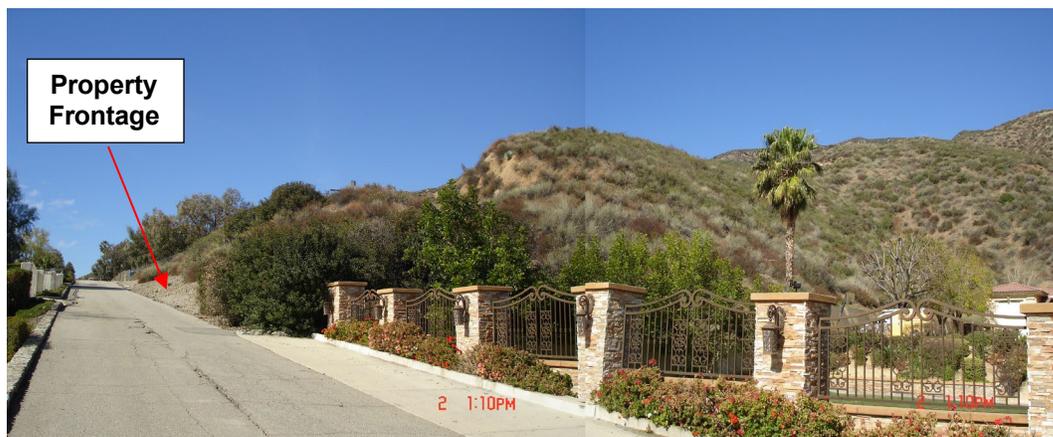


AERIAL MAP:



SITE PHOTOS

View west along 26th Street and displaying a portion of the Project hillside beyond the fence.

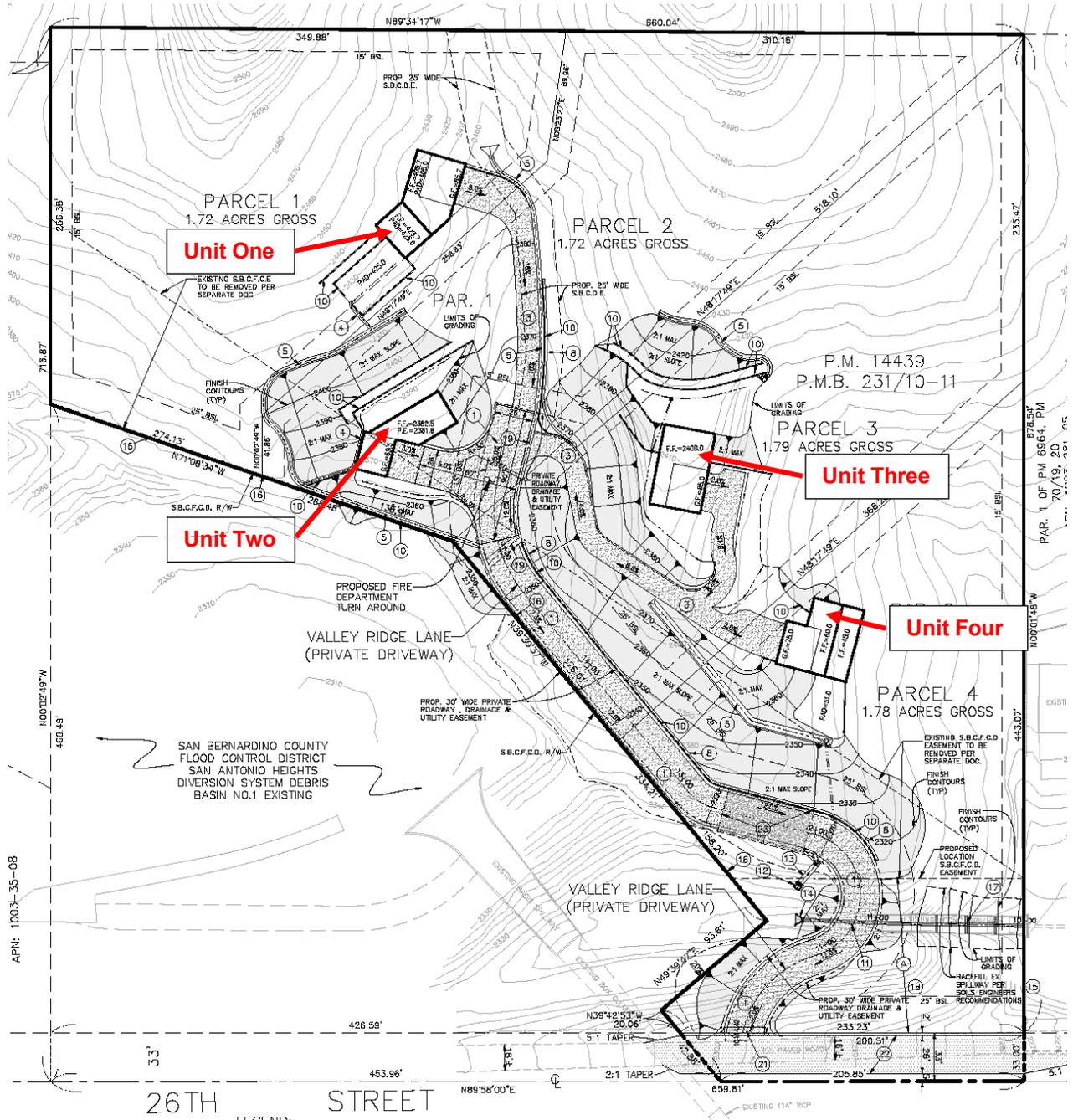


Left photo looking north from 26th Street through the County's Flood Control property. The right photo displays 26th Street looking west towards the subject property.

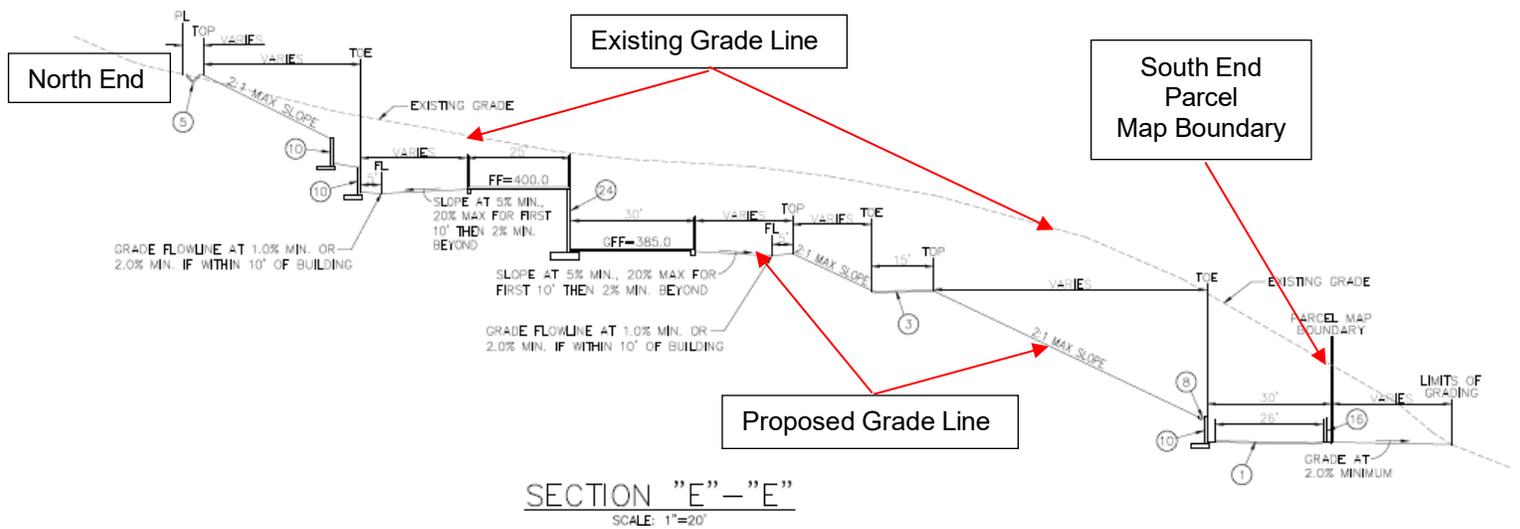
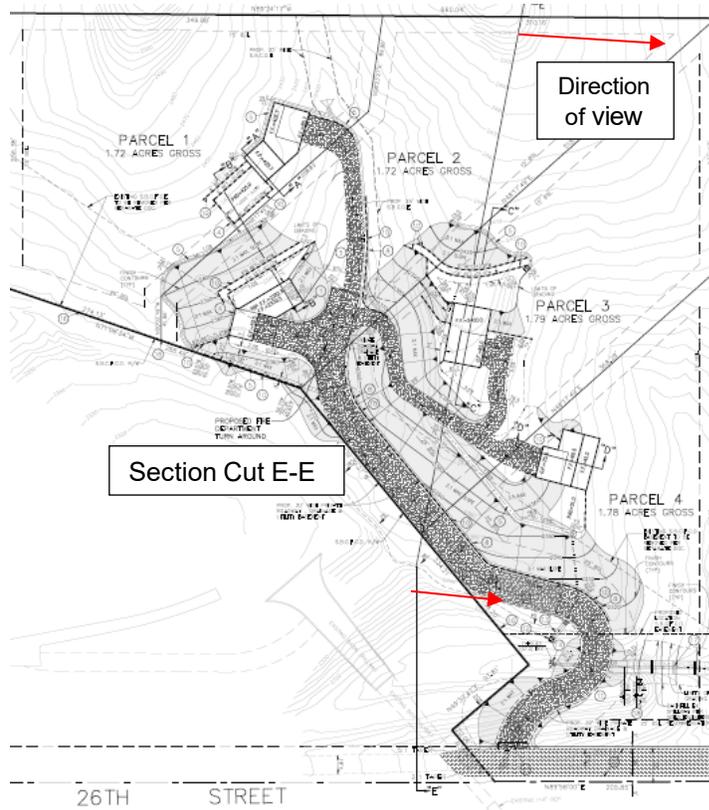


SITE PLAN

Tentative Parcel Map



Example Grading Plan Section



PROJECT DESCRIPTION:

The applicant is requesting approval of Tentative Parcel Map (TPM) 19985 that would subdivide two lots into four lots, along with a Planned Development Plan (PDP) to permit an increase in development density within an area with very steep terrain. The TPM and PDP are collectively referred to as the "Project." PDP's are intended to provide for flexibility in the application of County Development Code (Development Code) Standards under limited and unique circumstances. The PDP process is intended to allow consideration of innovation in site planning and other aspects of project design, to facilitate effective design responses to topographic features of a site, as well environmental constraints. The County expects each PDP project to be of significantly higher quality than would be achieved through conventional design practices and development standards. Pursuant to Section 85.10.040 (b) of the Development Code, the Board shall act upon all initial applications for PDPs, following a recommendation from the Planning Commission.

The proposed Project is located within the San Antonio Heights area, north of the City of Upland. The subject property represents the southerly end of the mountain range that includes the San Bernardino National Forest further to the north. As such, the property and surrounding area is characterized by southerly facing steep slopes that provide a view of the valley.

Project History

In 2006, the Board of Supervisors (Board) approved a PDP and TPM 14439 to subdivide this same property into two parcels. Parcel Map 14439 was subsequently recorded in November, 2008. The 2006 approval included a density transfer from a nearby 57-acre property. The 57-acre site is located in the Resource Conservation (RC) District, which allows a density of one dwelling unit per 40 acres. With the Board's approval of the PDP in 2006, it allowed the subject site to be subdivided into two parcels and required the 57-acre site to be preserved as open space, which prohibited any future development on that property.

In 2018, the applicant filed an application to further subdivide the property. As part of its evaluation, the Planning Division informed the applicant that they could not support the application because the Project site contained very steep terrain with approximately 92 percent of the site having natural grades that exceed 30%, and another significant portion that exceeds 60%. Only 7,300 square feet of the site contains slopes that are less than 15% gradient and only 15,800 square feet of the site contains slopes ranging from 15% to 30% gradient. The following is the slope analysis table provided by the applicant:

SLOPE ANALYSIS TABLE		
Slope Category	Area (Sq. Ft.)	Percent of Site
0 – 15%	7,298	2.4%
15% - 30%	15,838	5.2%
30% +	282,086 (6.48 Acres)	92.4%

The Planning Division also noted the Project site is located in the FS Overlay District and the City of Upland High Fire Hazard Zone. Based on the slope analysis prepared by Sitetech, Inc., the Project site contains natural hillside topography exceeding 30% gradient, with portions of the site approaching 60% gradient. Based on the Fire Safety Ordinance, Chapter 82.13 of the Development Code, the density of any proposed residential project shall not exceed one dwelling unit per three gross acres where the average slope exceeds 30% gradient.

Based upon this information the Planning Division concluded the proposed Project density of one unit per 1.75 gross acres did not comply with the residential slope density standards of one dwelling unit per three gross acres on slopes of greater than 30 percent gradient as required by the FS Overlay District. Because the Planning Division did not support the Project, a recommendation for denial of the Project was scheduled before the Planning Commission on August 9, 2018.

In the Planning Commission Staff Report, the proposed findings for denial indicated the following:

- 1) The proposed Project was not consistent with the County General Plan because the design, siting and density of the proposed development is not consistent with the goals and policies of the Safety Element. Specifically, General Plan Safety Element Policy S 3.3 reads as follows:

“Minimize the fire hazard posed by expanding development in wildland/urban intermix areas”

- 2) The implementation program noted in the General Plan for Policy S 3.3 is:

“Apply the regulations of the Fire Safety Overlay Ordinance, as found in the Development Code, to all County areas subject to wildland/urban intermix fire hazards, including all mountain and foothill areas.”

- 3) The proposed Project would allow for an increase in residential density in an area with very steep terrain in the FS Overlay District, which allows a maximum density of one dwelling unit per three gross acres on slopes of 30% to 40% percent gradient. The design flexibility offered by the PDP application process is intended to allow achievement of a superior project through site-specific design consideration. It is not consistent with the General Plan to utilize a PDP in a way that conflicts with public safety standards and policies.

After conducting a public hearing on the matter, the Planning Commission directed Staff to work with the San Bernardino County Fire Protection District (Fire Department) to determine if adequate service could be provided to the Project site. The Fire Department initially believed that the Project should have two points of access in order to provide adequate fire services. After reviewing the various options and assessing the Project, the Fire Department concluded that an adequate turnaround on the property would be sufficient for access through the property and that a secondard access is not necessary to comply with fire standards and to provide adequate services.

PROJECT ANALYSIS:

The Project site is located on steep slopes and is adjacent to a flood control basin owned and maintained by the San Bernardino County Flood Control District (Flood Control Basin). Lot sizes to the east of the property range in size from 2.3 to 4.2 acres, although lots one-half acre in size are located further to the east. Lots to the west of the Flood Control Basin also include one-half acre lots. The Project site is located on steeper slopes than the surrounding developed lots and will necessitate extensive hillside grading, as evidenced by the section designs previously displayed.

The proposed subdivision and home placement will require a common access roadway extending through each lot. However, Lots 3 and 4 cannot directly access the primary common drive due to the steepness of the terrain. Therefore, a separate driveway that extends off the primary driveway on Lot 2 will provide access to these lots. The additional driveway will require Lot 4 to obtain access through Lots 2 and 3.

Project Design Features

The Planned Development (PD) Permit requires the proposed Project to be of significantly higher quality than would occur under conventional design practices. The proposed homes are intended to be very large, ranging in size from 4,500 to 7,500 square feet. The proposed home plans, based upon the Preliminary Development Plan (Exhibit A), would be split level, with the garage locations at different elevations than portion of the homes. The different home sizes, points of vehicular access, and steep terrain will result in a varied design style. The cost of site design and unit size would result in a higher quality product than a typical tract built home. All building footprints vary in size and orientation, with the exception that all dwellings will take advantage of the panoramic views toward the south. The use of the PD Permit allows the applicant to establish their unique design standards. In this instance the applicant has provided significant design criteria and building placement on each lot that will be adopted as part of the Preliminary and Final Development Plan. In addition, the Preliminary Development Plan provides proposed grading, finished floor elevation, building height and setbacks, and roadway grades.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Single Residential	Project Plans (Proposed)
Single Family Development	Tentative Parcel Map	4 Lots
Policy Plan Density	VLDR (Very Low Density Residential) 2 units per acre, maximum	4 lots on 7.1 acres = 0.56 units per acre
Proposed Unit Size	N/A	4,500 to 7,500 sq. ft.
Property Line Setbacks	<ul style="list-style-type: none"> • Front: 25 feet • Side: 5 feet on one side, 10 feet on the other • Rear: 15 feet • Adjacent to Single Family Zoning: 1.0 ft. per building height (26 feet) 	Setbacks can be determined by the applicant. The proposed building locations are displayed on the PDP Site Plan, and are consistent with the Development Code.
Building Height	45 feet maximum	28 feet maximum
Common Drive Width	26'	30'

California Environmental Quality Act (CEQA) Compliance

An Initial Study/Mitigated Negative Declaration (IS/MND) has been completed (Exhibit B) in compliance with the California Environmental Quality Act (CEQA). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt the IS/MND was advertised on the County Environmental website and distributed to initiate a 20-day public comment period, which concluded on June 29, 2022. Staff received a comment letter from the Santa Ana Regional Water Quality Control Board (Water Board) and the San Bernardino County Department of Public Works (DPW) (Exhibit G). The Water Board's comment letter inquired about the Project's need to perform a Jurisdictional Delineation of the natural drainage that may be impacted by grading or file, the proposed leach field for the future septic systems, and the Project's effect on an existing storm drain system. The IS/MND addresses the Water Board's comments and concludes, based upon documentation contained within the Project's General Biological Resources Assessment, that a Jurisdictional Delineation is not required because there are no existing wetlands or stream channels on the Project site. Installation of the future septic system and leach fields have been conditioned to comply with standards required by the County's Environmental Health Services Division and that the existing water lines along 26th Street has sufficient capacity to accommodate the Project. DPW's comment letter is informational and intended to provide notice of the required permits and approvals should the Project encroach within the Flood Control Basin.

The IS/MND concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures. The Applicant will be responsible for implementing all mitigation measures contained in the Mitigation Monitoring and Reporting Program (MMRP) (Exhibit C). The following mitigation measures were identified for the following topics:

- **Biological Resources:** A migratory bird survey was recommended to ensure potential adverse effects upon nesting birds is avoided, if the Project is undertaken during nesting season, February 1 through August 31.
- **Cultural Resources:** Various measures were incorporated based upon comments received from the San Manuel Band of Mission Indians related to potential finds uncovered during construction and the subsequent process undertaken including construction measures and coordination with the Tribe.
- **Geologic Resources:** Various measures were incorporated to ensure slope stability for both grading and individual building pad construction.

Based upon completion of the Initial Study, Staff is recommending adoption of a Mitigated Negative Declaration.

Public Comments

Notices were sent to surrounding property owners within 300 feet of the Project site on September 9, 2021, as required by Development Code Section 85.03.080. No comments were received. Public notice was also provided for this hearing on July 20, 2022, and no comments were received at the time this report was finalized.

RECOMMENDATION:

That the Planning Commission recommend that the Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Report Program (Exhibits B and C);
2. **ADOPT** the recommended Findings for approval of the Project (Exhibit D);
3. **APPROVE** the Planned Development Permit for a four-lot subdivision in a hillside area, subject to the Preliminary Development Plan and the Conditions of Approval (Exhibit A and E);
4. **APPROVE** Tentative Parcel Map No. 19985 to permit a four-lot subdivision, subject to the recommended Conditions of Approval (Exhibit E); and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Preliminary Development Plan
EXHIBIT B: Initial Study Posted on County Web Site at:
www.sbcounty.gov/uploads/LUS/Environmental/TPMNO19985ANDPD/Initial%20Study.pdf
EXHIBIT C: Mitigation Monitoring and Reporting Program
EXHIBIT D: Findings
EXHIBIT E: Conditions of Approval (Tentative Parcel Map and Preliminary Development Plan)
EXHIBIT F: Letter of Intent
EXHIBIT G: Comment Letters

EXHIBIT A

Preliminary Development Plan

**Preliminary Development Plan (PDP)
San Antonio Height Development Project
201 W. 26th Street, Upland, CA 91784
APN: 1003-281-08/ 1003-281-09**

Prepared For

County of San Bernardino
Planning Department
385 N. Arrowhead Avenue
San Bernardino, CA 92415

Project Address

201 W. 26th Street
Upland, CA 91784

Prepared By

Neda Moghaddas- Associate Architect
1401 Westwood Blvd. #320
Los Angeles, CA 90024
Tel: (949)547-3207
Email: moghaddas.neda@gmail.com

Client

Atabak Youssefzadeh
Wruir Arabian
Dikran Arabian
1401 Westwood Blvd. #320
Los Angeles, CA 90024

July 2021

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San Antonio Heights Development

Preliminary Development Plan Report:

Introduction:

At the request of County of San Bernardino Planning Department, a planned development report has been prepared by Neda Moghaddas- Associate Architect. Project consist of a 7.1 Acres of undeveloped land at 201 W. 26th Street, Upland, California known as San Antonio Heights. Existing property consist of two parcels (APN: 1003-281-08 & 1003-281-09). The client would like to subdivide the property into four parcels and develop each property into a single-family resident for himself and his family. Each house would approximately be 7000 S.F. to 9,500 S.F. with swimming pool and landscape around it. All homes would be fully sprinklered. The project has been designed as not to alter or change the nature of the hills or beauty of the natural surroundings.

1. Preliminary Development Plan: (PDP)

This preliminary Development functions as a suitability Analysis and a comprehensive plan of proposed development. (PDP)

A. Identification of constrains and opportunities for development:

i. Physical Characteristics of the site:

Site consists of 7.1 Acres of undeveloped land. Topography of site is very hilly. Entry into the property is from 26th street. Differential elevation to the top of the hill is 202 Feet. The property is moderately covered with trees, with breath-taking views all the way to the ocean on clear days.

ii. Public services and facilities:

The site is serviced by the following companies;

- a. Time warner cable for cable services. - Available on site.
- b. Charter communication for internet. - Available on site.
- c. Southern California Edison for electricity. - Available on site.
- d. San Antonio water company for water. - Available on site.
- e. Southern California Gas for Natural gas. - Available on site.
- f. Verizon for telephone - Available on site.
- g. Sewer- private on-site septic sewage. - Developer will construct.

iii. Capacity of the existing circulation system:

Internal circulation is nonexistent and needs to be developed. Therefore a 26'-0" road is designed to accommodate the internal circulation of the planned development. The 26'-0" road is adequate to handle four home's internal circulation needs.

iv. Capacity of existing and planned development of adjacent properties.

Adjacent properties are all single-family properties and their internal capacity is being served by a single driveway onto the 26th street and quite adequate for

their use. 26th street is the main collector as for the immediate community. The Ave 26th is adequate to handle the four homes proposed.

- B. List of specific limits, parameters, and planning objective to guide development based on the identified development constrains and opportunities.
 - i. Due to the residential character of the context and the juxtaposition of properties and lot sizes, the properties shall not be less than 1.71 Acre with a maximum floor area of 7,500 S.F. for each lot.

The road shall be maintained by owners of the property. The owners shall have a Covenant, Conditions and Restriction (CC&R) developed for the four parcels. All homes shall be sprinklered and implement all safety measures identified in the San Antonio Heights wild fire mitigation plan dated 10/14/2019, developed by Anchorpoint consultants, (2131 Upland Ave Boulder, Colorado 80304.) Main façade of the buildings shall be toward the valley and toward 26th street. As to have a better view from interior as well hiding the garage door from public, all the mechanical and HVAC for the residences shall be shielded from public view and placed behind the structures. Building split level homes that conform to the existing topography to minimize grading and conformity to the hill.
- C. Description of potential development schemes derived from the limits parameters and planning objective controlling the development.
 - i. Proposed land uses and approximate distribution of land uses.

The property is proposed to be a residential planned development with four parcel of 1.71 Acre each with a single-family residential on each property. Each residential structure would be approximately 4,500 S.F to 7,500 S.F.
 - ii. Proposed density of residential land uses.

The property density would be one residential unit per 1.71 Acres.
- D. Estimated population:

The estimated population would be an average of four person for each residence and the total population for the entire development would be 16 people.
- E. Estimated service demand:

Demand for the entire project would consist of water, sewer, electricity cable, and the most significant would be two children per household and demand for public school in which exist in the community.
- F. Anticipated impact on the existing circulation.

Anticipated impact on the existing public circulation would be very minimum and no need for any upgrade. The total impact on the internal circulation would be addition of eight new vehicles, two garage per household and a new twenty-six feet internal road would be constructed to accommodate the traffic load.
- G. Anticipated Impact on adjacent properties.

This project will not have a significant effect or impact on the adjacent properties. The only impact will be during the construction issues such as generation of dust, which will be mitigated by plan of action such as watering the site frequently. The other potential

effect will be the traffic increase during construction hours, which is a normal occurrence during construction of any project.

H. Anticipate types of commercial and industrial uses.

No commercial or industrial uses will be allowed on the property.

I. Relationship of the plan to various elements of the general plan and any applicable specific plan.

The relationship of the plan to various elements of the general plan is simple since there are only four homes on the property. The Architectural elements of the four homes shall be the same style as not to contradict each other, and the complex shall be contextual in its size and formation to the surrounding context.

J. Identification of the form of diagrams, maps and/ or written text a detailed plan of development based upon the application of the established limits, parameters, and planning objectives controlling development.

The plan is described as follows:

i. Proposed land use and structure type, the functional arrangement of the uses and structural types and relationship to circulation, lighting, parking, paving, recreation and open space area, screening, setbacks, site, site grading, and adjacent properties.

The project, its land use, structural type and functional arraignment is coherent to circulation in which all the houses enter and exit throughout the main road to each structure. The lighting has been designed to illuminate the road and landscape so it would be functional and aesthetically appealing. All four structures have been designed where the parking is hidden behind the homes. In this development the open spaces have been preserved as much as possible. All setbacks have been respected. The grading of the project has been designed as not to flatten the top of the hill. The design methodology is to preserve the beauty of the hills as much as possible. As for the neighbors all the homes design looks inward and toward the view as not to block the view or look into the neighbor's property.

ii. How the established limits, parameters, and planning objective have been adhered to:

The limits and parameters of the development have been achieved by careful planning, and Architectural design to ensure the objective will be met in future, all the elements of design and limitations will be dedicated by a Covenant, Conditions & Restriction (CC&R).

iii. The level of public services and facilities required by the proposed development and the program for providing, operations, and maintaining the services and facilities.

The available utilities and services are adequate to serve new residential home. The additional number of students generated by the proposal can be adequately

served by existing schools. Other services include water from a private water company (San Antonio Water), electricity (Edison), and site-specific private sewage system.

iv. Access and circulation requirements:

This site is accessed from 26th street which is an existing paved road. The private road that takes the residents to the homes will be a paved road that will be constructed by the developer. No other roads or amenity is needed for this development.

v. Known man made and natural hazards and methods for mitigation of the hazard.

This site has no man-made hazards. Existing fire hazards will be mitigated by the fire report. (San Antonio Heights wild fire mitigation plan date 10/14/2019) developed by Anchorpoint consultants.

The mitigated measure for fire protection for the development will include, class A, roof covering, gutter and downspouts, under floor protection, exterior walls, glazing, exterior doors, vents, fire sprinklers and succulent plants for landscaping to mitigate the fire hazards issues.

vi. Significant natural features and areas to be retained for common open space, and provision for conservation, preservation, utilization and maintenance of the area. Natural features of the site which is its hilly topography is of great value to the community and development hence we have preserved this valuable asset and designed the house so we do not destroy the hills and preserve the beauty.

vii. How the plan confirms to the objective of the general plan, any applicable specific plan, and the applicable provision of this development code.

Development of this project will fully implement the following policies:

1. Policy-LU-4.2 (Fire adapted communities)

Developer shall apply fire resistant design techniques, including fuel modification area around the new structures, fire resistant landscaping, as well as fire resistant building material.

2. Policy-LU-4.3 (Native drought tolerant landscaping)

Developer shall install and maintain drought tolerant landscaping and native species.

3. NR-4.1 (Preservation of scenic resources)

Developer shall preserve all scenic vistas for the property as well as prominent hillside, ridgeline, and dominant landform.

4. HZ-1.2. (New development in environmental hazardous area)

This development is outside the environment hazardous area.

The development is consistent with all the Development Code requirements and will adhere to all the applicable provisions of the County's Policy Plan.

EXHIBIT B

Initial Study Posted on County Web Site at:

[www.sbcounty.gov/uploads/LUS/Environmental/TPMNO19985ANDPD/Initial%20Study.p
df](http://www.sbcounty.gov/uploads/LUS/Environmental/TPMNO19985ANDPD/Initial%20Study.pdf)

EXHIBIT C

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Tentative Parcel Map 19985 and
Conditional Use Permit
PROJ-2020-00111

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Jim Morrissey, Planner

AUGUST 2022

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Star Point Properties Sixth Street Warehouse Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Biological Resources</i>				
<p>BIO-1 Sensitive Wildlife Species If any sensitive wildlife species are observed on the property during future development activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required to minimize impacts to the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any listed or special status species.</p>	Prior to Land Disturbance or Grading Permit	Project applicant	County of San Bernardino	
<i>Cultural Resources</i>				
<p>CR-1 Inadvertent Discovery In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p>	During Construction	Project applicant and their construction contractor/consultant	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>CR-2. Monitoring Plan. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</p>	During Construction	Project applicant and their construction contractor/consultant	County of San Bernardino	
<p>CR-1. Objects Discovered. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.</p>	During Construction	Project applicant and their construction contractor/consultant	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Geologic Resources</i>				
GEO-1. Engineering Geological Report. An engineering geological report and slope stability evaluation shall be submitted to the County Engineering Geologist for review and approval prior to issuance of either grading or building permits.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	
GEO-2. Geological Investigation. To determine the buildability of an individual parcel within the proposed subdivision, an engineering geological investigation, with a slope stability evaluation, will need to be conducted for the Project.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	
GEO-3. Paleontological Plan. If any inadvertent or unanticipated finds during construction or maintenance activity appear to be paleontological in nature, then a qualified paleontological Principal Investigator shall evaluate the finds and prepare a Paleontological Mitigation and Monitoring Plan (PMMP). The PMMP shall be prepared in accordance with all appropriate California Environmental Quality Act (CEQA) and County of San Bernardino guidelines. The PMMP shall then be adhered to for the remainder of any land disturbing activities for the project.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	
<i>Tribal Cultural Resources</i>				
TCR-1: Inadvertant Finds. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.</p>				
<p>TCR-2: Documents and Records Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.</p>	On-Going	Project applicant	County of San Bernardino	

EXHIBIT D

Findings

Findings
PROJ-2020-00111/PDP/TTM
APN: 0230-031-20 and 21
Planning Commission Hearing: August 4, 2022

Project Description: Planned Development Permit and Tentative Parcel Map for a four-lot subdivision on two existing parcels totaling approximately 7.01 acres.

FINDINGS: PLANNED DEVELOPMENT PERMIT

- 1. The proposed development is consistent with the General Plan and any applicable plan** because the density of the proposed Project is less than one unit per acre, which is consistent with the Policy Plan Land Use Category designation of Very Low Density Residential that permits a maximum of two units per acre. In addition, the proposed development is consistent with the goals and policies of the Policy Plan, including, but not limited to, policies LU-4.2, LU-4.3, NR-4.1, HZ-1.2, TM-1.7, TM-1.8, TM-2.1 thru TM-2.3, TM-4.1, TM-4.2, TM-4.6, TM-4.8, TM-4.10, and TM-4.11 as specifically provided in the Preliminary Development Plan and Initial Study that is adopted concurrently with these finding and incorporated herein for reference.
- 2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in terms of shape and size to accommodate the use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features.** The new individual single-family lots are approximately 1.7 acres in size, which is adequate for the placement of individual single-family residences. Most of each parcel would remain in natural open space. New landscaping is planned around each new residence and individual garages are proposed for parking. Setbacks from property lines and parking requirements have been established as part of the Planning Development Permit and each lot complies with those requirements.
- 3. The site for the proposed development has adequate access, in that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed development.** A single access common driveway, 26 feet in width, is proposed that will extend through lots 2, 3, and 4. This drive will extend north beyond lot 2 as a 15-foot-wide drive to provide access to Lot 1. Due to topographic constraints an addition driveway will extend from the 26-foot-wide drive and extend generally south into Lots 3 and 4 as a 15-foot-wide drive. Each common drive will be privately maintained and provide reciprocal access for each lot. The San Bernardino County Fire Protection District (Fire Department) has reviewed the proposed design and found access is adequate for emergency vehicles, with the use of a standard design Fire Department turn around placed on Lots 2 and 3.

Findings

PROJ-2020-00111/PDP/TTM

APN: 0230-031-20 and 21

Planning Commission Hearing: August 4, 2022

4. **Adequate public services and facilities exist, or will be provided, in compliance with the conditions of development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare.** Water is available through the San Antonio Water Company, which is a mutual water company that has provided the shareholders with the opportunity to access water service. On-site wastewater systems will be utilized, and electrical service is available.
5. **The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use, and will be compatible with the existing and planned land use character of the surrounding area.** The Project design is based upon the placement of four single family residences. The existing properties within the area north of West 26th Street have single family lots of varying size based upon the existing topography. The proposed design is consistent with the size of other lots in the area and would not adversely affect the surrounding properties due to the design of the development and the distance of proposed homes to the property lines and existing development.
6. **The improvements required by the proposed conditions of development plan approval, and the manner of development adequately address all natural and man-made hazards associated with the proposed development and the project site including fire, flood, seismic, and slope hazards.** The Fire Department has found the proposed access design acceptable. Based upon consistency of the proposed grading plan with the Soil and Foundation Engineering Report, the overall layout of the plan is appropriate. To confirm the adequacy of individual building pads, an engineering geological report and slope stability evaluation must be prepared and accepted by the County.
7. **The proposed development carries out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.** The proposed Project is located within a hillside area with limited access options. Due to steep terrain, split level housing is proposed to better conform to the topography. Most of each lot area would remain undisturbed. Access to each lot would be provided by common driveways of different widths, depending upon the length of the drive and number of lots to be accessed.

Findings

PROJ-2020-00111/PDP/TTM

APN: 0230-031-20 and 21

Planning Commission Hearing: August 4, 2022

- 8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The amenities may include landscaping, private open space, private or separated entrances, etc.** The proposed Project is only proposed for single family residential. No mixed use is contemplated.

FINDINGS: TENTATIVE PARCEL MAP

- 1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan.** The Policy Plan Land Use Category designation for the Project site is Very Low Density Residential, maximum two dwelling units per acre. In addition, the proposed development is consistent with the goals and policies of the Policy Plan, including, but not limited to, policies LU-4.2, LU-4.3, NR-4.1, HZ-1.2, TM-1.7, TM-1.8, TM-2.1 thru TM-2.3, TM-4.1, TM-4.2, TM-4.6, TM-4.8, TM-4.10, and TM-4.11 as specifically provided in the Preliminary Development Plan and Initial Study that is adopted concurrently with these finding and incorporated herein for reference. The proposed Project density is 0.56 dwelling units per acre and, therefore, consistent with the Policy Plan. The adjoining roadway, West 26th Street, and the internal driveways will be improved consistent with the County standards and the property is not within a community plan or specific plan area.
- 2. The site is physically suitable for the type and proposed density of development.** The property has steep slopes trending downward to the south. The driveway access to the lots is adequate in width and slope for emergency service vehicles. Access to the subject property is available from West 26th Street, which is a paved roadway. The site grading is consistent with the design recommended in the Soil and Foundation Engineering Report and the split-level home design attempts to reduce the amount of grading. Water and utility service is available to the property.
- 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** A *General Biological Resources Assessment* was conducted for the property and no special status plant or wildlife species were identified and no active nests or birds displaying nesting behavior were found. Due to the potential for a change in site conditions to occur over time and the potential use of the property by various species, a mitigation measure has been recommended to contact California Department of Fish and Wildlife and U.S. Fish and Wildlife Services if any sensitive species are observed on the property during construction.

Findings

PROJ-2020-00111/PDP/TTM

APN: 0230-031-20 and 21

Planning Commission Hearing: August 4, 2022

4. **The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.** The proposed development meets the requirements of the County's Development Code for minimum lot size and Project design and is consistent with the Countywide Policy Plan density range of 0 to 2 dwelling units per acre.
5. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.** An existing drainage easement, in favor of the San Bernardino County Flood Control District, traverses the westerly portion of the property, adjoining the adjacent and fully improved flood control basin. This easement is to be removed, through separate action.
6. **The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.** The proposed lots will be served by individual on-site waste discharge systems, reviewed and approved by the County's Environmental Health Services Division.
7. **The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.** The proposed lot size and Project design provides an opportunity for future housing to use natural heating and cooling, while complying with the requirements of the California Building Code.
8. **The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.** The proposed design, density, and building placement are consistent with the Countywide Plan and County Development Code for Project design, density range, and development criteria required by the County Traffic and Building and Safety Divisions, and the County Fire Department.

Findings
PROJ-2020-00111/PDP/TTM
APN: 0230-031-20 and 21
Planning Commission Hearing: August 4, 2022

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and Mitigation Measures. A Mitigated Negative Declaration (MND) has been adopted concurrently with these findings, and a Notice of Determination will be filed with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT E

Conditions of Approval (Tentative Parcel Map and Preliminary Development Plan)



Conditions of Approval

Record: PROJ-2020-00111

Primary APN: 1003281080000

Project Description: Tentative Parcel Map (TPM) 19985 that would subdivide two lots into four lots.

On-going

Public Health– Environmental Health Services

1. **Refuse Storage and Disposal:** All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.
2. **Noise Levels:** Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
3. **OWTS Maintenance:** The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

Planning Division – Land Use Services

4. **Concurrent Application:** In addition to the Tentative Parcel, this Project includes a Planned Development Permit and associated Conditions of Approval for development of the proposed lots.
5. **Subdivision - Funds:** Sufficient funds shall remain in PROJ-2020-00111 to verify compliance with the conditions of approval for the Parcel Map.
6. **No Above Ground Utilities.** No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

Flood Control – Public Works Department

7. **Encroachment:** The proposed grading will require an encroachment permit to be obtained from the District prior to the commencement of any construction/grading within the District's Right-of-Way.
8. **FC Construction Special Provision:** The Public Works Department is to be assured the developer will be responsible for the encroachment permit to construct the slopes appropriately, not individual homeowners that subsequently purchase the lots.
9. **FC Construction Special Provision:** All proposed slopes shall be 2:1 max (1.5:1 is unacceptable). All slopes shall be stabilized with a permanent/no-maintenance solution (i.e. established native vegetation or revetment). No cross lot drainage will be allowed. It is suggested that a bench be placed at the top of all slopes at the property line – per the California Building Code.

Prior to Recordation

Land Use Services - Building and Safety

10. **Geology Report Required:** A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist prior to recordation of the parcel map. (Moderate to High Landslide Zone).



Conditions of Approval

11. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geology Report: A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading and/or building permits. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services – Planning

12. Subdivision - Composite Development Plan (CDP): A Composite development plan ("CDP"), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.

Land Use Services - Building and Safety

13. Geology Report Required: A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist prior to recordation of the parcel map. (Moderate to High Landslide Zone).
14. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geology Report: A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading and/or building permits. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Public Health– Environmental Health Services

11. New OWTS for Parcel Maps and Tracts: 1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS."
12. Sewage Disposal: Method of sewage disposal shall be an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).
13. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

Surveyor's Office – Public Works

14. Map Act Compliance: A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
15. Easements: Easements within the remainder portion of the map are to be dedicated by separate document
16. Non-Interference Letter: Subdivider shall present evidence to the County Surveyor's Office that he has tried to



Conditions of Approval

obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

17. Easements of Record: Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
18. Actual Cost: Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
19. Title Report: A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

Land Use Services – Land Development

20. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safety manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
21. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities, and/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
22. On-site Drainage Easement. On-site flows shall be directed within a drainage easement.
23. CDP/LDD - Drainage. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

“Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311”

- “Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by County Land Use Services Department - Land Development Division/Drainage Section for each lot/parcel.”
- “FEMA Flood Zone. The project is located within Flood Zone _X-Unshaded according to FEMA Panel Number 06071C7870J dated 09/2/2016. No Elevation Requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.”
- “Grading Plans. Grading and erosion control plans shall be submitted for review and approval obtained, prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.”
- “NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov”



Conditions of Approval

- “Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.”
 - “Additional Drainage Improvements. At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall prepare/design complete drainage improvement plans and profiles. After these are submitted for review and approval additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time.”
 - “Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.”
 - “WQMP Improvements. All required WQMP improvements shall be completed by the applicant and inspected/approved by County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>”
 - “WQMP Operations and Maintenance. Operation and maintenance requirements for all Source Control, Site Design, and Treatment Control BMPs shall be identified within the Water Quality Management Plan (WQMP). All maintenance or replacement of BMPs proposed as part of the WQMP are the sole responsibility of the Owner in accordance with the terms of the WQMP Agreement.”
 - “Streambed Alteration Agreement. California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at <https://www.wildlife.ca.gov/Conservation/LSA>.”
24. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California:
- 26th Street (Local – 60 feet)
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline to curb face.
 - Driveway Approach. Design driveway approach/entrance per County Standard 128.
25. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
26. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any such utility shall be relocated as necessary without cost to the County.
27. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development Code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
28. Maintenance Bond. Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, then a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
29. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report



Conditions of Approval

and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

30. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
31. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of County Department of Public Works prior to any placement of base materials and/or paving.
32. Slope Easements and Tests. Slope rights shall be dedicated, where necessary. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Department of Public Works.
33. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
34. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
35. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Department of Public Works confirming the adequacy of the grade.
36. Physical Access. Physical access shall be required to all newly created parcels. Physical access is defined as a route which is traversable in a standard (two-wheel drive) sedan. The Developer's Engineer or Surveyor shall submit a signed and sealed letter to Land Development Division certifying that physical access has been completed.
37. CDP/LDD - Roads. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

"Land Use Services Department / Land Development Division – Roads (909) 387-8311"

- "Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design."
- "Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Department of Public Works, Permits/Operations Support Division, Transportation Permit Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction."
- Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by County Department of Public Works."
- "Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Public Works."
- "Private Roads/Improvements Prior to occupancy, construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria."



Conditions of Approval

- **“CMRS Exclusion.** Roads within this development shall not be entered into the County Maintained Road System (CMRS).”
- **“Regional Transportation Fee.** This project falls within the Regional Transportation Facilities Mitigation Plan for the Upland Subarea. This fee shall be paid by a cashier’s check to the Department of Public Works Business Office prior to the issuance of building permits.”

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	http://cms.sbcounty.gov/lus/Home.aspx	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcounty.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	http://cms.sbcounty.gov/dpw/Home.aspx	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://wp.sbcounty.gov/dph/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafo.org/	
Special Districts	Water and Sanitation	(760) 955-9885
	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
External Agencies (Caltrans, U.S. Army, etc.)	See condition text for contact information...	



Conditions of Approval

Record: PROJ-2020-00111

Primary APN: 1003281080000

Project Description: Planned Development Permit for the residential development of four lots.

Informational

County Fire - Community Safety

1. **Additional Requirements:** In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
2. **Access – 150+ feet :** Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
3. **Jurisdiction:** The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.
4. **Access – 30% slope :** Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.

On-going

Public Health– Environmental Health Services

5. **Refuse Storage and Disposal:** All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.
6. **Noise Levels:** Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
7. **OWTS Maintenance:** The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

Planning Division – Land Use Services

8. **Right of Way Compliance.** The proposed activity within District right-of-way, including the basin area, shall be in compliance with all applicable City/County ordinances for noise and operating hours.
9. **MM BIO – 1 Sensitive Wildlife Species.** If any sensitive wildlife species are observed on the property during future development activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required to minimize impacts to the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any listed or special status species.



Conditions of Approval

10. MM CR-1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
11. MM CR-2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
12. MM CR-3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
13. Project Account: Sufficient funds shall remain in PROJ-2020-00111 to verify compliance with the conditions of approval for the Planned Development Permit.

Land Use Services – Land Development Division

14. No Above Ground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
15. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
16. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
17. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "onsite" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
18. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
19. Continuous BMP Maintenance. The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
20. BMP Enforcement. In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.



Conditions of Approval

Prior to Land Disturbance

Land Use Services – Planning

21. Encroachment: The proposed grading will require an encroachment permit to be obtained from the District prior to the commencement of any construction/grading within the District's Right-of-Way.
22. FC Construction Special Provision: The Public Works Department is to be assured the developer will be responsible for the encroachment permit to construct the slopes appropriately, not individual homeowners that subsequently purchase the lots.
23. FC Construction Special Provision: All proposed slopes shall be 2:1 max (1.5:1 is unacceptable). All slopes shall be stabilized with a permanent/no-maintenance solution (i.e. established native vegetation or revetment). No cross lot drainage will be allowed. It is suggested that a bench be placed at the top of all slopes at the property line – per the California Building Code.
24. MM GEO – 1. Geological Report. An engineering geological report and slope stability evaluation shall be submitted to the County Engineering Geologist for review and approval prior to issuance of either grading or building permits.
25. MM GEO – 2. Geological Investigation. To determine the buildability of an individual parcel within the proposed subdivision, an engineering geological investigation, with a slope stability evaluation, will need to be conducted for the Project.
26. MM GEO – 3. Inadvertent Finds. If any inadvertent or unanticipated finds during construction or maintenance activity appear to be paleontological in nature, then a qualified paleontological Principal Investigator shall evaluate the finds and prepare a Paleontological Mitigation and Monitoring Plan (PMMP). The PMMP shall be prepared in accordance with all appropriate California Environmental Quality Act (CEQA) and County of San Bernardino guidelines. The PMMP shall then be adhered to for the remainder of any land disturbing activities for the project.
27. MM TCR – 1. Resource Discovery. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
28. MM TCR – 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Building and Safety – Land Use Services

29. Geological Report. An engineering geological report and slope stability evaluation shall be submitted to the County Engineering Geologist for review and approval prior to issuance of either grading or building permits.
30. Geological Investigation. To determine the buildability of an individual parcel within the proposed subdivision, an engineering geological investigation, with a slope stability evaluation, will need to be conducted for the Project.

Public Health– Environmental Health Services

31. Vector Control Requirement: The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be



Conditions of Approval

submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

Surveyor's Office – Public Works Department

32. Monumentation: If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

Flood Control Planning & Water Resources Division

33. Revision to Drainage. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Comprehensive Storm Drain Plan No. 1, dated July 1966. It is to be used as a guideline for drainage in the area and is available through the County of San Bernardino Flood Control Planning Office. Any revision to the drainage should be reviewed and approved by the County Department of Public Works. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the associated environmental document before the document is adopted by the Lead Agency. Please include these comments into public record.
34. FEMA Mapping. According to the most recent FEMA Flood Insurance Rate Map, Panel 06071C7870J, dated September 2, 2016, the Project lies within Zone X (outside of the 500-year floodplain). Impacts related to the projects occurrence in the Flood Zones discussed here and any proposed mitigation should be presented with the development of any subsequent environmental documents prior to their being certified/adopted.

Permits/Operations Support Division – Public Works

35. Flood Control Encroachments. The proposed Project is located adjacent to and within a San Bernardino County Flood Control District (SBCFCD) right-of way/facility San Antonio Heights Basin No. 1, CE (1-313-4A-Frankish Basin), with fee owned right-of-way and an easement (easement Doc No. 5112/556 OR), located along the southern portion of the property on APN: 1003-281-09-0000 adjacent to 26th Street. Any encroachments including, but not limited to: access for grading, grading on, construction of driveway, fence/wall removal and installation, and side drain connections on the District's right-of-way or facilities will require a fully executed permit from the SBCFCD prior to start of any construction activities. Also, SBCFCD facilities built by the Army Corps of Engineers (ACOE) will require the SBCFCD to obtain approval (408-Permit) from the ACOE. Please contact the San Bernardino County Flood Control Permit Section at (909) 387-7995 for further information regarding this process. The necessity for permits, and any impacts associated with them, should be addressed in the development of environmental documents prior to their adoption and certification.

Prior to Issuance

County Fire - Community Safety

36. Primary Access Paved: Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
37. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.



Conditions of Approval

38. Turnaround: Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
39. Water System Certification: The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
40. Water System Residential: A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single-family structure.

Public Health– Environmental Health Services

41. New OWTS for Parcel Maps and Tracts: 1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): “An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS.”
42. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.
43. Sewage Disposal: Method of sewage disposal shall be an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).
44. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.
45. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor’s Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.
46. Water Purveyor: Water purveyor shall be San Antonio Water Company or EHS approved.

Land Use Services – Planning

47. Encroachment Permit: Finalize the encroachment permit prior to either building permit issuance or occupancy.



Conditions of Approval

Prior to Final Inspection

County Fire - Community Safety

48. Combustible Vegetation: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
49. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
50. Hydrant Marking: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
51. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.



Conditions of Approval

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	http://cms.sbcounty.gov/lus/Home.aspx	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	http://cms.sbcounty.gov/dpw/Home.aspx	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://wp.sbcounty.gov/dph/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
Special Districts	Water and Sanitation	(760) 955-9885
	Administration,	(909) 386-8800
	Park and Recreation,	
	Roads, Streetlights,	
Television Districts, and Other		
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT F

Letter of Intent

LETTER OF INTENT

Date: 03/08/2021

Address: 201 w 26TH Street

Los Angeles, California 90035

APN: 1003-281-08 & 1003-281-09

Dear Mr. Jim Morrissey,

My name is Atabak Youssefzadeh, I am one of the owners and the project architect. The project is a two parcel, 7.1 Acres vacant land at 210 W. 26thstreet in Upland California.

We intent to apply and divide the property into four parcels and build approximately 6500 S.F residents on each lot for the owners. The architecture would be contemporary in style and the structures would follow the contours of the hills as to be as contextual as possible. We intent to cut into the hill as little as possible so as not to destroy the beauty of the natural surroundings. We intent to be environmentally sensitive and not flatten the hills for the structures.

The project would have a main road leading up to the residences with a fence and gate to drive up for safety, security and aesthetics of the project. The landscape would follow the guidelines of the county of San Bernardino for plant species and the fire department for fire safety .each house would be sprinkled for fire safety.

In conclusion, we intent to fully cooperate with the county to make this a successful project that would be an asset for the community. In case you have any questions please do not hesitate to contact me at 310-503-7123.

Regards

Atabak Youssefzadeh- Architect

1401 Westwood Blvd #320

Los Angeles, CA .90024

EXHIBIT G

Comment Letters

Santa Ana Regional Water Quality Control Board

June 27, 2022

Jim Morrissey, Planner
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
jim.morrissey@lus.sbcounty.gov

VIA EMAIL

MITIGATED NEGATIVE DECLARATION, TENTATIVE PARCEL MAP NO 19985 AND PLANNED DEVELOPMENT PROJ-2020-00111, SAN BERNARDINO COUNTY, SCH NO. 2022060080

Dear Mr. Morrissey,

Santa Ana Regional Water Quality Control Board (Santa Ana Regional Board) has reviewed the Mitigated Negative Declaration (MND) for the Tentative Parcel Map No. 19985 and Planned Development PROJ-2020-00111. The project is located in San Bernardino County, in the San Antonio Heights area north of the City of Upland, APN 1003-281-08 and 1003-281-09, east of Holly Drive and north of 26th Street.

The project proponent has submitted an application for a Planned Development Permit to subdivide the 7.1-acre property into four residential lots. Figure 3 in the MND indicates that the proposed project would significantly alter the hillside terrain, including ephemeral ravine drainages, with grading and road construction (MND page 6). The project proponent must contact the US Army Corps of Engineers (USACE) to perform a Jurisdictional Delineation of natural drainages that may be impacted by grading or fill. The project proponent must apply for a Section 401 Water Quality Certification, or California WDR Permit if the USACE does not take jurisdiction over the drainages on the parcel. Please find information on applying for a Certification or WDR at our website,

https://www.waterboards.ca.gov/santaana/water_issues/programs/401_Certifications

Page 33 of the MND indicates that sewer lines would connect each proposed structure to the proposed on-site leach field, but there is no detail or description of the leach field. The project proponent indicates that the septic system shall be certified by a qualified professional, but sufficient information should be available now to determine if such a system is feasible on each of the four proposed sub-divisions. Septic system leach fields must be approved by the San Bernardino County Environmental Health Department, and copies of percolation tests and soil reports must be submitted to the

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

County and copied to Susan Beeson (Susan.Beeson@waterboards.ca.gov) at the Santa Ana Regional Board.

The design of the on-site stormwater detention basin must be detailed in the Water Quality Management Plan (WQMP). The MND indicates (page 41) that a WQMP was prepared by SiteTech, Inc. in January of 2021, but Santa Ana Regional Board staff were unable to obtain the document for review until June 24th, 2022. The MND indicates that stormwater flow will be directed off-site to the existing storm drain system on 26th Street, but the existing system is not illustrated in the MND. Google images of the street suggest that the existing drainage system may not be adequate to handle additional flow from the impervious surfaces introduced by development of the property.

Santa Ana Regional Board staff were only provided with the soil analysis report and the WQMP two working days prior to the close of the public comment period for this project. Beginning January 1, 2022, AB 819 (Levine, 2021) establishes new statutory requirement for submitting CEQA documents to the Office of Planning and Research (OPR). CEQA lead agencies must submit a copy of all environmental documents with a Notice of Completion (NOC) transmittal form to OPR's State Clearinghouse. This includes all referenced reports that are not included in the main IS/MND or EIR document. The State Clearinghouse is responsible for making these documents available on an online public database and selecting the relevant state agencies to review them. The State Clearinghouse is also responsible for posting all state agency comments to the online database for public access.

If you have any questions, please contact Jason Freshwater at (951) 321-4576 and Jason.Freshwater@waterboards.ca.gov, or me at (951) 782-4995 and Terri.Reeder@waterboards.ca.gov.

Sincerely,

Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

cc:

U.S. Army Corps of Engineers, Los Angeles office – Stephen Estes
Stephan.M.Estes@usace.army.mil

California Department of Fish and Wildlife, Ontario – Breanna Machuca,
Breanna.Machuca@wildlife.ca.gov

U.S. Fish and Wildlife Service, Palm Springs – Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov

Office of Planning and Research, State Clearing House
State.clearinghouse@opr.ca.gov



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.
Director
Noel Castillo, P.E.
Assistant Director

Trevor Leja
Assistant Director

June 28, 2022

Transmitted Via Email

File: 10(ENV)-4.01

A⁷

Jim Morrissey, Contract Planner
County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
kwhite@lusc.sbcounty.gov

RE: PROJECT NOTICE – PROJ-2020-00111

Dear Mr. Morrissey:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on June 7, 2022** and pursuant to our review, we have the following comments for your considerations and inclusion into public record:

Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):

The Project is located on the northside of 26th Street, approximately 800-feet east of Holly Drive, in the San Antonio Heights area within unincorporated San Bernardino County, and lies approximately 43-feet east of the west branch and also 264-feet west of the eastern branch of the San Antonio Heights Intercept (COE), both San Bernardino County Flood Control District (District) facilities.

The Project abuts District fee-owned Right-of-Way along the majority of the south and west borders, but also abuts an easement at the northwest border and easement within the southeastern perimeter of the Project, granted to the District.

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Comprehensive Storm Drain Plan No. 1, dated July 1966. It is to be used as a guideline for drainage in the area and is available through the County of San Bernardino Flood Control Planning Office. Any revision to the drainage should be reviewed and approved by the County Department of Public Works. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the associated environmental document before the document is adopted by the Lead Agency. Please include these comments into public record.
2. According to the most recent FEMA Flood Insurance Rate Map, Panel 06071C7870J, dated September 2, 2016, the Project lies within Zone X (outside of the 500-year floodplain). Impacts related to the

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.) First District | JANICE RUTHERFORD Second District | DAWN ROWE Vice Chair, Third District | CHRIS HAGMAN Chairman, Fourth District | JOE BACA, JR. Fifth District

Leonard X. Hernandez
Chief Executive Officer

projects occurrence in the Flood Zones discussed here and any proposed mitigation should be presented with the development of any subsequent environmental documents prior to their being certified/adopted.

Permits/Operations Support Division (Sameh Basta, Chief, 909-387-7995):

1. The proposed Project is located adjacent to and within a San Bernardino County Flood Control District (SBCFCD) right-of way/facility San Antonio Heights Basin No. 1, CE (1-313-4A-Frankish Basin), with fee owned right-of-way and an easement (easement Doc No. 5112/556 OR), located along the southern portion of the property on APN: 1003-281-09-0000 adjacent to 26th Street. Any encroachments including, but not limited to: access for grading, grading on, construction of driveway, fence/wall removal and installation, and side drain connections on the District's right-of-way or facilities will require a fully executed permit from the SBCFCD prior to start of any construction activities. Also, SBCFCD facilities built by the Army Corps of Engineers (ACOE) will require the SBCFCD to obtain approval (408-Permit) from the ACOE. Please contact the San Bernardino County Flood Control Permit Section at {909} 387-7995 for further information regarding this process. The necessity for permits, and any impacts associated with them, should be addressed in the development of environmental documents prior to their adoption and certification.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Anthony Pham P.E.
Division Chief
Environmental Management