Welcome to a meeting of the Planning Commission of the City of San Bernardino.

- Anyone who wishes to speak during public comment or on a particular item will be required to fill out a speaker slip. Speaker slips must be turned in to the Secretary. You may email your request to speak to sanchez_stephanie@sbcity.org prior to 12pm on the day of the meeting. Each request will cover one speaker. Those who wish to speak must submit their own request to be called on by the Chairperson.

- There is a 3-minute-per-person time limit for all comments, excluding quasi-judicial hearings.

- Written comment on any item may also be submitted to the Secretary to be included in the meeting record. It will not be read aloud by the Secretary.

- Those who wish to speak on public or quasi-judicial hearing items will have three minutes for each item.

- All who wish to speak, including Commissioners and staff, need to be recognized by the Chairperson or Vice-Chairperson before speaking.

- Please contact Facility Services at (909) 384-5244 two working days prior to the meeting for any requests for reasonable accommodation to include interpreters.

- All documents for public review are on file with the City Clerk’s Office or may be accessed online by going to www.sbcity.org.

- Please turn off or mute your cell phone while the meeting is in session.
CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

A three-minute limitation shall apply to each member of the public who wishes to address the Planning Commission on any item on the agenda, excluding public hearings. There is no limit to the number of items that may be discussed within the three-minute time limit. To be called on by the Chairperson, please turn in individual speaker slips to the Secretary by 6:00pm the day of the meeting. If you wish, you may email your speaking request to sanchez_stephanie@sbcity.org prior to the beginning of the meeting. Emailed requests to speak will not be accepted from anyone but the person requesting to speak.

CONSENT CALENDAR

There will be no separate discussion of Consent Calendar items unless a Commissioner requests that the item be considered in its normal sequence on the agenda.

1. Approval of Draft Minutes

   Recommendation: Approve the minutes of the Regular Meeting of December 10, 2019.
PUBLIC HEARING

2. Conditional Use Permit 18-09

Subject: A request to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres.

Address: 814 N. Arrowhead Avenue
Zone: Commercial Office (CO)
Environmental Determination: Categorically Exempt, pursuant to §15301 (Existing Facilities) of the State CEQA Guidelines
Owner: Jovenes Para Cristo
Applicant: Enrique Guzman
APN: 0140-213-25
Ward: 1

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 2020-001 approving Conditional Use Permit 18-09, based on the Findings of Fact and subject to the recommended Conditions of Approval; and, finding that the project is Categorically Exempt under the California Environmental Quality Act.

3. Conditional Use Permit 19-19

Subject: A request to allow the upgrade an existing Alcoholic Beverage Control Type-20 (Off-Sale Beer & Wine) license to a new Alcoholic Beverage Control Type-21 (Off-Sale General) license in conjunction with the existing Eight Ball Dairy containing approximately 1,850 square feet.

Address: 1611 North E Street
Zone: Commercial General (CG-1)
Environmental Determination: Statutorily Exempt, pursuant to §15270 (Projects Which Are Disapproved) of the State CEQA Guidelines
Owner: Dasmarath Patel
Applicant: M&A Securities, LLC
APN: 0145-131-12
Ward: 2

Recommendation: Staff recommends that the Planning Commission continue the public hearing for Conditional Use Permit 19-19 to the next regular meeting scheduled for February 11, 2020.
4. **Conditional Use Permit 19-20 and Minor Exception 19-02**

**Subject:** A request to allow the development, establishment, and operation of a four-story hotel comprised of 113 guest rooms; and, a nine (9) percent reduction of the number of required off-street parking spaces from 124 to 113 parking spaces on a parcel containing approximately 1.88 acres.

**Address:** South side of E. Brier Drive, at the intersection of S. Gifford Avenue

**Zone:** Commercial Regional (CR-3) and Transit District (TD) Overlay

**Environmental Determination:** Categorically Exempt, pursuant to §15332 (In-Fill Development Projects) of the State CEQA Guidelines

**Owner:** Evelyn P. Brier Family Trust

**Applicant:** Greens Development, Inc.

**APN:** 0281-351-18

**Ward:** 3

**Recommendation:** Staff recommends that the Planning Commission adopt Resolution No. 2020-003 approving Conditional Use Permit 19-20 and Minor Exception 19-02, based on the Findings of Fact and subject to the recommended Conditions of Approval; and, finding that the project is Categorically Exempt under the California Environmental Quality Act.

5. **Extension of Time 19-12**

**Subject:** A request to allow a one (1) year extension of time for Subdivision 06-31 for Tentative Tract Map 16794 involving the subdivision of a parcel containing approximately 18.45 acres into forty-four (44) individual parcels (43 single-family residential lots and 1 debris basin).

**Address:** West side of N. Palm Avenue, north of W. Verdemont Drive

**Zone:** Residential Low (RL)

**Environmental Determination:** Categorically Exempt, pursuant to §15061(b)(3) (Review for Exemption) of the State CEQA Guidelines

**Owner/Applicant:** Oxbow SB 44, LLC

**APN:** 0261-011-08, 13 and 14

**Ward:** 5

**Recommendation:** Staff recommends that the Planning Commission adopt Resolution No. 2020-004 approving Extension of Time 19-12 for Subdivision 06-31 subject to the recommended Conditions of Approval; and finding that the project is Categorically Exempt under the California Environmental Quality Act.
6. General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120), and Conditional Use Permit 19-10

**Subject:** A request to allow the change of the General Plan Land Use Designation from Single-Family Residential and Industrial to Public/Quasi Public and the Zoning District Classification from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) of sixteen (16) parcels containing a total of approximately 18.06 acres; allow the consolidation of sixteen (16) parcels into two (2) parcels containing approximately 15.66 acres (Parcel 1) and approximately 2.20 acres (Parcel 2); and, allow the development, establishment and operation of charter school containing approximately 89,890 square feet on Parcel 1.

**Address:** 230 S. Waterman Avenue
**Zone:** Residential Suburban (RS) and Office Industrial Park (OIP)
**Environmental Determination:** Mitigated Negative Declaration, pursuant to §15074 (Adoption of a Mitigated Negative Declaration) of the State CEQA Guidelines
**Owner:** City of San Bernardino / County of San Bernardino
**Applicant:** High Desert Partnership in Academic Excellence Foundation, Inc.
**APN:** 0136-261-11, 23, 24, 25, 26, 27, 28, 29, 36, 37, 41, 42, 43, 44, 50, and 57
**Ward:** 1

**Recommendation:** Staff recommends that the Planning Commission adopt Resolution No. 2020-005 forwarding a recommendation to the Mayor and City Council recommending approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 and Conditional Use Permit 19-10, based on the Findings of Fact and subject to the recommended Conditions of Approval; and, adopting a Mitigated Negative Declaration under the California Environmental Quality Act.

7. Development Code Amendment 19-04 (Signage Regulations)

**Subject:** A City-initiated amendment to Chapter 19.22 (Signage Regulations) and Chapter 19.20 (Property Development Standards) of the City of San Bernardino Development Code (SBMC Title 19).

**Address:** City Wide
**Zone:** All
**Environmental Determination:** Negative Declaration, pursuant to §15074 (Adoption of a Mitigated Negative Declaration) of the State CEQA Guidelines
**Owner:** N/A
**Applicant:** City of San Bernardino – Community and Economic Development Department
**APN:** N/A
**Ward:** All
Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 2020-006 forwarding a recommendation to the Mayor and City Council recommending approval of Development Code Amendment 19-04, based on the Findings of Fact; and, adopting a Negative Declaration under the California Environmental Quality Act.

PLANNING COMMISSION REPORTS / ANNOUNCEMENTS

DIRECTOR’S REPORT

ADJOURNMENT

The next regular meeting of the Planning Commission will be held on Tuesday, February 11, 2020 at 6:00pm in the Boardroom located at 201 North E Street, 3rd Floor, San Bernardino, California 92401.
MINUTES
FOR THE
PLANNING COMMISSION
OF THE CITY OF SAN BERNARDINO

DECEMBER 10, 2019
BOARD ROOM

CALL TO ORDER
The Regular Meeting of the Planning Commission of the City of San Bernardino was called to order by Elizabeth Sanchez at 6:00pm, December 10, 2019, in the Board Room, 201 North E Street, San Bernardino, CA.

PLEDGE OF ALLEGIANCE

ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Monique Guerrero</td>
<td>Commissioner, Ward 1</td>
<td>P</td>
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<tr>
<td>Amelia S. Lopez</td>
<td>Commissioner, Ward 2</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Elizabeth Sanchez</td>
<td>Commissioner, Ward 3</td>
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<tr>
<td>Larry Quiel</td>
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<td>X</td>
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<tr>
<td>Aron Liang</td>
<td>Commissioner, Ward 5</td>
<td>E</td>
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<td>Anthony Jones</td>
<td>Commissioner, Ward 6</td>
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<td>X</td>
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<tr>
<td>Edward Woolbert</td>
<td>Commissioner, Ward 7</td>
<td>E</td>
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<tr>
<td>Helen Chang</td>
<td>Commissioner, Mayor’s Appointee</td>
<td>E</td>
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<tr>
<td>Carlos Jaramillo</td>
<td>Commissioner, Mayor’s Appointee</td>
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<tr>
<td>Oliver Mujica</td>
<td>Staff Liaison</td>
<td>P</td>
<td>X</td>
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PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

Joyce Seager
CONSENT CALENDAR

1. Approval of Draft Minutes

Motion: Approve the minutes of the Regular Meeting of November 12, 2019

RESULT: APPROVED
MOVER: Vice Chair Jones
SECONDER: Commissioner Quiel
ABSTAIN: None
AYES: Guerrero, Lopez, Sanchez, Quiel & Jones
ABSENT: Liang, Woolbert & Chang

PUBLIC HEARINGS

2. Development Permit Type-P 18-02

A request to allow the development of an industrial warehouse building containing approximately 101,464 square feet on a property comprised of four (4) parcels containing a total of approximately 5.25 acres.

Chair Sanchez opened the hearing.

Motion: Staff recommended that the Planning Commission continue this item, re-notice, and hear at a future date.

RESULT: CONTINUE
MOVER: Commissioner Lopez
SECONDER: Commissioner Jaramillo
ABSTAIN: None
AYES: Guerrero, Lopez, Sanchez, Quiel & Jones
ABSENT: Liang, Woolbert & Chang

3. Extension of Time 19-11 for Conditional Use Permit 17-09 and Public Convenience or Necessity 17-02

A request to allow a one (1) year time extension for Conditional Use Permit 17-09 and Public Convenience or Necessity Letter 17-02 involving an Alcoholic Beverage Control Type-20 (Off-Sale Beer & Wine) License in conjunction with a service station and convenience store containing approximately 5,542 square feet previously approved under Conditional Use Permit 15-14.
Chair Sanchez opened the hearing.

Motion: Staff recommended that the Planning Commission adopt Resolution No. 2019-073 approving Extension of Time 19-11, subject to the recommended Conditions of Approval; and, finding that the project is Categorically Exempt under the California Environmental Quality Act.

RESULT: APPROVE
MOVER: Vice Chair Jones
SECONDER: Commissioner Woolbert
ABSTAIN: None
AYES: Guerrero, Sanchez, Quiel & Jones
NOES: Lopez
ABSENT: Liang, Woolbert & Chang

4. Subdivision 18-17 (Tentative Tract Map 20258) and Development Permit Type-9 18-08
A request to allow the subdivision of a parcel containing approximately 1.06 acres into six (6) single-family residential lots ranging in size from approximately 7,206 square feet to approximately 10,019 square feet; and allow the construction of five (5) single-family residences with attached two (2) car garages.

Chair Sanchez opened the hearing.

Motion: Staff recommended that the Planning Commission adopt Resolution No. 2019-074 approving Subdivision 18-17 and Development Permit Type-P 18-08, based on the Findings of Fact and subject to the recommended Conditions of Approval; and finding that the project is Categorically Exempt under the California Environmental Quality Act.

RESULT: APPROVED
MOVER: Vice Chair Jones
SECONDER: Chair Sanchez
ABSTAIN: None
AYES: Lopez, Sanchez, Quiel, Jones, Woolbert, & Jaramillo
ABSENT: Guerrero, Liang & Chang
5. Study Session – Development Code Amendment 19-04 (Signage Regulations)

PLANNING COMMISSION REPORTS / ANNOUNCEMENTS

DIRECTOR’S REPORT

ADJOURNMENT

The meeting adjourned at 8:30pm.

The next Regular Meeting of the Planning Commission will be held on Tuesday, January 14, 2020 at 6:00pm in the Board Room located at 201 North E Street, 3rd Floor, San Bernardino, California 92401.

By: __________________________
    Stephanie Sanchez
City of San Bernardino
Request for Planning Commission Action

Date: January 14, 2020

To: Honorable Chairman and Planning Commissioners

From: Michael Huntley, Community and Economic Development Director
By: Oliver Mujica, Planning Division Manager
Elizabeth Mora-Rodriguez, Associate Planner

Subject: Conditional Use Permit 18-09

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**Owner**
Jovenes Para Cristo
11838 Allard Street
Norwalk, CA 90650

**Applicant**
Enrique Guzman
2317 Bobby Lane
Santa Ana, CA 92706

**Request**
Pursuant to the requirements of Chapter 19.36 (Conditional Use Permits) of the City of San Bernardino Development Code, the applicant is requesting the approval to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres (Attachment A, Exhibit A and Attachment B). The project site is located at 814 N. Arrowhead Avenue, approximately 120 feet north of W. 8th Street.

**APN:** 0140-213-25
**ZONE:** Commercial Office (CO)

**Recommendation**
The proposed project involves the renovation of an existing commercial site compatible with the surrounding neighborhood that will be consistent with the City’s General Plan and complies with the standards of the City’s Development Code. Therefore, the Planning Division of the Community and Economic Development Department recommends that the Planning Commission take the following action:
1) Adopt Resolution No. 2020-001 of the Planning Commission of the City of San Bernardino, California, approving Conditional Use Permit 18-09 allowing the renovation of an existing 2-story commercial building for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres (APN: 0140-213-25) within the Commercial Office (CO) zone; and finding that the project is Categorically Exempt under the California Environmental Quality Act (Attachment A).

**Background**
May 10, 2018: Conditional Use Permit 18-09 application was submitted.
December 11, 2019: Conditional Use Permit 18-09 was reviewed by the Development and Environmental Review Committee and moved to the Planning Commission for consideration.
December 20, 2019: Notices were mailed to the property owners and residents within 500 feet of the exterior boundaries of the subject property, providing the nature of the request, location of the property, the date, time, and place of the Planning Commission meeting of January 14, 2020 for Conditional Use Permit 18-09.
December 24, 2019: Legal advertisement was published in the San Bernardino Sun Newspaper.

**Setting & Site Characteristics**
The project site is located within the Commercial Office (CO) zone which allows the proposed public assembly use subject to the approval of a Conditional Use Permit. The project site is surrounded by existing residential neighborhoods on the north, south, east, and west, as well as, a commercial office to the south (Attachments C and D).

Table 1 below provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE</th>
<th>ZONE</th>
<th>GENERAL PLAN DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>2-story Commercial Building with Basement</td>
<td>Commercial Office (CO)</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>Residential and Commercial Offices</td>
<td>Residential Medium High (RMH) and Commercial Office (CO)</td>
<td>Residential and Commercial</td>
</tr>
<tr>
<td>East</td>
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<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
</tbody>
</table>
Analysis
The existing 2-story commercial building with basement was built in the 1970’s and has been previously occupied by office uses. The applicant proposes to renovate the existing building for the purpose operating a public assembly use for religious retreats for the not-for-profit organization: Young Adults for Christ/Jovenes Para Cristo.

This religious retreat center provides classes in which participants have focused study sessions for faith formation and growth. The religious retreats will operate during the weekends only with drop-off on Saturday morning and pick-up on Sunday night. The facility will accommodate up to fifty (50) active members (men and women ages 18 and above) for over-night stay.

The 2-story commercial building with basement will be comprised of the following:

- The 1st floor will be renovated to provide separate over-night stay accommodations, including separate restrooms with showers, for men and women. The kitchen and dining area will also be on the 1st floor.
- During the weekdays (Monday through Friday) the 2nd floor will contain the administrative offices.
- The basement will serve as their gathering space for the religious retreats for focused study sessions and classes.

Site Design/Access/Parking
The project site has access via an existing driveway located on N. Arrowhead Avenue and an existing driveway located on W. 8th Street. Transportation for the public assembly use for religious retreats will be conducted by a fourteen (14) passenger shuttle bus. Active member of Young Adults for Christ/Jovenes Para Cristo Association will be picked-up from participating Roman Catholic Dioceses of San Bernardino County facilities. Therefore, the designated off-street parking areas will be for the organization’s administrative staff that will be conducting the classes and day-to-day administrative office work. Additionally, designated “paths of travel” have been provided to ensure pedestrian safety, and the internal site circulation adequately accommodates on-site vehicles circulation.

Traffic
The City's Traffic Engineering Division has determined that a Traffic Analysis is not required due to the fact that the operating hours of the proposed facility are on the weekends.

General Plan Goals and Policies
The City of San Bernardino General Plan includes goals and policies to guide future development within the City, including the following:

- Land Use Element Policy 2.2.1: Ensure compatibility between uses and quality design through adherence to the standards and regulations in the Development Code and policies and guidelines in the Community Design Element.
- Land Use Element Policy 2.3.1: Commercial centers, open space, educational facilities, and recreational facilities should be linked to residential neighborhoods.

The proposed project implements the above General Plan goals and policies in that the proposed public assembly use for religious retreats provides community enhancement through outreach for young adults in a manner without negatively impacting the surrounding land uses. The location of the public assembly use for religious retreats will transform an existing underutilized building that meets the City's development goals, while satisfying the Development Code requirements and will be adequately regulated through the Conditions of Approval in order to minimize potential impacts.

**Mayor and City Council 2018-2019 Goals and Objectives**
Conditional Use Permit 18-09 aligns with Goal No. 4: Ensure Development of a Well-Planned, Balanced, and Sustainable City: (c) Ensure that the City is clean and attractive. The project applicant proposes to renovate and occupy an underutilized building that compliments the surrounding residential neighborhood by integrating a community based use that will provide religious retreats to participating community members.

**California Environmental Quality Act (CEQA)**
In accordance with §15060 (Preliminary Review) of the California Environmental Quality Act (CEQA), the Planning Division conducted an environmental evaluation in connection with proposed Conditional Use Permit 18-09 (Attachment E), and concluded that the proposed project is exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines which covers projects characterized as existing facilities meeting the conditions contained within Section 15301. The Planning Division staff has analyzed proposed Conditional Use Permit 18-09 and has determined that it is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines due to the fact that:

1) The project is consistent the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.
2) The proposed development involves negligible or no expansion of the previous use.
3) Conditions of Approval will be imposed to alleviate potential impacts.
4) There are no additional potential significant environmental impacts that may result from the proposed establishment and operation of the proposed uses.

**Conclusion**
The renovation of an existing commercial building for the proposed place of public assembly (religious retreats) is consistent with the policies of the City’s General Plan, complies with the standards of the City’s Development Code, and is compatible with the surrounding residential neighborhoods. Therefore, staff recommends that the Planning Commission approve Conditional Use Permit 18-09, based on the Findings of Fact and subject to the recommended Conditions of Approval, and finding that such approval is categorically exempt from CEQA review.
<table>
<thead>
<tr>
<th>Attachments</th>
<th>Description</th>
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<tbody>
<tr>
<td>Attachment A</td>
<td>Resolution No. 2020-001</td>
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<td>Attachment B</td>
<td>Justification Letter</td>
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<tr>
<td>Attachment C</td>
<td>Aerial Map</td>
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<tr>
<td>Attachment D</td>
<td>Location/Zoning Map</td>
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<tr>
<td>Attachment E</td>
<td>Environmental Determination: CEQA Exemption</td>
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</table>
RESOLUTION NO. 2020-001-PC


WHEREAS, on May 10, 2018, pursuant to the requirements of Chapter 19.36 (Conditional Use Permits) of the City of San Bernardino Development Code, and application for Conditional Use Permit 18-09 and was duly submitted by:

Property Owner: Jovenes Para Cristo
11838 Allard Street
Norwalk, CA 90650

Applicant: Enrique Guzman
2317 Bobby Lane
Santa Ana, CA 92706

Parcel Address: 814 N. Arrowhead Avenue
APN: 0140-213-25
Lot Area: 0.51 Acres

WHEREAS, Conditional Use Permit 18-09 is a request to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres;

WHEREAS, the Planning Division of the Community and Economic Development Department has reviewed Conditional Use Permit 18-09 for consistency with the City of San Bernardino General Plan, and compliance with the City of San Bernardino Development Code;

WHEREAS, pursuant to requirements of the California Environmental Quality Act ("CEQA"), the Planning Division of the Community and Economic Development Department evaluated Conditional Use Permit 18-09 and determined that it is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2;
WHEREAS, on December 11, 2019, pursuant to the requirements of Section 19.36.030 (Project Review) of the City of San Bernardino Development Code, the Development and Environmental Review Committee reviewed the application and Conditional Use Permit 18-09 to the Planning Commission for consideration;

WHEREAS, on December 24, 2019, pursuant to the requirements Section 19.52.020 (Application Processing) of the City of San Bernardino Development Code, the City gave public notice by advertising in the San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino, and by mailing notices to the property owners within 500 feet of the subject property of the holding of a public hearing at which Conditional Use Permit 18-09 would be considered;

WHEREAS, on January 14, 2020, pursuant to the requirements of Section 19.52.040 (Hearing Procedure) of the City of San Bernardino Development Code, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit 18-09; and

WHEREAS, pursuant to the requirements of Chapter 19.36 of the City of San Bernardino Development Code, the Planning Commission has the authority to take action on Conditional Use Permit 18-09.

NOW THEREFORE, the Planning Commission of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Planning Commission has reviewed and considered the information contained in the administrative record for Conditional Use Permit 18-09. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines,

(2) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1: Existing Facilities) of the CEQA Guidelines,

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in the CEQA Guidelines Section 15300.2, and

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.
SECTION 2. FINDINGS FOR CONDITIONAL USE PERMIT 18-09:

Section 19.36.050 (Findings) of the City of San Bernardino Development Code requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. Accordingly, the following findings are provided in support of the approval of Conditional Use Permit 18-09:

Finding No. 1: The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of the Development Code.

Finding of Fact: The proposed project is a conditionally permitted use in the Commercial Office (CO) zone, pursuant to Section 19.06.020(L)(25) and subject to the approval of a Conditional Use Permit. The project site will be located within the CO zone and is substantially surrounded by existing residential and office uses. The subject building was constructed in the 1970’s in compliance with all applicable Development Code standards, such as landscaping, building setbacks and height, etc. Further, the public assembly use for religious retreats will occupy an underutilized vacant building that will maintain the integrity of the existing neighborhood. Therefore, the project would not impair the integrity and character of the subject land use district or be detrimental to surrounding properties.

Finding No. 2: The proposed use is consistent with the General Plan.

Finding of Fact: The proposed project is consistent with General Plan goals and policies including the following:

- **Land Use Element Policy 2.2.1:** Ensure compatibility between uses and quality design through adherence to the standards and regulations in the Development Code and policies and guidelines in the Community Design Element.

- **Land Use Element Policy 2.3.1:** Commercial centers, open space, educational facilities, and recreational facilities should be linked to residential neighborhoods.

The proposed renovation of an existing 2-story commercial building with basement to establish and operate a place of public assembly (religious retreats) will provide a recognizable place, consistent with the General Plan goal and policy cited above. The proposed use will provide additional public assembly space for organization that provide community enhancement through outreach. Additionally, the proposed project is permitted within the proposed Commercial Office (CO) Zone, subject to the approval of the Conditional Use Permit with the appropriate Conditions of Approval and CEQA determination, and the proposed public assembly use for religious retreats is consistent with the
commercial land use designation set forth by the General Plan Land Use Map. Therefore, the proposed project would be compatible with surrounding land uses and consistent with the General Plan.

**Finding No. 3:** Approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and Section 19.20.030(6) of the Development Code.

**Finding of Fact:** In accordance with the California Environmental Quality Act, the Planning Division of the Community Development Department evaluated Conditional Use Permit 18-09 to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) and has determined that is categorically exempt from CEQA Guidelines, pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines due to the fact that the project: 1) the project is consistent the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations; 2) the proposed development involves negligible or no expansion of the previous use; 3) Conditions of Approval will be imposed to alleviate potential impacts; and 4) there are no additional potential significant environmental impacts that may result from the proposed establishment and operation of the proposed uses. Additionally, project site will be occupied by a public assembly use for religious retreats located within a commercial building, and no environmental impacts are anticipated from the proposed use. Therefore, the proposed project site is in compliance with the requirements of CEQA and Section 19.20.030(6) of the Development Code.

**Finding No. 4:** There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored through the imposed Conditions of Approval.

**Finding of Fact:** The project site is located within a developed parcel containing an existing commercial building. The proposed public assembly use for religious retreats will occupy and existing underutilized building and proposes to renovate the existing building in order to be in compliance with current building and fire code regulations. Therefore, no significant negative impacts upon the environmental quality or natural resources are anticipated to result from the proposed religious facility use.

**Finding No. 5:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or
adverse to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The location and operating characteristics of the proposed public assembly use for religious retreats are consistent with all provisions of the City of San Bernardino Development Code. Conditions of Approval have been imposed to achieve project compliance and minimize impacts to surrounding land uses. The proposed project will not create conditions that may be objectionable or detrimental to other permitted uses in the vicinity because the proposed use will be established within an existing commercial building that has been developed in accordance to the Commercial Office (CO) zone standards and guidelines. Therefore, the design of the project will ensure that the project will not create any land use conflict or adverse effects on public health, safety or welfare are anticipated to result from establishment of a religious facility at the subject site. All primary access to the subject property will be provided from N. Arrowhead Avenue with secondary access from W. 8th Street. Therefore, the design of the project will ensure that the project will not create any significant noise, traffic, or other conditions that would be detrimental or objectionable to other uses in the vicinity or adverse to the public health, safety, convenience, or welfare of the City.

Finding No. 6: The subject site is physically suitable for the type and density/intensity of use being proposed.

Finding of Fact: The site is physically suitable for the type and density/intensity of the project being proposed as evidenced by project compliance with all applicable Development Code Standards. The size of the project site is adequate to accommodate the proposed improvements, in compliance with the requirements of the Development Code.

Finding No. 7: There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site has direct access from N. Arrowhead Avenue with secondary egress through W. 8th Street. All agencies responsible for reviewing access and providing water, sanitation and other public services to the site have had the opportunity to review the proposal, and none indicated inability to serve the project site. Establishment of the proposed public assembly use for religious retreats, subject to Conditions of Approval, will not be detrimental to public services or public health and safety.
SECTION 3: CONDITIONS OF APPROVAL:

The approval of Conditional Use Permit 18-09 shall be subject to the following Conditions of Approval:

1. This approval is to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres located at 814 N. Arrowhead Avenue (APN: 0140-213-25) within Commercial Office (CO) zone.

2. The project site shall be developed and maintained in accordance with the plans stamped January 14, 2020 (EXHIBIT “A”), approved by the City, which include a site plan and floor plans on file in the Planning Division; the Conditions of Approval contained herein; and, the City’s Municipal Code regulations.

3. Within two (2) years of the Conditional Use Permit, commencement of construction shall have occurred or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the permit/approval shall become null and void. However, approval of the Conditional Use Permit does not authorize commencement of construction. All necessary permits must be obtained prior to commencement of specified construction activities included in the Conditions of Approval.

EXPIRATION DATE: JANUARY 14, 2022

4. The review authority may grant a time extension, for good cause, not to exceed twelve (12) months. The applicant must file an application, the processing fees, and all required submittal items, thirty (30) days prior to the expiration date. The review authority shall ensure that the project complies with all Development Code provisions in effect at the time of the requested extension.

5. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action or proceeding and will cooperate fully in the defense of this matter. Once notified, the applicant agrees to defend, indemnify and hold harmless the City of San Bernardino (City), any departments, agencies, divisions, boards or commission of the City as well as predecessors, successors, assigns, agents, directors, elected officials, officers, employees, representatives and attorneys of the City from any claim, action or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs and attorneys’ fees, which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered as “Attorney’s fees” for the purpose of this condition. As part of the consideration for issuing this Conditional Use Permit, this condition shall remain in effect if the Conditional Use Permit is rescinded or revoked, whether or not at the request of applicant.
6. The facility operator and property owner shall be responsible for regular maintenance of
the project site. The site shall be maintained in a clean condition and free of litter and any
other undesirable material(s). Vandalism, graffiti, trash and other debris shall be removed
and cleaned up within 24 hours of being reported.

7. The facility shall only be occupied for public assembly of religious retreats, and shall not
be used for other community outreach services to include: shelter for homeless
individuals, as an emergency shelters, drop-in centers, transitional housing, temporary or
permanent supportive housing, or a center for drug/alcohol rehabilitation.

8. The hours of operation for public assembly of religious retreats shall start Saturday
morning at 7:00 a.m. through Sunday night at 9:00 p.m. only. The hours of operation for
the office administrative services shall be Monday through Friday from 8:00 a.m. to 4:00
p.m.

9. Construction-related activities may not occur between the hours of 8:00 pm and 7:00 am.
No construction vehicles, equipment, or employees may be delivered to, or arrive at the
construction site before 7:00 am or leave the site after 8:00 pm. Construction activities
shall only occur Monday through Friday.

10. If the colors of the buildings or other exterior finish materials are to be modified beyond
the current proposal and improvement requirements, the revised color scheme and/or
finish materials shall be reviewed and approved by the Planning Division prior to
commencement of work.

11. Signs are not approved as part of this permit. Prior to establishing any new signs or
replacing existing signs, the applicant shall submit an application and receive approval
for a Sign Permit from the Planning Division. Banners, flags, pennant, and similar signs
are prohibited unless a Temporary Sign Permit is obtained.

12. The project landscape plans shall be in substantial compliance with the Conceptual
Landscape plan and prepared in accordance with the Development Code 19.28.120,
Water Efficient Landscaping Standards.

13. Minor modification to the plans shall be subject to approval by the Director through the
Minor Modification Permit process. Any modification that exceeds 10% of the allowable
measurable design/site considerations shall require the refilling of the original
application.

14. The project shall comply with all applicable requirements of the Building and Safety
Division, Police Department, Municipal Water Department, Public Works Department,
the San Bernardino County Fire Department, and the Business Registration Division.

15. All exterior lighting shall be contained within property lines and energy efficient with the
option to lower or reduce usage when the facility is closed.
16. Submittal requirements for permit applications (site improvements, landscaping, etc.) to Building Plan Check and/or Land Development must include all Conditions of Approval issued with this approval, printed on the plan sheets.

17. All Conditions of Approval and Standard Requirements shall be implemented and/or completed prior to final inspection and/or issuance of a Certificate of Occupancy.

Land Development Division

18. Drainage and Flood Control

   a) All drainage from the development shall be directed to an approved public drainage facility. If not feasible, proper drainage facilities and easements shall be provided to the satisfaction of the City Engineer.

   b) If site drainage is to be outlet into the public street, the drainage shall be conveyed through a parkway culvert constructed in accordance with City Standard No. 400. Conveyance of site drainage over the Driveway approaches will not be permitted.

   c) The Land Development Division, prior to grading plan approval, shall approve an Erosion Control Plan. The plan shall be designed to control erosion due to water and wind, including blowing dust, during all phases of construction, including graded areas which are not proposed to be immediately built upon.

19. On-Site Improvements

   a) An accessible path of travel shall be provided from the public way to the building entrance. All pathways shall be paved and shall provide a minimum clear width of 4 feet. Where parking overhangs the pathway, the minimum paved width shall be 6.5 feet. All accessible parking spaces shall be a minimum of 18 feet by 9 feet net.

   b) The refuse enclosure(s) shall be constructed in accordance with City Standard Drawing No. 508 with an accessible path of travel. The minimum size of the refuse enclosure shall be 8 feet x 15 feet for bins storage area. Where a refuse enclosure is proposed to be constructed adjacent to spaces for parking passenger vehicles, a 3’ wide by 6 “ high concrete planter shall be provided to separate the enclosure from the adjacent parking. The placement of the enclosure and design of the planter shall preclude the enclosure doors from opening into drive aisles or impacting against adjacent parked cars.

   c) The Building plan shall include details of on-site lighting, including light location, type of poles and fixtures, foundation design with structural calculations, conduit location, material and size, and Photometric plot shall be provided which show that the proposed on-site lighting design will provide:

      i. 1 foot-candle of illumination uniformly distributed over the surface of the parking lot during hours of operation, and
ii. 0.25 foot-candles security lighting during all other hours.

d) The design of Building plan shall also comply with all requirements of The California Building Code, Title 24, relating to accessible parking and accessibility, including retrofitting of existing building access points for accessibility, if applicable.

e) An accessible path of travel shall be provided from the public way to the building entrance. All pathways shall be paved and shall provide a minimum clear width of 4 feet. Where parking overhangs the pathway, the minimum paved width shall be 6.5 feet.

20. Required Engineering Plans

a) A complete submittal for plan checking shall consist of:

   i. On-site improvements Plan
   ii. Street improvement plan,
   iii. lighting plan,
   iv. All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)

b) All off-site improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block satisfactory to the City Engineer or his designee shall be provided.

21. Required Engineering Permits

a) On-site improvements construction permit (except buildings - see Development Services-Building Division), including landscaping.

b) Off-site improvement construction permits for driveway approach.

Public Works Department

22. Street Improvement and Dedications

a) For the streets listed below, dedication of adequate street right-of-way (R.W.) per the General Plan and Municipal Code shall provide the distance from street centerline to property line and placement of the curb line (C.L.) in relation to the street centerline shall be as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Right of Way(ft.) From Centerline</th>
<th>Curb Line(ft) From Centerline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrowhead Avenue (140-213-25)</td>
<td>41.25’ Existing 2.75’ Dedication “Secondary Arterial”</td>
<td>27’± Existing None-Proposed (Future 32’ to 33’ Per General Plan)</td>
</tr>
</tbody>
</table>
b) Arrowhead Avenue: * - **

i. The street shall be rehabilitated to meet the requirements detailed in a soils report based on the “R” value of the subgrade and the traffic Index. The City’s has a minimum of 2” Grind and Overlay; However the Soils Report may indicate a thicker or different improvement.

ii. The existing curb & gutter, sidewalk, and/or driveway fronting the site are in poor condition, replace the curb & gutter, sidewalk, and/or driveway per City Standards.

iii. When Replacing/Reconstructing Commercial Driveway Approach, Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible by-pass around the top of the drive approach.

iv. When Replacing/Reconstructing Curb and Gutter panels, Construct 8" Curb and Gutter per City Standard No. 200, type “B”.

v. When Replacing or reconstructing Sidewalk panels, Construct Sidewalk per City Standard No. 202; Case "A" (6’ wide adjacent to curb).

vi. Existing Street Light Head shall be replaced to LED in accordance with City Standard Nos. SL-1, SL-2, and SL-3. Also, a separate light plan may be submitted in accordance with the City of San Bernardino Street Lighting Design Policies as directed by the City Engineer.

vii. Utility poles shall be relocated to 2’ behind face of curb, if the pole is in a sidewalk area an ADA minimum 4’ by-pass is required.

viii. Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

c) 8th Street: * - **

i. The street shall be rehabilitated to meet the requirements detailed in a soils report based on the “R” value of the subgrade and the traffic Index. The City’s has a minimum of 2” Grind and Overlay; However the Soils Report may indicate a thicker or different improvement.

ii. The existing curb & gutter, sidewalk, and/or driveway fronting the site are in poor condition, replace the curb & gutter, sidewalk, and/or driveway per City Standards.

iii. When Replacing/Reconstructing Commercial Driveway Approach, Construct Commercial Driveway Approach per City Standard No. 204,
Type II, including an accessible by-pass around the top of the drive approach.

iv. When Replacing/Reconstructing Curb and Gutter panels, Construct 8" Curb and Gutter per City Standard No. 200, type "B".

v. When Replacing or reconstructing Sidewalk panels, Construct Sidewalk per City Standard No. 202; Case "A" (6' wide adjacent to curb).

vi. Utility poles shall be relocated to 2' behind face of curb, if the pole is in a sidewalk area an ADA minimum 4’ by-pass is required.

vii. Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

* These Conditions are set for an estimated construction with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

* If a Scoping Form is required, this form shall indicated the need of a Traffic Report, the results of the traffic report shall become conditions of this project which may increase or extend the above requirements in section 1(b) and 5(a).

d) With Submittal of improvement plans including but not limited to grading plans, Street improvement plans, storm drain and retention/detention basin plans, and erosion/sediment control plans, The Applicant shall cause to be formed, or shall be annexed into an existing, Community Facilities District(s) (CFD) for landscaping, lighting, streets, drainage facilities, street sweeping, graffiti removal, or other infrastructure as required by the City to the satisfaction of the City Engineer. The Applicant shall initiate the maintenance and benefit assessment district(s) formation, or annexation, by submitting a landowner petition and consent form (provided by the City) and deposited necessary fees concurrent with the application for street and grading plan review and approval; and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of the subdivision of land, or prior issuance of any certificate of occupancy where there is no subdivision of land, and as approved by the City Engineer.

e) If a drainage report is required by Land Development, A second copy of the drainage report will be delivered to public works, if offsite or overflow storm drain systems are identified, all systems shall be identified on the street improvement plans, and public storm drain shall be on a separate set of plans.

f) A temporary construction encroachment permit from Public Works Department shall be required for utility cuts into existing streets or any work within City’s right-of-way. Pavement restoration or trench repair shall be in conformance with City Standard No. 310. Public facilities shall be restored or constructed back to Public Works Department satisfaction.

g) Any pavement works affecting the traffic loop detectors shall be coordinated and subjected to Public Works Traffic Division requirements.
h) The applicant must post a performance bond prior to issuance of the off-site permit. The amount of the bond is to be determined by Public Works Department.

i) The above conditions shall comply with current codes, policies, and standards at time of construction.

j) Prior to Certificate of Occupancy or Completion of Project all As-builts shall be submitted to Public Works.

23. Required Engineering Plans

a) A complete submittal for plan checking shall consist of:

i. street improvement plans (include engineering conditions and cross sections in these plans),

ii. if storm drain plans are required then public storm drains must be on a separate plan with profile, private storm drains may be shown on on-site and off-site improvement plans,

iii. traffic signal plans must be submitted on a separate plan (if required by conditions or traffic reports),

iv. signing and striping plan (may be on sheets included in street improvement plan, verification and approval prior to submission),

v. lighting for offsite plans (may be on sheets included in street improvement plan, verification and approval prior to submission),

vi. CFD Plans are required they shall include Landscaping, Irrigation, Basins, etc. that are included in the CFD that are not listed in the plans above.

vii. Other plans as required. Piecemeal submittal of various types of plans for the same project will not be allowed.

viii. All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)

ix. Each discipline shall have its own title sheet unless packaged as a set.

b) All off-site improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block (city standard block) satisfactory to the City Engineer or his designee can be found on the City Web Site http://www.sbcity.org. or http://www.ci.sanbernardino.ca.us/cityhall/publicworks/engineering_division/engineering_development_resources/default.asp. Engineering conditions of the project shall be inserted in the last pages of the plans.

c) After completion of plan checking, final mylar drawings with city standard block, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer for approval.

d) Electronic files of all improvement plans/drawings shall be submitted to the City Engineer. The files shall be compatible with AutoCAD 2015, and include a .dxf file of the project. Files shall be on CD and shall be submitted at the same time the final mylar drawings are submitted for approval.
e) Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org or http://www.ci.san-bernardino.ca.us/cityhall/publicworks/engineering_division/design_policy_and_procedure_documents.asp

24. Required Engineering Permits
   a) Off-site improvement construction permits.
   b) Traffic Control and ROW Permits.

25. Applicable Engineering Fees
   a) All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.
   b) The current fee schedule is available at the Public Works Counter and at http://www.sbcity.org or http://www.ci.san-bernardino.ca.us/cityhall/publicworks/engineering_division/engineering_fee_schedule.asp.

26. Traffic Requirements
   a) All Traffic mitigation measures shall be implemented according to the recommendations of the City Traffic Engineer prior to Street Improvement plan approval.

Public Works Department – Integrated Waste Division

27. During demolition/construction developer and contractor to use services through the City of San Bernardino’s exclusive franchised hauler Burrtec Waste Industries.

28. The proposed refuse enclosure location is acceptable.

29. Additional service charges may be incurred if unable to remove/delete parking stalls number seven (7), number eight (8) and planters adjacent to parking stalls 7 and 8 (as noted on the site plan) to allow for truck turn radius.

30. The cable located near driveway off N. Arrowhead Avenue is low and shall be raised to accommodate trash truck access.

31. Construct a City Standard 508 refuse enclosure with 8’X15’ interior dimensions for bin storage.

32. If gated provide access by means of a gate key, code, or remote.

33. Assembly Bill 384 Mandatory Commercial Recycling may apply.

34. Assembly Bill 1826 Mandatory Commercial Organics Recycling may apply.

35. Upon completion, service is provided through the City of San Bernardino’s exclusive franchised hauler Burrtec Waste Industries.
San Bernardino County Consolidated Fire District

36. Additional Requirements. Please submit full set of building plans separated by the type using this (Arch, Mech, Ele, Plumb, Civil, etc) make sure your submittal is under 50 mb Please remember to go to our web site for our standards and design of your project. http://www.sbcfire.org/ofm/Safety/ConstructionPlanning.asp.

37. Building Plans. Building plans shall be submitted to the Fire Department for review and approval.

38. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.

39. Fire Alarm – Automatic. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

40. Fire Alarm – Manual. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

41. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

42. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

43. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.

44. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

45. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
46. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures\specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

47. 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.

48. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.

49. Override Switch Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

50. Permit Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

51. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.

San Bernardino Municipal Water District

52. If any new domestic, landscape, and/or fire services are needed, a request for any old services to be abandoned must be received prior to water capacity credits applied to the new services.

53. For any building or expansions being built, sewer connection and capacity fees are due prior to issuance of a building permit.

54. If there are any street improvements associated with the project then it is the developer(s) and/or engineer(s) responsibility to submit a copy of the street improvement plans to the San Bernardino Municipal Water District’s Engineering Section for review.
SECTION 5. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2020-001:

   a. **Finding** that the approval of Conditional Use Permit 18-09 is exempt from CEQA review pursuant to Section 15301 of the CEQA Guidelines and direct the Planning Commission Secretary to prepare and file with the Clerk of the Board of the County of San Bernardino a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and

   b. **Approving** Conditional Use Permit 18-09 based on the Findings of Fact and subject to the recommended Conditions of Approval.

SECTION 6. SEVERABILITY:

If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

**PASSED, APPROVED AND ADOPTED** this 14th day of January 2020.

Elizabeth Sanchez, Chairperson
San Bernardino Planning Commission

ATTEST:

Oliver Mujica, Planning Commission Secretary
City of San Bernardino, California
CERTIFICATION:

I, Stephanie Sanchez, Recording Secretary of the Planning Commission of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2020-001, was duly adopted by the Planning Commission of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of January 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Sanchez, Recording Secretary
City of San Bernardino, California
EXHIBIT "A"
APPROVED PLANS
ATTACHMENT B
JUSTIFICATION LETTER
To Whom It May Concern,

Asociacion Jovenes Para Cristo/ Association Young Adults For Christ is a nonprofit organization that has dedicated over 35 five years to evangelize primarily to the Spanish speaking community. This movement began in Los Angeles, California and is currently in different counties and cities like San Bernardino, Orange CA, San Francisco, Oakland, San Jose, Nebraska, Oregon, Texas, Arizona, Arkansas, and Colorado. We have a total of 91 groups. To become part of this association the members need to complete one year of basic catholic religious formation. Every active member is required to renew their membership every May.

We believe that this movement has been a great blessing for communities and cities in which we are present. Asociacion Jovenes Para Cristo/ Association Young Adults for Christ continue to grow and expand. And due to that, in 2016 a property was purchased in 814 N. Arrowhead Avenue, San Bernardino, CA 92401. The purpose of this property it is to make a religious retreat center.

What is a retreat? A retreat is a time to come away from the busy world and reflect on your spiritual life in a variety of ways. In today’s world that is fast-paced and driven by efficiency, we often find ourselves thirsting for something more than this world has to offer. It is during these times that we may try to fill the void with things of this world, but eventually we realize that our hearts cannot be satisfied simply by our own efforts. For the reason, the essential mission of this retreat center is to have a place where we can provide directed and preached retreats for faith formation by studying the bible in the Roman Catholic tradition. In this retreats we will learn not only God’s word, but to worship God as known is Jesus, seeks his will and draw those around into a relationship with him. Our members after the one year of basic formation, require to continue grow on their faith, for the same reason this retreat center would have the facilities for this members to continue with their formation.

This retreat center will be for men and women of the age of 18 years old and above, participants are invited during open masses, some our weekend retreats will be overnight, and the main leaders of the group attending are to supervise the premises. During the day of the weekend, of the retreat we will have between 15 to 50 attendees, but for overnight accommodations will be
made for up to a maximum of 50 guest, 25 men and 25 women. This facility will be only for active members of Asociacion Jovenes Para Cristo/ Association Young Adults for Christ. We want to reiterate that our sole intention of having our retreat center here is so we can continue to spread the Lord's love, by teaching our active members his word. This facility won't provide services as a shelter for youth, drug or alcohol rehabilitation.

During weekend retreats, our members will be arriving by shuttle buses. 14 passenger bus length 23' feet - Wide 7'4'' inches - Height 8'9'' or 44 passengers bus Length 39'-4'' Wide 8'-4'' - Height 12' - 6'' from following addresses:

1. 780 S. State St., Hemet, CA 92543
2. 3074 Madison Ave., Riverside, CA 92504
3. 15512 6th Street, Victorville, CA 92395
4. 12687 California St., Yucaipa, CA 92399
5. 21591 Lemon St., Wildomar, CA 92595
6. 25075 Cottonwood Ave, Moreno Valley, CA 92553
7. 9974 I Avenue, Hesperia, CA 92345
8. 65-100 Dale Killer Road, Mecca, CA 92254
9. 2518 Hall Ave., Riverside, CA 92509
10. 531 N. F Street, San Bernardino, CA 92410

These facilities belong to the Roman Catholic Dioceses of San Bernardino City.

They would be drop off on Saturday morning at 7:00 am and would be pick up on Sundays at 9:00 pm. As we previously mentioned, we will only have overnight accommodations for maximum of 50 guest, these guest will be choose by the leaders group, the rest will be pick up by the bus on Saturday night at 9:00 pm and be drop off on Sunday morning at 7:00 am. These buses will be rented by the leaders of the group attending the retreat. During this retreats there will be meals provide, which consist on continental breakfast, lunch and dinner. During the retreats, there will be talks of the Lords word of an hour each, including 15 minutes breaks and times to share of an hour. As well, some times of meditation. The talks or teachings will be taught by preachers, guest priests, and active members of the association or religious. They will be for free, because every May, when our members renew their membership they pay a donation the covers part of their faith formation.

This facility not only would be used for weekend retreats, but also on weekdays there will be 1 person, the office secretary, from 8:00 am to 4:00 pm. This person will be in charge of answering the phone and scheduling the use of the facilities. If any member would like to use the facilities would need to contact the secretary to reserve the date of the meeting or retreat. Also, would have to inform the board of directors of the scheduling of the facilities. In addition to the weekdays it will be used as a religious retreat meeting center for its associate members only of 8 to 10 people, where they would plan future activities or events in our association. This facility will not be open to the public. And the hours of operation during weekdays will be as follow: Monday thru Friday from 5:00 pm to 10:00 pm.
We want to extend our gratitude for your attention; we are excited to achieve our members' dream of having a religious retreat center where they can continue with their faith formation. If you are interested on seen some of our activities as a movement please feel free of visiting our website at www.ajpc.org.

Best regards,

**Enrique Guzman**  
*Projects Coordinator*  
814 N. Arrowhead Ave  
San Bernardino, CA 92401  
(714) 474-6882
ATTACHMENT C
AERIAL MAP
ATTACHMENT D
LOCATION/ZONING MAP
Young Adult’s for Christ Project

CEQA Exemption

Conditional Use Permit 18-09

December 28, 2019

Lead Agency:

City of San Bernardino
201 North E Street
San Bernardino, CA 92401
Oliver Mujica, Planning Division Manager
(909) 384-7272, x3332
Young Adults for Christ Project

CEQA Review

Introduction

Pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of San Bernardino, in its capacity as the lead agency, determines that a proposed action or project is exempt from the environmental review requirements of CEQA. According to the CEQA Guidelines, a NOE must contain the following:

✓ A brief description of the proposed action or project;
✓ A finding that the proposed action or project is exempt, including a citation to the State CEQA Guidelines section or statute under which the project is found to be exempt; and,
✓ A brief statement in support of the finding.

This NOE provides a description of the proposed Young Adults for Christ (the “Project”), indicates the applicable sections of CEQA that support the findings for a CEQA exemption, and discusses the City of San Bernardino’s findings that are applicable to the proposed Project.

Background & Project Description

Project Title

Young Adults for Christ Project

Lead Agency Name and Address

City of San Bernardino
Community and Economic Development Department – Planning Division
201 North E Street
San Bernardino, CA 92401

Project Manager and Phone Number

Elizabeth Mora-Rodriguez, Associate Planner
Phone: 909/384-7272, x 3075
mora-rodriguez_el@sbcity.org

Project Applicant’s/Sponsor’s Name and Address

Enrique Guzman
2317 Bobby Lane
San Ana, CA 92706
Brief Project Description

The proposed Project is located on a 0.51-acre site located at 814 N. Arrowhead Avenue, on the northwest side of N. Arrowhead Avenue and W. 8th Street.

The applicant is requesting the approval of Conditional Use Permit 18-09 to allow the renovation of an existing 2-story commercial building with basement containing approximately 15,556 square feet for the establishment and operation of a place of public assembly (religious retreats) on a parcel containing approximately 0.51 acres.
The proposed project is located on a developed site within the Commercial Office (CO) zone and is surrounded by existing residential neighborhoods on the north, south, east, and west, as well as, a commercial office to the south. A public assembly use for religious retreats is permitted within the CO zone subject to the approval of Conditional Use Permit. The project site was previously developed as an existing 2-story commercial building with a basement in the 1970s and has been occupied by office uses. No modifications are being proposed to the exterior of the building and a renovation of the interior will be done in accordance with building and fire code regulations and requirements. The renovation will consist of a tenant improvement on the 1st floor in order to provide over-night stay accommodation, including separate restrooms with showers, for men and women, as well as, a kitchen and dining area. The 2nd floor will contain the administrative offices with the basement to be used as a gathering space for their religious retreats for focused study session and classes. Additionally, the hours of operations shall start Saturday morning at 7:00 a.m. through Sunday night at 9:00 p.m. for the public assembly use of religious retreats only. However, the hours of operation for the office administrative services shall be Monday through Friday from 8:00 a.m. to 4:00 p.m.

Environmental Setting

Project Location

814 N. Arrowhead Avenue (APN: 0140-213-25)

Project/Surrounding Setting

Table 1 below provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE</th>
<th>ZONE</th>
<th>GENERAL PLAN DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>2-story Commercial Building with Basement</td>
<td>Commercial Office (CO)</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>Residential and Commercial Offices</td>
<td>Residential Medium High (RMH) and Commercial Office (CO)</td>
<td>Residential and Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>Residential Medium (RM)</td>
<td>Residential</td>
</tr>
</tbody>
</table>

General Plan Designation

Current: Commercial
Proposed: Commercial

Zoning Designation

Current: Commercial Office (CO)
Proposed: Commercial Office (CO)
Project Approvals

A. Conditional Use Permit 18-09

Applicable CEQA Exemption

Class 1 Exemption (Existing Facilities)

The Community Development Department – Planning Division of the City of San Bernardino has reviewed the proposed Project and has determined that it is categorically exempt and qualifies for a Class 1 Existing Facilities (CEQA Guidelines Section 15301). The Class 1 exemption consists of projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples of this exemption include but are not limited to:

✓ Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if:

  a) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and;

  b) The area in which the project is located is not environmentally sensitive.

Findings Supporting the Applicable CEQA Exemption

The City of San Bernardino determined, following a preliminary evaluation of the Aurora’s Golden Moments Project, that the proposed Project would not result in any significant effects on the environment. This determination is based on the following:

a. The City of San Bernardino is generally characterized as an urbanized community and the subject 0.5-acre Project site is located on the northwest side of N. Arrowhead Avenue and W. 8th Street which is a commercialized area within the City and currently served by a full range of services and utilities.

b. The Project site is located in an area that has not been identified as environmentally sensitive.

c. The proposed Project will not involve any physical expansion.

d. The proposed Project is consistent with the commercial General Plan land use designation and all applicable General Plan policies, as well as with applicable commercial Zoning District classification and regulations.

e. The City’s Traffic Engineering Division determined that a Traffic Scoping form or the preparation of a Traffic Impact Analysis was not required for the proposed use because the operating hours of the proposed facility are on the weekends.

f. Conditions of Approval will be imposed on the proposed Project to alleviate any potential impacts.
Reviewed and Approved By:

[Signature]

Oliver Mujica
Planning Division Manager
City of San Bernardino
Request for Planning Commission Action

Date: January 14, 2020

To: Honorable Chairman and Planning Commissioners

From: Michael Huntley, Community and Economic Development Director
By: Oliver Mujica, Planning Division Manager

Subject: Conditional Use Permit 19-19

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**Owner**
Dasmath Patel
29127 Galatina Street
Rowland Heights, CA 91748

**Applicant**
M & A Securities, LLC
1611 N. E Street
San Bernardino, CA 92408

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**Request**
Pursuant to the requirements of Chapter 19.36 (Conditional Use Permits) and Section 19.06(2)(B) (Commercial Zones Specific Standards – Alcohol Beverage Sales) of the City of San Bernardino Development Code, Conditional Use Permit 19-19 is a request to allow the upgrade of an existing ABC Type-20 (Off-Sale Beer & Wine) License to a new ABC Type-21 (Off-Sale General) License in conjunction with the existing Eight Ball Dairy containing approximately 1,850 square. The project site is located at 1611 N. E State Street, on the northeast corner of N. E Street and W. 16th Street.

**APN:** 0145-131-12
**ZONE:** Commercial General (CG-1)

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**Recommendation**
Staff is further evaluating the investigation report prepared by the City’s Police Department. Therefore, the Planning Division of the Community and Economic Development Department recommends that the Planning Commission take the following action:

1) Continue the public hearing for Conditional Use Permit 19-19 to the next regular meeting scheduled on February 11, 2020.
City of San Bernardino
Request for Planning Commission Action

Date: January 14, 2020

To: Honorable Chairperson and Planning Commissioners

From: Michael Huntley, Community and Economic Development Director
       By: Oliver Mujica, Planning Division Manager

Subject: Conditional Use Permit 19-20 and Minor Exception 19-02

Owner:
Evelyn P. Brier Family Trust
P.O. Box 127
Silverton, OR 97381

Applicant:
Greens Inv 13, LLC
9289 Research Drive
Irvine, CA 92618

Request
Pursuant to the requirements of Chapter 19.36 (Conditional Use Permits), Section 19.06.030(2)(Z) (Commercial Zone Specific Standards – Hotels, Motels, B&Bs, and Extended Lodging Facilities) and Chapter 19.58 (Minor Exceptions) of the City of San Bernardino Development Code, the applicant is requesting the approval Conditional Use Permit 19-20 and Minor Exception 19-02 allowing the development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms and allowing a nine (9) percent reduction of the number of required off-street parking spaces from 124 to 113 off-street parking spaces on a parcel containing approximately 1.88 acres (Attachment A, Exhibit "A" and Attachment B). The project site is located on the south side of E. Brier Drive, at the intersection of S. Gifford Avenue.

APN: 0281-351-18
ZONE: Commercial Regional (CR-3) and Transit District (TD) Overlay

Recommendation
The proposed project is located on an undeveloped site within the Commercial Regional (CR-3) zone which is intended to permit a diversity of regional-serving uses. Hotels are permitted within the CR-3 zone subject to the approval of a Conditional Use Permit. The proposed project is consistent with the policies of the City’s General Plan and complies with the standards of the City’s Development Code. Therefore, the Planning Division of the Community and Economic Development Department recommends that the Planning Commission take the following action:
1) Adopt Resolution No. 2020-003 of the Planning Commission of the City of San Bernardino, California, approving Conditional Use Permit 19-20 and Minor Exception 19-02 allowing the development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms and allowing the reduction of the number of required off-street parking spaces on a parcel containing approximately 1.88 acres located on the south side of E. Brier Drive at the intersection of S. Gifford Avenue (APN: 0281-351-18) within the Commercial Regional (CR-3) zone and Transit District (TD) overlay; and, finding that the project is Categorically Exempt under the California Environmental Quality Act (please see Attachment A).

**Background**
November 15, 2019: Conditional Use Permit 19-20 and Minor Exception 19-02 was submitted.

December 11, 2019: Conditional Use Permit 19-20 and Minor Exception 19-02 was reviewed by the Development and Environmental Review Committee and moved to the Planning Commission for consideration.

December 20, 2019: Notices were mailed to the property owners and residents within 500 feet of the exterior boundaries of the subject property, providing the nature of the request, location of the property, the date, time, and place of the Planning Commission meeting of January 14, 2020 for Conditional Use Permit 19-20 and Minor Exception 19-02.

December 24, 2019: A legal advertisement was published in the San Bernardino Sun Newspaper.

**Setting & Site Characteristics**
The project site is located on the south side of E. Brier Drive, at the intersection of S. Gifford Avenue (Attachments C and D). Table 1 below provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE</th>
<th>ZONE</th>
<th>GENERAL PLAN DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Vacant</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
<td>San Bernardino School District Administrative Offices</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Office Building</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Housing Authority of San Bernardino County</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>California Highway Patrol</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
</tr>
</tbody>
</table>
Analysis
As shown in Table 2 below, the proposal meets the Development Standards outlined in the City of San Bernardino Development Code for the Commercial Regional (CR-3) zone and uses:

<table>
<thead>
<tr>
<th>TABLE 2: DEVELOPMENT CODE CONSISTENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROPOSAL</strong></td>
</tr>
<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>Lot Size</td>
</tr>
<tr>
<td>1.88 Acres (81,893 Square Feet)</td>
</tr>
<tr>
<td>Height</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>E. Side</td>
</tr>
<tr>
<td>W. Side</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Parking</td>
</tr>
<tr>
<td>5 Handicap Parking Spaces</td>
</tr>
<tr>
<td>Lot Coverage</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Architecture/Amenities
The proposed hotel features the latest contemporary architectural design being utilized by Hilton for their new Home 2 Suites, which is modern and stylish with varied rooflines and projections incorporated into the facade, varying paint and façade material schemes to create visual interest.

The proposed hotel provides the following amenities:

- Swimming pool with deck seating area
- Fitness center
- Formal lobby seating area
- Breakfast serving station and seating area
- Guest laundry room
- Meeting room
- Vending and ice machines on each floor

Landscaping:
The proposed landscaping plan provides for a combined total of approximately 22% coverage of on-site landscaping primarily provided along the perimeter of the project site, whereas at least 15% is required. Magnolia trees and decorative paving will highlight the primary entrance. A combination of Crape Myrtle and Date Palm trees with a variety of colorful shrubs will be utilized within the twenty (20) foot landscaped setback area along E. Brier Road. This same combination will also be provided along the perimeter of the subject property.
Access/Site Design:
The project site has access from two (2) driveways located along E. Brier Road, with the primary entrance located on the western boundary of the project site directly across from S. Gifford Avenue. The internal site circulation has been designed to adequately accommodate on-site vehicular circulation and access to the off-street parking areas. Designated “paths of travel” have also been provided to ensure pedestrian safety.

Parking:
The proposed hotel provides a total of 113 off-street parking spaces, including five (5) ADA parking spaces. Pursuant to Section 19.24.040 (Parking Standards –Number of Parking Spaces Required) of the City of San Bernardino Development Code, the proposed project as a hotel with 113 guest rooms requires off-street parking to be provided at 1.1 spaces for each guest room, which translates into a total of 124 off-street parking spaces. This standard is intended to provide adequate off-street parking for hotel guest and employees.

The applicant is requesting a reduction of eleven (11) off-street parking spaces, which translates into a nine (9%) percent reduction. This request is based upon the alternative methods of transportation available to hotel guests and the anticipated room occupancy rate.

The project site is located within an area with existing transportation infrastructure that provides for alternative means of accessing the proposed hotel including shuttle buses, taxi services and car sharing, encouraging a reduction in automobile dependency. Additionally, a Trend Occupancy Report for the San Bernardino Area, dated August 16, 2019, was prepared by STR, Inc. for the applicant. In this report, the following local hotels were included:

- Holiday Inn Express & Suites (Loma Linda) 85 Guest Rooms
- TownePlace Suites (Loma Linda) 95 Guest Rooms
- Homewood Suites by Hilton (San Bernardino) 108 Guest Rooms
- Residence Inn (San Bernardino) 95 Guest Rooms
- Fairfield Inn & Suites (San Bernardino) 94 Guest Rooms
- Hilton Garden Inn (San Bernardino) 115 Guest Rooms
- Hampton Inn (San Bernardino) 114 Guest Rooms

According to the STR, Inc. Trend Occupancy Report, the room occupancy rate from January 2014 thru June 2019 for the above hotels averaged eighty-two (82%) percent per night; and from July 2018 thru June 2019 the room occupancy rate averaged eighty-four (84%) percent per night. Therefore, for the purpose of the proposed 113 guest room hotel, staff utilized an eighty-five (85%) percent room occupancy rate, which translates into an average of ninety-six (96) guest rooms occupied per night. Thus, based on this room occupancy rate, at least 106 off-street parking spaces (96 x 1.1) will be needed to accommodate hotel guests and employees.
Pursuant to Chapter 19.58 (Minor Exceptions) of the City of San Bernardino Development Code, the Community and Economic Development Director may grant a Minor Exception up to a maximum of ten (10%) percent for measurable design/site considerations including on-site parking. The proposal to reduce the parking spaces by eleven (11) spaces or nine (9%) percent is within the allowable threshold for the approval of a Minor Exception to reduce the required on-site parking. Based upon the total number of proposed guest rooms (113) and the anticipated room occupancy rate (85%), which will require at least 106 parking spaces, the proposed 113 parking spaces should reasonably accommodate the number of anticipated hotel guests and employees. It should also be noted that the request to reduce the parking spaces will not cause a reduction in accessible parking spaces.

Traffic:
Based upon the Scope of Study Form, dated October 28, 2019, prepared and submitted by Trames Solutions of behalf of the applicant, the City’s Traffic Engineering Division has determined that a Traffic Analysis is not required due to the room occupancy rate of eighty-five (85%) percent. Based on an occupancy rate of eighty-five (85%) percent, the proposed hotel will generate forty-seven (47) vehicle trips during the morning peak hours and forty-seven (47) vehicle trips the afternoon peak hours. The total number of vehicle trips generated will be below the thresholds of 50 a.m. vehicle trips (7:00 a.m. to 9:00 a.m.) and 50 p.m. vehicle trips (4:00 p.m. to 6:00 p.m.).

General Plan Goals and Policies
The City of San Bernardino General Plan includes goals and policies to guide future development within the City, including the following:

- **General Plan Land Use Element Policy 2.2.1**: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.
- **General Plan Land Use Element Goal 2.4**: Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.
- **General Plan Community Design Element Goal 5.4**: Ensure individual projects are well designed and maintained.
- **General Plan Circulation Element Policy 6.9.1**: Ensure that developments provide an adequate supply of parking to meet its needs either on-site or within close proximity.

The proposal for Conditional Use Permit 19-20 and Minor Exception 19-02 will revitalize the subject property in a manner that will enhance the physical and visual qualities of the subject property thereby enhancing the aesthetics of the surrounding neighborhood. Additionally, through this proposal, the existing vacant underutilized site will be transformed into a vibrant, cohesive development that meets the City’s hospitality needs, while satisfying the City of San Bernardino Development Code requirements and the City’s General Plan goals and policies. Finally, the proposed project will be adequately regulated through the Conditions of Approval in order to minimize potential impacts.
California Environmental Quality Act (CEQA)
In accordance with §15060 (Preliminary Review) of the California Environmental Quality Act (CEQA), the Planning Division conducted an environmental evaluation in connection with proposed Conditional Use Permit 19-20 and Minor Exception 19-02 (Attachment E), and concluded that the proposed project is exempt under the CEQA Guidelines, as follows:

✓ Section 15332 (In-Fill Development Projects) - Conditional Use Permit 19-20 and Minor Exception 19-02 is categorically exempt due to the fact that: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (e) the site can be adequately served by all required utilities and public services.

Mayor and City Council 2018-2019 Goals and Objectives
The Home 2 Suites hotel proposed under Conditional Use Permit 19-20 and Minor Exception 19-02 aligns with Goal No. 4: Ensure development of a well-planned, balanced, and sustainable city; (c) Ensure that the City is clean and attractive. The proposed development will create economic benefit to an otherwise vacant and underutilized parcel and has been designed to achieve visual interest and a clean, landscaped commercial site.

Conclusion
The proposed development, establishment and operation of a new Home 2 Suites hotel is consistent with the policies of the City’s General Plan, and complies with the standards of the City’s Development Code. Therefore, staff recommends that the Planning Commission adopt Resolution 2020-003 approving Conditional Use Permit 19-20 and Minor Exception 19-02 based on the Findings of Fact and subject to the recommended Conditions of Approval, and finding the project subject to the Categorical Exemptions under the California Environmental Quality Act.

Attachments
Attachment A Resolution No. 2020-003
Attachment B Justification Letter
Attachment C Aerial Map
Attachment D Location/Zoning Map
Attachment E Environmental Determination: CEQA Exemption
RESOLUTION NO. 2020-003-PC


WHEREAS, on November 15, 2019, pursuant to the requirements of Chapter 19.36 (Conditional Use Permits), Section 19.06.030(2)(Z) (Commercial Zone Specific Standards – Hotels, Motels, B&Bs, and Extended Lodging Facilities) and Chapter 19.58 (Minor Exceptions) of the City of San Bernardino Development Code, an application for Conditional Use Permit 19-20 and Minor Exception 19-02 was duly submitted by:

Property Owner: Evelyn P. Brier Family Trust
P.O. Box 127
Silverton, OR 97381

Project Applicant: Greens Inv 13, LLC
9289 Research Drive
Irvine, CA 92618

Parcel Address: South side of E. Brier Drive, at intersection of S. Gifford Avenue
APN: 0281-351-18
Lot Area: 1.88 acres

WHEREAS, Conditional Use Permit 19-20 and Minor Exception 19-02 is a request to allow the development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms, and allowing a nine (9) percent reduction of the number of required off-street parking spaces from 124 to 113 parking spaces on a parcel containing approximately 1.88 acres;

WHEREAS, the Planning Division of the Community and Economic Development Department has reviewed the Conditional Use Permit 19-20 and Minor Exception 19-02 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;
WHEREAS, pursuant to requirements of the California Environmental Quality Act ("CEQA"), the Planning Division of the Community and Economic Development Department evaluated Conditional Use Permit 19-20 and Minor Exception 19-02 and determined that it is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2;

WHEREAS, on December 11, 2019, pursuant to the requirements of Section 19.36.030 (Project Review) of the City of San Bernardino Development Code, the Development and Environmental Review Committee reviewed the application and moved Conditional Use Permit 19-20 and Minor Exception 19-02 to the Planning Commission for consideration;

WHEREAS, on December 24, 2019, pursuant to the requirements of Section 19.52.020 (Application Processing) of the City of San Bernardino Development Code, the City gave public notice by advertising in the San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino, and by mailing notices to the property owners within 500 feet of the subject property of the holding of a public hearing at which Conditional Use Permit 19-20 and Minor Exception 19-02 would be considered;

WHEREAS, on January 14, 2020, pursuant to the requirements of Section 19.52.040 (Hearing Procedure) of the City of San Bernardino Development Code, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit 19-20 and Minor Exception 19-02 and at which meeting the Planning Commission considered Conditional Use Permit 19-20 and Minor Exception 19-02;

WHEREAS, pursuant to the requirements of Chapter 19.36 of the City of San Bernardino Development Code, the Planning Commission has the authority to take action on Conditional Use Permit 19-20 and Minor Exception 19-02.

NOW THEREFORE, the Planning Commission of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Planning Commission has reviewed and considered the information contained in the administrative record for Conditional Use Permit 19-20 and Minor Exception 19-02. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City’s Local CEQA Guidelines,

(2) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15332 (Class 32: In-Fill Development Projects) of the CEQA Guidelines,
(3) The application of the categorical exemption is not barred by one of the exceptions set forth in the CEQA Guidelines Section 15300.2, and

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMIT 19-20:

Section 19.36.050 (Findings) of the City of San Bernardino Development Code requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. Accordingly, the following findings are provided in support of the approval by the Planning Commission for Conditional Use Permit 19-20:

Finding No. 1: The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of the Development Code.

Finding of Fact: The proposed project is a conditionally permitted use, pursuant to Section 19.06.030(Z)(Commercial Zone Specific Standards – Hotels, Motels, B& Bs, and Extended Lodging Facilities) of the City of San Bernardino Development Code. The project site will be located within the Commercial Regional (CR-3) Zone and is surrounded by various types of retail, office buildings, existing restaurants and hotel facilities. Further, the development of the subject property will enhance the appearance of the overall property with the construction of a new four (4) story hotel comprised of 113 guest rooms, associated landscaping, and the on-site and off-site improvements will complement the surrounding development. Therefore, the project would not impair the integrity and character of the subject land use district or be detrimental to surrounding neighborhood properties.

Finding No. 2: The proposed use is consistent with the General Plan.

Finding of Fact: General Plan Land Use Goal 2.2 states: “Promote development that integrates with and minimizes impacts on surrounding land uses.” General Plan Land Use Policy 2.2.1 states: “Ensure compatibility between land uses and quality design through adherence to the standards and regulations in the Development Code and policies and guidelines in the Community Design Element.” General Plan Economic Policy 4.1.1 states: “Proactively seek out and retain businesses that create jobs and generate sales tax revenue.”

The proposed construction of a new four (4) story hotel will incorporate contemporary style architecture which is highlighted by various vertical setbacks and protruding geometrics, as well as, delineated and alternating colored panels letting for a cohesive integration of a new hotel into the surrounding commercial developments. Further, the construction of the
new hotel will have and maintain design elements that will be compatible with other retail, office, restaurant and hotel uses within the surrounding area. Therefore, the proposed project, with appropriate Conditions of Approval and CEQA determination, would be compatible and consistent with the surrounding commercial land uses set forth by the General Plan.

Finding No. 3  Approval of the Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and Section 19.06.030(2)(Z) of the Development Code.

Finding of Fact:  The proposed development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms is exempt from CEQA Guidelines pursuant to Section 15332 (In-Fill Development Projects) due to the fact that: 1) the project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations; 2) the proposed development is located within the City limits on less than five (5) acres; 3) Conditions of Approval will be imposed to alleviate potential impacts; and 4) there are no additional potential significant environmental impacts that may result from the proposed development, establishment and operation of the proposed use. Additionally, the proposed development will be served by a full range of public services and utilities. Therefore, approval of the proposed project would not result in any impacts on the environment.

Finding No. 4  There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored through the imposed Conditions of Approval.

Finding of Fact:  The project site is an in-fill lot and the surrounding area is urbanized. In accordance with Section 15332 of CEQA, the proposed development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms will operate within the appropriate safety measures and will not create conditions that may be objectionable or detrimental to other permitted uses in the vicinity. The project has been designed to comply with the Development Code standards and will be assigned appropriate Conditions of Approval. Additionally, it has been determined that it will not create any negative impact upon the environmental quality or natural resources within the project site or its vicinity. Therefore, no significant negative impacts on the environment and natural resources are anticipated to result from the proposed development.

Finding No. 5:  The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or
adverse to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed design is in compliance with the Development Code requirements that are applicable to location, height and setbacks for the proposed development. All access to the subject property will be provided from E. Hospitality Lane. Therefore, the design of the project will ensure that the project will not create any significant noise, traffic, or other conditions that would be detrimental or objectionable to other uses in the vicinity or adverse to the public health, safety, convenience, or welfare of the City.

Finding No. 6: The subject site is physically suitable for the type and density/intensity of use being proposed.

Finding of Fact: The site is physically suitable for the type and density/intensity of the project being proposed as evidenced by project compliance with all applicable Development Code Standards. The size of the project site is adequate to accommodate the proposed improvements, in compliance with the requirements of the Development Code.

Finding No. 7 There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site has direct access from E. Brier Drive. All agencies responsible for reviewing access and providing water, sanitation and other public services to the site have had the opportunity to review the proposal, and none indicated inability to serve the project site. Establishment of the proposed new hotel, subject to Conditions of Approval, will not be detrimental to public services or public health and safety.

SECTION 3. FINDINGS FOR MINOR EXCEPTION 19-02:

Section 19.58.50 (Finding) of the City of San Bernardino Development Code requires that Minor Exception applications meet certain findings prior to the approval by the Community and Economic Development Director. Accordingly, the following findings are provided in support of the Planning Commission’s concurrence of the approval by the Community and Economic Development Director for Minor Exception 19-02:

Finding No. 1 That there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zone classification.

Finding of Fact Pursuant to Section 19.24.040 (Parking Standards -Number of Parking Spaces Required) of the City of San Bernardino Development Code, the
proposed project shall require off-street parking spaces to be provided at 1.1 spaces for each guest room for a total of 124 parking spaces for a new hotel located within the Commercial Regional (CR-3) zone. The proposed hotel with 113 guest rooms provides a total of 113 off-street parking spaces reducing the required parking by eleven (11) off-street parking spaces, translating to a nine (9%) percent reduction. The proposed project is located within an area with existing transportation infrastructure that provides for alternative means of accessing the proposed hotel including shuttle buses, taxi services, and car sharing, encouraging a reduction in automobile dependency. Therefore, the reduction of eleven (11) off-street parking spaces would not hinder the property, allowing for the use of alternative methods of transportation by hotel guests and thus, allowing the property to enjoy improvements enjoyed by other property in the vicinity and under identical zone classification.

Finding No. 2  
That granting the Minor Exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Minor Exception is sought.

Finding of Fact  
The proposed project site is located within an area with existing transportation infrastructure that will provide for alternative means of accessing the property including shuttle buses, taxi services, and car sharing, encouraging a reduction in automobile dependency. The reduction of eleven (11) off-street parking spaces would not hinder the property, allowing for the use of alternative methods of transportation by hotel guests. The granting of the proposed Minor Exception will allow the applicant to improve the site that would not be possible otherwise. Therefore, the reduction of off-street parking spaces by eleven (11) off-street parking spaces, translating to a nine (9%) percent reduction is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district.

Finding No. 3  
That granting the Minor Exception will not be materially detrimental to the public health, safety, or welfare, or injuries to the property or improvements in such vicinity and zone in which the property is located.

Finding of Fact  
The proposed reduction to the required parking spaces will not deprive the site from having adequate access to and from the site. Therefore, the project will not have any significant negative impacts upon environmental quality or natural resources and will not be detrimental to the public health, safety, or welfare, or injurious to the project site or improvements in such vicinity and zone in which the project site is located.
Finding No. 4

That granting the Minor Exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Finding of Fact

The location and operating characteristics of the proposed project will be consistent with all provisions of the Development Code. The proposed use will be compatible with the existing and future commercial land uses within the surrounding area. The proposal will not create conditions that may be objectionable or detrimental to other permitted uses in the vicinity due to the proposal being consistent with the Commercial Regional CR-3 Zone. Furthermore, the proposed development will strategically infill an underutilized site into an economically sustainable operation that will benefit the surrounding neighborhood. Therefore, no land use conflict or adverse effects on public health, safety or welfare are anticipated to result from the development, establishment and operation of a new hotel and conversion of an existing hotel.

Finding No. 5

That granting the Minor Exception does not exceed 10% of the standard(s) being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Finding of Fact

The Minor Exception is requested for a reduction in the required number of off-street parking spaces only. The proposed reduction of eleven (11) off-street parking spaces to the required 124 off-street parking spaces, within the Commercial Regional (CR-3) zone, does not exceed ten (10%) percent of the standard being modified. Additionally, the proposed use is within the authorized land use designation governing the proposed project site.

Finding No. 6

That granting the Minor Exception will not be inconsistent with the General Plan.

Finding of Fact

The proposed project is consistent with General Plan goals and policies. General Plan Land Use Policy 2.1.1 states: “Actively enforce development standards, design guidelines, and policies to preserve and enhance the character of San Bernardino’s neighborhoods.” The proposed project would allow for the applicant to develop, establish and operate a new hotel on a vacant site and conversion of an existing hotel while adhering to the development standards, design guidelines, and policies. Therefore, the proposed project would be compatible with surrounding land uses and consistent with the General Plan.
SECTION 4. CONDITIONS OF APPROVAL:

The approval of Conditional Use Permit 19-20 and Minor Exception 19-02 shall be subject to the following Conditions of Approval:

1. A request to allow the development, establishment and operation of a four (4) story hotel comprised of guest rooms and allowing a nine (9%) percent reduction in the number of required off-street parking spaces from 124 to 113 off-street parking spaces, along with the construction of the required on-site and off-site improvements, on a parcel containing approximately 1.88 acres.

2. The project site shall be developed and maintained in accordance with the plans stamped January 14, 2020 (EXHIBIT “A”), approved by the City, which includes a site plan, floor plan, exterior elevations, and concept landscaping plan, on file in the Planning Division; the Conditions of Approval contained herein; and, the City’s Municipal Code regulations.

3. Within two (2) years of the Conditional Use Permit approval, commencement of construction shall have occurred or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one (1) year, then the permit/approval shall become null and void. However, approval of the Conditional Use Permit does not authorize commencement of construction. All necessary permits must be obtained prior to commencement of specified construction activities included in the Conditions of Approval.

EXPIRATION DATE: JANUARY 14, 2022

4. The review authority may grant a time extension, for good cause, not to exceed twelve (12) months. The applicant must file an application, the processing fees, and all required submittal items, thirty (30) days prior to the expiration date of Conditional Use Permit 19-20 and Minor Exception 19-02. The review authority shall ensure that the project complies with all Development Code provisions in effect at the time of the requested extension.

5. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action or proceeding and will cooperate fully in the defense of this matter. Once notified, the applicant agrees to defend, indemnify and hold harmless the City of San Bernardino (City), any departments, agencies, divisions, boards or commission of the City as well as predecessors, successors, assigns, agents, directors, elected officials, officers, employees, representatives and attorneys of the City from any claim, action or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs and attorneys’ fees which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered as “Attorney’s fees” for the purpose of this condition. As part of the consideration for issuing this Conditional Use Permit, this condition shall remain in effect if the
Conditional Use Permit is rescinded or revoked, whether or not at the request of applicant.

6. The hours of operation will be seven (7) days per week and twenty-four (24) hours per day with a designated on-site manager.

7. All guest rooms shall be booked on a standard over-night stay.

8. On-site parking cannot be used or leased to any of the surrounding businesses.

9. Kitchens, kitchenettes and other cooking facilities shall not be permitted with Hotel or Motel units except the manager's unit.

10. Housekeeping services including cleaning and linen service shall be made available daily to each guestroom, at the option of the guest.

11. Leases and rental agreement of any duration are prohibited.

12. The applicant shall provide a comprehensive landscape design that is in harmony with the surrounding environment.

13. The applicant shall post a bond in an amount equivalent to the cost of landscaping, including installation and one year of maintenance service. The purpose of the bond is to ensure that all landscaping survives the planting process and lasts for a period of at least one year. The bond will be released no sooner than one year after issuance of the Final Certificate of Occupancy.

14. If the colors of the buildings or other exterior finish material are to be modified beyond the current proposal and improvement requirements, the revised color scheme and/or finish materials shall be reviewed and approved by the Planning Division prior to commencement of work.

15. Minor modification to the plans shall be subject to approval by the Director through the Minor Modification Permit process. Any modification which exceeds ten percent (10%) of the allowable measurable design/site considerations shall require the refilling of the original application.

16. The facility operator and property owner shall be responsible for regular maintenance of the project site. The site shall be maintained in a clean condition and free of litter and any other undesirable material(s). Vandalism, graffiti, trash and other debris shall be removed and cleaned up within 24 hours of being reported.

17. The applicant and/or owner shall maintain all future landscaping in the parking lot and setbacks in a weed and disease free condition at all times and any dead or missing vegetation must be promptly replaced.
18. Signs are not approved as a part of this permit. Prior to establishing signs, the applicant and/or owner must submit an application for approval by the Planning Division. Banners, flags, pennant, and similar signs are prohibited unless a Temporary Sign Permit is obtained.

19. Construction-related activities may not occur between the hours of 8:00 pm and 7:00 am. No construction vehicles, equipment, or employees may be delivered to, or arrive at the construction site before 7:00 am or leave the site after 8:00 pm. Construction activities may only occur Monday through Friday.

20. Submittal requirements for permit applications with the Building and Safety Division shall include all Conditions of Approval issued with this approval, printed on the plan sheets.

21. All new construction shall require permits prior to commencement.

22. All Conditions of Approval shall be completed prior to final inspection and sign-off.

23. No Final Certificate of Occupancy will be issued until all Conditions of Approval have been completed.

24. The project shall comply with all applicable requirements of the City of San Bernardino Community and Economic Development Department, Land Development and Building and Safety Divisions, Police Department, Municipal Water Department, Public Works Department and the City Clerk’s Office/Business Registration Division, and the San Bernardino Consolidated Fire District.

Land Development Division

25. Drainage and Flood Control

   a. A local drainage study will be required for the project. Any drainage improvements, structures or storm drains needed to mitigate downstream impacts or protect the development shall be designed and constructed at the developer's expense, and right-of-way dedicated as necessary.

   b. All drainage from the development shall be directed to an approved public drainage facility. If not feasible, proper drainage facilities and easements shall be provided to the satisfaction of the City Engineer.

   c. If site drainage is to be outlet into the public street, the drainage shall be conveyed through a parkway culvert constructed in accordance with City Standard No. 400. Conveyance of site drainage over the Driveway approaches will not be permitted.

   d. A Preliminary Full-Categorical Water Quality Management Plan (WQMP) has been conceptually approved with minor comments to incorporate into the Final WQMP Plan. Comments will be provided to the Engineer.
c. A Final Full-Categorical Water Quality Management Plan (WQMP) is required for this project. The applicant is directed to the County of San Bernardino’s Flood Control web page for the template and Technical Guidance Document. The Land Development Division, prior to issuance of any permit, shall approve the WQMP. A CD copy of the approved WQMP is required prior to grading permit issuance.

f. A Storm Water Pollution Prevention Plan (SWPPP) will be required. The applicant is directed to State Water Resources Control Board (SWRCB) SMART Login system. The SWPPP shall be approved by the State and a CD copy of the approved SWPPP shall be submitted to City prior to grading permit issuance.

g. A "Notice of Intent (NOI)" shall be filed with the State Water Resources Control Board for construction disturbing 1 acre or more of land (including the project area, construction yards, storage areas, etc.). A WDID number issued by the State of California is required prior to the issuance of grading permit.

h. The Land Development Division, prior to grading plan approval, shall approve an Erosion Control Plan. The plan shall be designed to control erosion due to water and wind, including blowing dust, during all phases of construction, including graded areas which are not proposed to be immediately built upon.

26. Grading and Landscaping

a. The grading and on-site improvement plan shall be signed by a Registered Civil Engineer and a grading permit will be required. The grading plan shall be prepared in strict accordance with the City's "Grading Policies and Procedures" and the City's "Standard Drawings", unless otherwise approved by the Building Official.

b. If the grading plan indicates export or import, the source of the import material or the site for the deposition of the export shall be noted on the grading plan. Permit numbers shall be noted if the source or destination is in the City of San Bernardino.

c. If more than 50 cubic yards of earth is to be hauled on City Streets then a special hauling permit shall be obtained from the City Engineer. Additional conditions, such as truck route approval, traffic controls, bonding, covering of loads, street cleaning, etc. may be required by the City Engineer.

d. Wheel stops are not permitted by the Development Code, except at designated accessible parking spaces. Therefore, continuous 6" high curb shall be used around planter areas and areas where head in parking is adjacent to walkways. The parking spaces may be 16.5’ deep and may overhang the landscaping or walkway by 2.5’. Overhang into the setback area or into an ADA path of travel (minimum 4’ wide) is not permitted.
e. Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided at least 3 feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points. The space between the curb and wall, fence, property line, walkway or structure shall be landscaped, except as allowed by the Development Review Committee.

f. The refuse enclosure(s) shall be constructed in accordance with City Standard Drawing No. 508 with an accessible path of travel. The minimum size of the refuse enclosure shall be 8 feet x 15 feet for bins storage area. Where a refuse enclosure is proposed to be constructed adjacent to spaces for parking passenger vehicles, a 3’ wide by 6 “ high concrete planter shall be provided to separate the enclosure from the adjacent parking. The placement of the enclosure and design of the planter shall preclude the enclosure doors from opening into drive aisles or impacting against adjacent parked cars.

g. Retaining walls, block walls and all on-site fencing shall be designed and detailed on the on-site improvement Plan. This work shall be part of the on-site improvement permit issued by the Building Official. All masonry walls shall be constructed of decorative block with architectural features acceptable to the City Planner.

h. No construction on a site shall begin before a temporary/security fence is in place and approved by the Building Official or his designee. Temporary/security fencing may not be removed until approved by the Building Official or his designee. The owner or owner’s agent shall immediately remove the temporary/security fencing upon the approval of the Building Official or his designee. Sites that contain multiple buildings shall maintain the temporary/security fencing around the portion of the site and buildings under construction as determined by the Building Official or his designee. All temporary/security fencing for construction sites shall include screening, emergency identification and safety identification and shall be kept in neat and undamaged condition.

i. The on-site improvement plan shall include details of on-site lighting, including light location, type of poles and fixtures, foundation design with structural calculations, conduit location, material and size, and Photometric plot shall be provided which show that the proposed on-site lighting design will provide:
   - 1 foot-candle of illumination uniformly distributed over the surface of the parking lot during hours of operation, and
   - 0.25 foot-candles security lighting during all other hours.

j. The design of on-site improvements shall also comply with all requirements of The California Building Code, Title 24, relating to accessible parking and accessibility, including retrofitting of existing building access points for accessibility, if applicable.
k. An accessible path of travel shall be provided from the public way to the building entrance. All pathways shall be paved and shall provide a minimum clear width of 4 feet. Where parking overhangs the pathway, the minimum paved width shall be 6.5 feet. All accessible parking spaces shall be a minimum of 18 feet by 9 feet net.

l. The project Landscape Plan shall be reviewed and approved by the Land Development Division prior to issuance of a grading permit. Submit 3 copies to the Land Development Division for Checking.

m. Prior to occupancy of any building, the developer shall post a bond to guarantee the maintenance and survival of project landscaping for a period of one year.

n. The public right-of-way, between the property line and top of curb (also known as "parkway") along adjoining streets shall be landscaped by the developer and maintained in perpetuity by the property owner. Details of the parkway landscaping shall be included in the project’s on-site landscape plan.

o. All electrical transformers located outdoors on the site, shall be screened from view with a solid wall or landscaping and shall not be located in any setback/right-of-way area. If the transformer cannot be screened, it shall be located in an underground vault unless approved by the City Engineer pursuant to Section 19.30.110.

27. Utilities

a. Design and construct all public utilities to serve the site in accordance with City Code, City Standards and requirements of the serving utility, including gas, electric, telephone, water, sewer and cable TV (Cable TV optional for commercial, industrial, or institutional uses).

b. The project site shall be provided with separate water and sewer facilities so the City or the agency providing such services in the area can serve it.

c. Backflow preventers shall be installed for any building with the finished floor elevation below the rim elevation of the nearest upstream manhole.

d. This project is located in the sewer service area maintained by the City of San Bernardino Municipal Water Department. Therefore, any necessary sewer main extension shall be designed and constructed in accordance to the requirements of SBMWD.

e. On-site Utility services shall be placed underground and easements provided as required.

f. Existing On-site Utilities which interfere with new construction shall be relocated at the Developer's expense as directed by the City Engineer.

28. Required Engineering Plans

a. A complete submittal for plan checking shall consist of:
   - street improvement plans (may include street lights or street lighting may be separate plan),
• sewer plans (Private sewers may be shown on on-site improvement plan; public sewers must be on a separate plan with profile submitted to SBMWD),
• storm drain plans (Private storm drains may be shown on on-site improvement plans; public storm drains must be on a separate plan with profile),
• signing and striping plan (may be on sheets included in street improvement plan),
• lighting (on-site lighting may be included in on-site improvement plan or may be on a separate stand-alone plan),
• grading (may be incorporated with on-site improvement plan),
• on-site improvement plans and on-site landscaping and irrigation,
• water plans (shall be submitted to San Bernardino Municipal Water Department),
• All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)

b. All off-site improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block satisfactory to the City Engineer or his designee shall be provided.

c. After completion of plan checking, final mylar drawings, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer and/or Building Official for approval.

d. Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org

29. Required Engineering Permits

a. Grading permit.

b. On-site improvements construction permit (except buildings - see Development Services-Building Division), including landscaping.

c. Off-site improvement construction permit.

30. Applicable Engineering Fees

a. All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.

b. The current fee schedule is available at the Public Works Counter and at http://www.sbcity.org
Public Works – Engineering Division

31. Street Improvement and Dedications

a) For the streets listed below, dedication of adequate street right-of-way (R.W.) per the General Plan and Municipal Code shall provide the distance from street centerline to property line and placement of the curb line (C.L.) in relation to the street centerline shall be as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Right of Way(ft.)</th>
<th>Curb Line(ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From Centerline</td>
<td>From Centerline</td>
</tr>
<tr>
<td>Brier Drive</td>
<td>52’ Existing</td>
<td>45’± Existing</td>
</tr>
<tr>
<td>(281-351-18)</td>
<td>No Dedication</td>
<td>None-Proposed</td>
</tr>
<tr>
<td></td>
<td>“Major/Secondary</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arterial”</td>
<td></td>
</tr>
</tbody>
</table>

b) Brier Drive: * - **

i) The street is in fair condition and no ac improvements are needed at this time.

ii) The existing curb & gutter fronting the site are in fair condition replace the curb & gutter Panels that are cracked or damaged per city standards.

iii) Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible by-pass around the top of the drive approach.

iv) When Replacing/Reconstructing Curb and Gutter panels, Construct 8” Curb and Gutter per City Standard No. 200, type “B”.

v) Construct Sidewalk per City Standard No. 202; Case "A" (6’ wide adjacent to curb).

vi) Median Landscaping and Irrigation shall be improved to the City Standards.

vii) Existing Street Light Head shall be replaced to LED in accordance with City Standard Nos. SL-1, SL-2, and SL-3. Also, a separate light plan may be submitted in accordance with the City of San Bernardino Street Lighting Design Policies as directed by the City Engineer.

viii) Install a city approved trash screen and filtration device in the catch basins.

ix) Install 2-3” Conduit 36” under the sidewalk with pull rope and pull boxes for future Traffic connections.

x) Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association —
Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

* These Conditions are set for an estimated construction with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.

**If a Scoping Form is required, this form shall indicated the need of a Traffic Report, the results of the traffic report shall become conditions of this project which may increase or extend the above requirements in section 1(b) and 5(a).

c) With Submittal of improvement plans including but not limited to grading plans, Street improvement plans, storm drain and retention/detention basin plans, and erosion/sediment control plans, The Applicant shall cause to be formed, or shall be annexed into an existing, Community Facilities District(s) (CFD) for landscaping, lighting, streets, drainage facilities, street sweeping, graffiti removal, or other infrastructure as required by the City to the satisfaction of the City Engineer. The Applicant shall initiate the maintenance and benefit assessment district(s) formation, or annexation, by submitting a landowner petition and consent form (provided by the City) and deposited necessary fees concurrent with the application for street and grading plan review and approval; and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of the subdivision of land, or prior issuance of any certificate of occupancy where there is no subdivision of land, and as approved by the City Engineer.

d) If a drainage report is required by Land Development, A second copy of the drainage report will be delivered to public works, if offsite or overflow storm drain systems are identified, all systems shall be identified on the street improvement plans, and public storm drain shall be on a separate set of plans.

e) City approved trash screens and filtration devices shall be installed in all catch basins or manhole connections.

f) A temporary construction encroachment permit from Public Works Department shall be required for utility cuts into existing streets or any work within City’s right-of-way. Pavement restoration or trench repair shall be in conformance with City Standard No. 310. Public facilities shall be restored or constructed back to Public Works Department satisfaction.

g) Any pavement works affecting the traffic loop detectors shall be coordinated and subjected to Public Works Traffic Division requirements.

h) The applicant must post a performance bond prior to issuance of the off-site permit. The amount of the bond is to be determined by Public Works Department.

i) The above conditions shall comply with current codes, policies, and standards at time of construction.

j) Prior to Certificate of Occupancy or Completion of Project all As-builts shall be submitted to Public Works.
32. Required Engineering Plans

a. A complete submittal for plan checking shall consist of:
   - street improvement plans (include engineering conditions and cross sections in these plans),
   - if storm drain plans are required then public storm drains must be on a separate plan with profile, private storm drains may be shown on on-site and off-site improvement plans,
   - traffic signal plans must be submitted on a separate plan (if required by conditions or traffic reports),
   - signing and striping plan (may be on sheets included in street improvement plan, verification and approval prior to submission),
   - lighting for offsite plans (may be on sheets included in street improvement plan, verification and approval prior to submission),
   - CFD Plans are required, they shall include Landscaping, Irrigation, Basins, etc. that are included in the CFD that are not listed in the plans above.
   - other plans as required. Piecemeal submittal of various types of plans for the same project will not be allowed.
   - All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)
   - Each discipline shall have its own title sheet unless packaged as a set.

b. All off-site improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block (city standard block) satisfactory to the City Engineer or his designee can be found on the City Web Site http://www.sbcity.org or http://www.ci.san-bernardino.ca.us/cityhall/publicworks/engineering_division/engineering_development_resources/default.asp. Engineering conditions of the project shall be inserted in the last pages of the plans.

c. After completion of plan checking, final mylar drawings with city standard block, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer for approval.

d. Electronic files of all improvement plans/drawings shall be submitted to the City Engineer. The files shall be compatible with AutoCAD 2015, and include a .dxf file of the project. Files shall be on CD and shall be submitted at the same time the final mylar drawings are submitted for approval.

e. Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org or http://www.ci.san-bernardino.ca.us/cityhall/publicworks/engineering_division/design_policy_and_procedure_documents.asp
33. **Required Engineering Permits**
   
   a. Off-site improvement construction permits.
   
   b. Traffic Control and ROW Permits.

34. **Applicable Engineering Fees**

   a. All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.


35. **Traffic Requirements**

   a. All Traffic mitigation measures shall be implemented according to the recommendations of the City Traffic Engineer prior to Street Improvement plan approval.

**Building and Safety Division**

36. Please remember this is a formal submittal to the Building Division and shall include all required documents which includes a Soil Reports when plans are submitted.

37. Please address the requirements of the California Green Code 2016 for all debris. Please check the VOC forms per code.

38. Please check Chapter 3 pf the California Building Code for Occupancy Requirements and Chapter 4 for the Special Use Requirements.

39. As a reminder the Building Department submittal is separate from the Fire Department. Please show location of all existing hydrants.

40. Refer to Chapter 11B of the California Building Code 2016 for ADA Requirements.

41. Please remember you will be submitting under the new Building Codes which started January 1, 2017.

42. Sections 105 Permits, please refer to this section for all required permits of the California Building Code 2016.
County of San Bernardino Consolidated Fire District

43. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.

44. 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.

45. Solar/Photovoltaic System Plans. Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.

46. 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.

47. Fire Hydrant Replacement. Replacement of substandard fire hydrant(s) is required along with the required fire flow. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one four (4) inch outlet. In areas that are subject to freezing the fire hydrant shall be a Dry Barrel type and approved by the local water company. In lieu of these water improvements, fire staff may approve a residential fire sprinkler system for single family dwellings. Fire hydrants shall be installed in accordance to Fire Department.

48. Building plans shall be submitted to the Fire Department for review and approval.

49. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

50. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

51. 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.

52. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit
detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

53. Commercial and industrial developments of 100,000 sq. ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrance.

54. A Class I standpipe system is required. A Fire Department approved fire sprinkler contractor shall submit hydraulic calculations and detailed plans to the Fire Department for review and approval, showing type of storage and use with the applicable protection system. Commercial and industrial buildings in excess of two hundred thousand (200,000) square feet with an interior area less than four hundred (400) feet in width, shall be equipped with a Class I standpipe system, located at every other access door with a maximum of three hundred (300) feet spacing. Buildings with an interior area greater than four hundred (400) feet in width shall be equipped with a Class I standpipe system located at every access door maximum of one hundred (100) foot spacing. Standpipe connections shall be configured to reach any portion of interior space within two hundred (200) feet in any direction of travel. This system shall be calculated to provide two hundred and fifty (250) gpm @ 100 psi per hose outlet from an adjacent fire sprinkler riser with two hand lines flowing. The two most hydraulically remote outlets are to be included in the design for a total flow of 500 gpm minimum per system. A Fire Department approved fire sprinkler contractor shall submit hydraulic calculations and detailed plans, showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

55. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.

56. Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for “fire final”.

57. Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS. This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.

58. Standard F-5 DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS. This standard applies to all new installations and modifications of existing fire alarm systems, within new construction as well as building additions and tenant improvements within existing buildings. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 72 or the California Fire Code.
59. Standard F-4 POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS. This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R, and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and its interpretation shall take NOT precedent where there is any conflict with NFPA standards.

60. Standard F-1 FIRE SPRINKLER SYSTEMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS. This standard, in conjunction with the latest edition of NFPA 13, shall apply to the design and installation of, and the modification to, all fire sprinkler systems in commercial and industrial occupancies. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 13 or the California Fire Code.

61. Standard B-2 CONSTRUCTION SITE FIRE SAFETY. This standard establishes minimum requirements for fire safety during construction and demolition. This document shall not be construed to be in lieu of any other applicable State or Federal law or regulation related to construction site safety. The general contractor or other designee of the building owner shall be responsible for compliance with these standards.

62. Standard A-3 GATES AND OTHER OBSTRUCTIONS TO FIRE DEPARTMENT ACCESS. This standard shall apply to all obstructions, access control devices, traffic calming devices, or other similar systems within any roadways that serve as fire access in all new or existing residential, commercial, and industrial development. This standard does not apply to obstructions within parking aisles that do not serve as fire apparatus access roads.

63. Standard A-2 FIRE APPARATUS ACCESS ROAD DESIGNATION AND MARKING. This standard applies to the marking of all Fire Department access roadways for new construction and development. Existing roadways identified as fire access roadways or otherwise required for emergency access shall also be marked per this standard.

64. The County General Plan designates this property as being within the Fire Safety Review Area and all future construction shall adhere to all applicable standards and requirements of the overlay district.

65. 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.

66. 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.
SECTION 5. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2020-003:

   a. Finding that the approval of Conditional Use Permit 19-20 and Minor Exception 19-02 is exempt from CEQA review pursuant to Section 15332 of the CEQA Guidelines and directing the Planning Commission Secretary to prepare and file with the Clerk of the Board of the County of San Bernardino a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and

   b. Approving Conditional Use Permit 19-20 and Minor Exception 19-02 based on the Findings of Fact and subject to the recommended Conditions of Approval.

SECTION 6. SEVERABILITY:

If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

PASSED, APPROVED AND ADOPTED this 14th day of January 2020.

__________________________
Elizabeth Sanchez, Chairperson
San Bernardino Planning Commission

ATTEST:

__________________________
Oliver Mujica, Planning Commission Secretary
City of San Bernardino, California
CERTIFICATION:

I, Stephanie Sanchez, Recording Secretary of the Planning Commission of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2020, was duly adopted by the Planning Commission of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of January 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Sanchez, Recording Secretary
City of San Bernardino, California
EXHIBIT “A”
APPROVED PLANS
<table>
<thead>
<tr>
<th>Lighting Design:</th>
<th>MEP:</th>
<th>Structural Engineer:</th>
<th>Landscape Architect:</th>
<th>Civil Engineer:</th>
<th>Architect:</th>
<th>Owner:</th>
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<td>Andrew C. Woodard</td>
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<td></td>
<td>Irvine, CA 92618</td>
<td>Temecula, CA 92592</td>
<td>951-302-5444</td>
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<td></td>
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<td>Sharad Patel</td>
<td></td>
<td><a href="mailto:robert.tuttle@rtarch.com">robert.tuttle@rtarch.com</a></td>
<td>Sharad Kadakia</td>
<td>949 829-4901</td>
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<td></td>
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<td>949 943-0808 x301</td>
<td><a href="mailto:andrew@bwcon.com">andrew@bwcon.com</a></td>
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<td><a href="mailto:robert.tuttle@rtarch.com">robert.tuttle@rtarch.com</a></td>
<td>949 829-4901</td>
<td><a href="mailto:sharad.kadakia@greens.com">sharad.kadakia@greens.com</a></td>
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</table>

San Bernardino Home 2  
November 14, 2019  
Robert F. Tuttle Architects, Inc.  
Brier Drive, San Bernardino, CA  
APN: 0381-351-18  
Cover Page
Signage to be under a separate permit and shall comply with Section 15.22.150 (B)(2) of the City of San Bernardino Development Code.

Any hazardous material and storage shall happen offsite.
PRELIMINARY LANDSCAPE PLANS PREPARED FOR:

HOME 2 SUITES - SAN BERNARDINO
EAST BRIER AND SOUTH GIFFORD AVE
APN: 02891-351-18

PREPARED FOR:
GREENS GROUP
14322 OLIVER DR, 4E
IRVINE, CALIFORNIA 92604

GENERAL STANDARD NOTES
1. The developer shall telephone the City of San Bernardino, Calif. at least 24 hours prior to starting construction.
2. All landscaping and irrigation work shall conform to these plans.
3. All trees within 5' of hardscape shall be planted in deep root containers/barriers.
4. The development will not be released by the Grading Section for use and occupancy until the planting on slopes has grown sufficiently to establish erosion control.
5. Water conservation measures are required on all developments approved in Orange County.

DIG ALERT
SECTION 4216/4217 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE ISSUED. FOR YOUR DIG ALERT IDENTIFICATION CALL UNDERGROUND SERVICE ALERT TOLL FREE 1-800-422-4133 (TWO WORKING DAYS BEFORE YOU DIG)

SOTS TEST INFORMATION
INFLUATION RATE 1/2 IN/HR
ALL EMERG & IMPREG
GRADES

SHEET INDEX
L-1 TITLE SHEET
L-2 CONSTRUCTION/PLANTING PLAN
L-3 12V LIGHTING PLAN
L-5 OMIT
L-6 DRIP IRRIGATION DETAILS AND SPECIFICATIONS
L-6 SPECIFICATIONS

PROJECT TEAM

GROWING GROUP
14322 OLIVER DR, 4E
IRVINE, CA 92604
PHONE: 949-383-6500
EMAIL: info@growingsg.com

Andre, ANNE
650-650-6506

Nancy, NANCY
550-550-5505

Jim, JIM
440-440-4404

Randy, RANDY
330-330-3303

This page is subject to all CA Landmark requirements.
ATTACHMENT B
JUSTIFICATION LETTER
Justification Letter: San Bernardino Home 2 Suites

The project referred to as San Bernardino Home 2 Suites is designed to be a four-story wood frame business hotel. The project is subject to CR-3 zoning which is conditionally permitted for hotel. The subject project does not comply with the rear setback of a minimum of 10', instead we are requesting a 4' setback in the rear.

The proposed hotel project at 837 E. Brier Drive is surrounded by existing development. The rear or southerly property line is adjacent to an existing parking lot for office buildings fronting on Hospitality Lane. The existing parking lot was built with 10-foot landscape setback to this project’s southerly property line. Our proposed parking is situated at a 90-degree angle to this property line and we are providing an additional 4 feet of landscaping, which will make the landscape divider 14 feet wide between both properties. Reducing the required rear setback will allow for additional landscaping area along the frontage of the project. This would allow to adequately size our WQMP and BMPs.

Parking is deficient by 11 stalls. The proposed parking stalls are parked 1:1 and is believed to be more than efficient due to the nature of the hotel business and how guests arrive to the property. The proposed hotel is not anticipated to be at 100% occupancy year-round. Guests also typically arrive in one car and book more than one room. There is also an increase in ride share technology that gives guests the option to hail a ride from these ride hailing apps to arrive to the hotel.

The development is in conformance to the California Environmental Quality Act and Section 19.20.030 (6) of the development code to the best of our knowledge. And there is no evidence of potentially significant negative impact upon environmental quality and natural resource that could not be properly mitigated and monitored.

The location size, design and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area a will not create significant noise, traffic or other conditions that could prove extremital to other permitted uses and welfare to the city.

The subject property is physically suitable in terms of density for the use being proposed and will have access to water, sanitation, and public utilities and services which would prove not detrimental to public health and safety.

There is over 1000 rooms within the area of San Bernardino City with prices ranging from $55 to $200. The proposed development will come into the market striving to be one of the market leaders in price. With oligopolistic competition within the hotel industry, the proposed hotel is poised to compete on customer experience rather than price. Room price is dependent on the market.

The proposed hotel will be in operation 24/hrs and could employ upwards to 20 employees, but is dependent on market demand of the hotel.
ATTACHMENT D
LOCATION/ZONING MAP
ATTACHMENT E
ENVIRONMENTAL DETERMINATION: CEQA EXEMPTION
Home 2 Suites Project
CEQA Exemption

Conditional Use Permit 19-20 and Minor Exception 19-02

December 15, 2019

Lead Agency:
City of San Bernardino
201 North E Street
San Bernardino, CA 92401
Oliver Mujica, Planning Division Manager
(909) 384-7272, x3332
Home 2 Suites Project

CEQA Review

Introduction

Pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of San Bernardino, in its capacity as the lead agency, determines that a proposed action or project is exempt from the environmental review requirements of CEQA. According to the CEQA Guidelines, a NOE must contain the following:

✓ A brief description of the proposed action or project;
✓ A finding that the proposed action or project is exempt, including a citation to the State CEQA Guidelines section or statute under which the project is found to be exempt; and,
✓ A brief statement in support of the finding.

This NOE provides a description of the proposed Home 2 Suites Project (the “Project”), indicates the applicable sections of CEQA that support the findings for a CEQA exemption, and discusses the City of San Bernardino’s findings that are applicable to the proposed Project.

Background & Project Description

Project Title
Home 2 Suites Project

Lead Agency Name and Address
City of San Bernardino
Community and Economic Development Department – Planning Division
201 North E Street
San Bernardino, CA 92401

Project Manager and Phone Number
Oliver Mujica, Planning Division Manager
Phone: 909/384-7272, x 3332
mujica_ol@sbcity.org

Project Applicant’s/Sponsor’s Name and Address
Greens Inv 13, LLC
9289 Research Drive
Irvine, CA 92618
Brief Project Description

The proposed Project is located on an undeveloped parcel containing approximately 1.88 acres on the south side of E. Brier Drive, at the intersection of S. Gifford Avenue.

The applicant is requesting the approval of Conditional Use Permit 19-20 and Minor Exception 19-02 to allow the development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms and to allow a nine (9) percent reduction of the number of required off-street parking spaces from 124 to 113 off-street parking spaces on a parcel containing approximately 1.88 acres.
The subject site is located within the Commercial Regional (CR-3) zone and Transit District (TD) Overlay which is intended to permit a diversity of regional-serving uses. Hotels are permitted within the CR-3 zone subject to the approval of a Conditional Use Permit.

Environmental Setting

Project Location

South side of E. Brier Drive, at the intersection of S. Gifford Avenue

(APN: 0281-351-18)

Project/Surrounding Setting

Table 1 below provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE</th>
<th>ZONE</th>
<th>GENERAL PLAN DESIGNATION</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>Vacant</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
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<td>North</td>
<td>San Bernardino School District Administrative Offices</td>
<td>Commercial Regional (CR-3)</td>
<td>Commercial</td>
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<tr>
<td>South</td>
<td>Commercial Office Building</td>
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<td>West</td>
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<td>East</td>
<td>California Highway Patrol</td>
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</table>

Table 2 below provides a site design analysis that illustrates the consistency of the project with the Development Code.

<table>
<thead>
<tr>
<th></th>
<th>PROPOSAL</th>
<th>DEVELOPMENT CODE</th>
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<tr>
<td>Land Use</td>
<td>Hotel</td>
<td>Permitted Subject to the Approval of CUP</td>
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<tr>
<td>Lot Size</td>
<td>1.88 Acres (81,893 Square Feet)</td>
<td>10,000 Square Feet Minimum</td>
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<tr>
<td>Height</td>
<td>50.00 Feet</td>
<td>4-Stories (52 Feet) Maximum</td>
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<tr>
<td>Setbacks</td>
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</tr>
<tr>
<td>- Front</td>
<td>23 Feet, 7 Inches</td>
<td>15 Feet Minimum</td>
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<td>- E. Side</td>
<td>81 Feet, 4 Inches</td>
<td>10 Feet Minimum</td>
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<tr>
<td>- W. Side</td>
<td>56 Feet, 6 Inches</td>
<td>10 Feet Minimum</td>
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<tr>
<td>- Rear</td>
<td>73 Feet</td>
<td>10 Feet Minimum</td>
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<tr>
<td>Parking</td>
<td>113 Parking Spaces</td>
<td>124 Parking Spaces</td>
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<tr>
<td></td>
<td>5 Handicap Parking Spaces</td>
<td>5 Handicap Parking Spaces</td>
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<tr>
<td>Lot Coverage</td>
<td>21.1%</td>
<td>75% Maximum</td>
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General Plan Designation
Current: Commercial
Proposed: Commercial

Zoning Designation
Current: Commercial Regional (CR-3) and Transit District (TD) Overlay
Proposed: Commercial Regional (CR-3) and Transit District (TD) Overlay

Project Approvals
Conditional Use Permit 19-20
Minor Exception 19-02

Applicable CEQA Exemption

Class 32 Exemption (In-fill Development Projects)
The Community and Economic Development Department - Planning Division of the City of San Bernardino conducted an environmental evaluation in connection with proposed Conditional Use Permit 19-20 and Minor Exception 19-02 and concluded that the proposed Project is exempt under Section 15332 (In-Fill Development Projects) of the CEQA Guidelines. Section 15332 covers projects consisting of small projects on less than five (5) acres. The Planning Division staff has analyzed proposed Project and has determined that it is Categorically Exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines due to the fact that:

1) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

2) The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses;

3) The project site has no value as habitat for endangered, rare or threatened species;

4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

5) The site can be adequately served by all required utilities and public services.

The proposed Project as a commercial development meets all general plan and zoning regulation, is located on approximately 1.88 acres, is not identified as an area that would be suitable habitat for sensitive species, will not result in significant impacts relating to traffic, noise, air quality, or water quality, and can be served by all required utilities and public services.

Findings Supporting the Applicable CEQA Exemption
The City of San Bernardino determined, following a preliminary evaluation of the 76/Snappy Mart Project, that the proposed Project would not result in any significant effects on the environment. This determination is based on the following:
Section 15332 (a) requires that projects are consistent with the applicable general plan designation and all applicable general plan policies, as well as with the applicable zoning designation and regulations. Conditional Use Permit 19-20 and Minor Exception 19-02 to allow the development, establishment and operation of a four (4) story hotel comprised of 113 guest rooms and to allow a nine (9) percent reduction of the number of required off-street parking spaces from 124 to 113 off-street parking spaces on a parcel containing approximately 1.88 acres. The project also proposes the construction of a parking lot, landscaping, trash enclosure, adequate Fire Department access, and ADA accessibility requirements, along with the construction of the required on-site and off-site improvements. The Commercial land use designation and Commercial Regional (CR-3) zoning classification is intended to permit a diversity of regional-serving uses. Hotels are permitted within the CR-3 zone subject to the approval of a Conditional Use Permit. This Land Use designation and Zoning classification allow for the establishment of hotel uses. The proposed project has met all of the standard requirements established by the Commercial Regional (CR-3) zone and Chapter 19.20 (Property Development Standards) of the City of San Bernardino Development Code. Therefore, the project is consistent with the applicable general plan designation and applicable policies, and the zoning designation and regulations.

Section 15332 (b) requires that the proposed development occurs within the city limits on a project site of no more than five (5) acres substantially surrounded by urban uses. The project site contains approximately 1.88 acres, completely surrounded by properties for commercial uses. Therefore, the proposed project satisfies the requirements of Section 15332 (b).

Section 15332 (c) requires that the project site has no value as habitat for endangered, rare or threatened species. The project is not located in an area that has been determined to be suitable habitat for sensitive species in the city’s general plan or in and is located in a highly urbanized area within the city. There are no existing mature trees or vegetation that would be suitable habitat for any sensitive or protected species that would need to be removed for the proposed project.

Section 15332 (d) requires that the project would not result in any significant effects relating to traffic, noise, air quality or water quality.

Traffic
The City of San Bernardino Public Works Department adopted Traffic Impact Study Guidelines in 2015. The Guidelines include thresholds for the requirement of a Traffic Impact Analysis as part of the project review process, based on the following criteria:

1) Any project with initial traffic generation estimates showing that the project is likely to add 500 or more daily two-way trips, and/or is likely to add 50 or more AM or PM peak period two-way trips to the existing circulation system, without consideration of pass-by trip reductions. Phased projects must be evaluated as a whole assuming full build-out conditions for purposes of determining the need for a traffic study.

2) Any project that is located in the vicinity (within a 1 ½ mile radius from the project site) of any key intersections that currently operate at a level of service (LOS) D or worse and project traffic is likely to significantly worsen this condition.
3) Any project that generates more than 40 percent of its total traffic in the form of truck traffic using passenger car equivalents (PCE).

4) Any project that intensifies usage, density, or traffic generation of the site above the level currently allowed by zoning codes, requiring a Conditional Use Permit, General Plan Amendment, or other discretionary permit.

Project Related Traffic Impacts
Based upon the Scope of Study Form, dated October 28, 2019, prepared and submitted by Trames Solutions on behalf of the applicant, the City's Traffic Engineering Division has determined that a traffic analysis is not required due to the room occupancy rate of eighty (80%) percent. Based on an occupancy rate of eighty (80%) percent, the proposed hotel will generate forty-seven (47) vehicle trips during the morning peak hours and forty-seven (47) vehicle trips the afternoon peak hours. The total number of vehicle trips generated will be below the thresholds of 50 a.m. vehicle trips (7:00 a.m. to 9:00 a.m.) and 50 p.m. vehicle trips (4:00 p.m. to 6:00 p.m.).

Noise
The City of San Bernardino General Plan Figure N-1, Land Use Compatibility for Community Noise Exposure presents a land use compatibility chart for community noise prepared by the California Office of Noise Control. Figure N-1 identifies acceptable exterior noise levels for hotels up to 70 CNEL (Community Noise Equivalent Level). The project site is located on E. Brier Road which is identified in the Circulation Element of the General Plan as a secondary arterial that does not anticipate the production of noise levels above 70 CNEL.

Air Quality
Air quality is significantly impacted by traffic as well as land uses that produce criteria pollutant air emissions. In this case, the proposed project will not result in additional traffic impacts beyond what has been forecasted by the City’s General Plan. Hotel uses are not associated with substantial emissions of criteria air pollutants. Therefore, the activities associated with the proposed Project will not significantly impact air quality.

Water Quality
The City of San Bernardino Municipal Water Department has reviewed the project and determined that the existing services for water and sewer capacity are sufficient to meet the needs of the proposed Project. The project would not violate water quality standards for water discharge requirements and will follow state National Pollutant Discharge Elimination Systems (NPDES) and County Best Management Practices (BMPs) for construction activities.

Section 15332 (e) of the CEQA guidelines requires that the site can be served by all utilities and public services. The subject site for the proposed is already served by a full range of utilities.
Home 2 Suites Project
City of San Bernardino

Reviewed and Approved By:

[Signature]

Oliver Mujica
Planning Division Manager
Date: January 14, 2020

To: Honorable Chairman and Planning Commissioners

From: Michael Huntley, Community and Economic Development Director By: Oliver Mujica, Planning Division Manager Michael Rosales, Assistant Planner

Subject: Extension of Time 19-12 for Tentative Tract Map 16794

Owner/Applicant
Oxbow SB 44, LLC
2855 Pacific Coast Highway, Suite 227
Corona Del Mar, CA 92625

Request
A request to allow a one (1) year extension of time for Subdivision 06-31 (Tentative Tract Map 16794) involving the subdivision of a project site comprised of three (3) parcels containing a total of approximately 18.45 acres into forty-four (44) individual parcels. The project site is located on the west side of N. Palm Avenue, approximately 200 feet north of Verdemont Drive. Under this application, this is the fourth (4th) extension of time being requested (Attachment A, Exhibit A and Attachment B).

APN: 0261-011-08, 13 and 14
ZONE: Residential Low (RL)

Recommendation
The subdivision design is consistent with the polices of the City's General Plan, complies with the standards of the City's Development Code, is compatible with the surrounding residential neighborhoods, and will help the City meet its State mandated housing requirements. Therefore, the Planning Division of the Community Development Department recommends that the Planning Commission take the following action:

1) Adopt Resolution No. 2020-004 of the Planning Commission of the City of San Bernardino, California, approving Extension of Time 19-12 allowing a one (1) year extension of time for Subdivision 06-31 (Tentative Tract Map 16794) involving the subdivision of approximately 18.45 acres into forty-three (43) single family residential lots and one (1) debris basin located on the west side of N. Palm Avenue north of Verdemont Drive (APN: 0261-011-08, 13 and 14) within the Residential Low (RL) zone; and finding that the project is Categorically Exempt under the California Environmental Quality Act (Attachment A).
Background
November 19, 2019: Application for Extension of Time 19-12 was submitted.
December 20, 2019: Notices were mailed to the property owners and residents within five-hundred (500) feet of the exterior boundaries of the subject property, providing the nature of the request, location of the property, the date, time, and place of the Planning Commission meeting of January 14, 2020 for Extension of Time 19-12.
December 24, 2019: Legal Advertisement was published in the San Bernardino Sun Newspaper.
December 21, 2009: Subdivision 06-31 (Tentative Tract Map 16794) was approved by Mayor and Common Council with an expiration date of December 21, 2011.
July 15, 2009: Assembly Bill 333 automatically granted a 24 month extension, extending the expiration date to December 21, 2012.
July 13, 2011: Assembly Bill 208 automatically granted a 24 month extension, extending the expiration date to December 21, 2014.
July 11, 2013: Assembly Bill 116 automatically granted a 24 month extension, extending the expiration date to December 21, 2016.
February 20, 2018: The Planning Commission approved Extension of Time 17-08 extending the expiration date to December 21, 2018.
January 8, 2019: The Planning Commission approved Extension of Time 18-08 extending the expiration date to December 21, 2019.

Project Description
To the north of the project site is vacant land within the Residential Low (RL) zone. To the south of the project site is North Verdemont Elementary School within the Public Facilities (PF) zone. To the west and east is a mixture of vacant land and single family dwellings within the Residential Low (RL) zone and Residential Estate (RE) zone (Attachments C and D).

Table 1 below provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>EXISTING LAND USE</th>
<th>ZONING</th>
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<tr>
<td>Site</td>
<td>Vacant</td>
<td>Residential Low (RL)</td>
<td>Residential</td>
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<tr>
<td>North</td>
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<td>Residential</td>
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<tr>
<td>South</td>
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<td>Residential</td>
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<tr>
<td>East</td>
<td>Single Family Dwellings</td>
<td>Residential Low (RL)</td>
<td>Residential</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>Residential Low (RL)</td>
<td>Residential</td>
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</table>
Pursuant to §66452.6(e) of the California Subdivision Map Act and the requirements of §19.66.170 of the City of San Bernardino Development Code, the applicant is requesting a one (1) year time extension for Subdivision 06-31 (Tentative Tract Map 16794) to extend the expiration from December 21, 2019 to December 21, 2020.

Pursuant to the California Subdivision Map Act and the City of San Bernardino Development Code, the expiration date of a Tentative Tract Map approval may be extended by the Planning Commission for a period not to exceed a total of three (3) years. However, due to down turning economic conditions through the course of the past years, California Legislature has adopted legislation amending the California Subdivision Map Act that provides for additional extensions for approved Tentative Tract Maps beyond what is typically allowed by municipalities. As an example, §19.66.170(4) (Extensions) of the City of San Bernardino Development Code states that the expiration date of a Tentative Tract Map approval may be extended by the Planning Commission for a period not to exceed a total of three (3) years. However, the California Subdivision Map Act, as amended by California Legislature, supersedes the City of San Bernardino Development Code and states that the expiration date of a Tentative Tract Map may be extended for a period not to exceed a total of six (6) years. Under this application, the fourth (4th) extension of time is being requested.

**General Plan Goals and Policies**

The City of San Bernardino General Plan includes goals and policies to guide future development within the City, including the following:

- Enhance the aesthetic quality of land uses and structures in San Bernardino.
- Enhance the quality of life and economic vitality in San Bernardino by strategic infill of new development and revitalization of existing development.
- Control development and the use of land to minimize adverse impacts.

With respect to Extension of Time 18-08 for Subdivision 06-31 (Tentative Tract Map 16794), the applicant will be revitalizing the subject site in a manner that will enhance the physical and visual qualities of the subject site thereby enhancing the aesthetics of the surrounding neighborhood. Additionally, through Tentative Tract Map 16794, the existing property will be transformed from a vacant site into a development that meets the City's housing needs, while satisfying the Development Code requirements and will be adequately regulated through the Conditions of Approval in order to minimize potential impacts.

**California Environmental Quality Act (CEQA)**

The environmental impacts of this project were previously analyzed and a Mitigated Negative Declaration was adopted on December 21, 2009 in conjunction with the approval of Subdivision 06-31 (Tentative Tract Map 16794). This application for Extension of Time 19-12 introduces no new significant impacts and all mitigation measures previously adopted with the Mitigated Negative Declaration, are incorporated herein by this reference.
**Mayor and City Council 2018-2019 Goals and Objectives**

The previously approved subdivision aligns with Goal No. 4: Ensure Development of a Well-Planned, Balanced, and Sustainable City (b) Support a wide range of housing types and levels of affordability: as the previously approved forty-three (43) single family residential subdivision with debris basin will help the City meet its State mandated housing requirements, will be consistent with the surrounding single-family residential land uses, and provides for a market rate housing stock.

**Conclusion**

The subdivision creating 43 single family residential lots and 1 debris basin is consistent with the polices of the City’s General Plan, complies with the standards of the City’s Development Code, is compatible with the surrounding residential neighborhoods, meets the City’s Goals and Objectives, and will help the City meet its State mandated housing requirements. Therefore, staff recommends that the Planning Commission adopt Resolution No. 2020-004 approving Extension of Time 19-12 for Subdivision 06-31 (Tentative Tract Map 16794), and finding that the project is Categorically Exempt from the California Environmental Quality Act.

**Attachments**

<table>
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ATTACHMENT A
RESOLUTION 2020-004
RESOLUTION NO. 2020-004-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BERNARDINO, CALIFORNIA, APPROVING EXTENSION OF TIME 19-12 ALLOWING A ONE (1) YEAR EXTENSION OF TIME FOR SUBDIVISION 06-31 FOR TENTATIVE TRACT MAP 16794 INVOLVING THE SUBDIVISION OF APPROXIMATELY 18.45 ACRES INTO FORTY-THREE (43) SINGLE FAMILY RESIDENTIAL LOTS AND ONE (1) DEBRIS BASIN LOCATED ON THE WEST SIDE OF N. PALM AVENUE AND NORTH OF VERDEMONT DRIVE (APN: 0261-011-08, 13 AND 14) WITHIN THE RESIDENTIAL LOW (RL) ZONE; AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on November 19, 2019, pursuant to the requirements of Section 19.66.170 of the City of San Bernardino Development Code, an application for an Extension of Time 19-12, was duly submitted by:

Property Owner/
Applicant: Oxbow SB 44, LLC
2855 Pacific Coast Hwy., Ste. 227
Corona Del Mar, CA 92625

Parcel Address: West Side of Palm Avenue, North of Verdemont Drive
APN: 0261-011-08 13 and 14
Lot Area: 18.45 acres

WHEREAS, Extension of Time 19-12 is a request to allow a one (1) year extension of time for Subdivision 06-31 for Tentative Tract Map 16794 involving the subdivision of a project site comprised of three (3) parcels containing a total of approximately 18.45 acres into forty-four (44) individual parcels (forty-three (43) single family residential lots and one (1) debris basin lot);

WHEREAS, the Planning Division of the Community and Economic Development Department has reviewed Extension of Time 19-12 for Tentative Tract Map 16794 for consistency with the City of San Bernardino General Plan and compliance with the City of San Bernardino Development Code;

WHEREAS, on December 21, 2009, Subdivision 06-31 for Tentative Tract Map 16794 was approved by the Mayor and Common Council with an expiration date of December 21, 2011;

WHEREAS, the previous extensions for Subdivision 06-31 for Tentative Tract Map 16794 have been as follows: Assembly Bill 333 granted a 24 month extension, extending the expiration date to December 21, 2012, Assembly Bill 208 granted a 24 month extension, extending the expiration date to December 21, 2014; Assembly Bill 116 granted a 24 month extension, extending the expiration date to December 21, 2016; Extension of Time 16-09 was granted with an expiration date of December 21, 2017; Extension of Time 17-08 was granted
with an expiration date of December 21, 2018, and Extension of Time 18-08 was granted with an expiration date of December 21, 2019;

WHEREAS, Extension of Time 19-12 is the fourth extension requested, and will extend Subdivision 06-31 for Tentative Tract Map 16794 until December 21, 2020;

WHEREAS, on December 21, 2009, a Mitigated Negative Declaration was adopted with the approval of Subdivision 06-31 for Tentative Tract Map 16794. No further changes to the environmental conditions of the subject site or the proposed subdivision have occurred. Therefore, the previous environmental determination adopted for Subdivision 06-31 for Tentative Tract Map 16794 remains valid, pursuant to §15162 (Previous Environmental Determination) of the California Environmental Quality Act);

WHEREAS, on December 24, 2019, pursuant to the requirements of Section 19.52.020 of the City of San Bernardino Development Code, the City gave public notice by advertising in The San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino, and by mailing notices to the property owners within 500 feet of the subject property of the holding of a public hearing at which Extension of Time 19-12 for Subdivision 06-31 (Tentative Tract Map 16794) would be considered;

WHEREAS, on January 14, 2020, pursuant to the requirements of Section 19.52.040 of the City of San Bernardino Development Code, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Extension of Time 19-12, and at which meeting the Planning Commission considered Extension of Time 19-12 for Subdivision 06-31 (Tentative Tract Map 16794); and

WHEREAS, pursuant to the requirements of Chapter 19.66 of the City of San Bernardino Development Code, the Planning Commission has the authority to take action on Extension of Time 19-12.

NOW THEREFORE, the Planning Commission of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

As the decision-making body for the project, the Planning Commission has reviewed and considered the information contained in the administrative record for Extension of Time 19-12 and the Mitigated Negative Declaration adopted on December 21, 2009 in conjunction with the approval of Subdivision 06-31 (Tentative Tract Map 16794). Based upon the facts and information contained in the administrative record and the previously adopted Mitigated Negative Declaration, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously analyzed in the Mitigated Negative Declaration adopted on December 21, 2009 in conjunction with the approval of Subdivision 06-31 (Tentative Tract Map 16794); and

(2) The previous Mitigated Negative Declaration contains a complete and accurate reporting of the environmental impacts associated with the project; and
(3) The previous Mitigated Negative Declaration was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Mitigated Negative Declaration, and all mitigation measures previously adopted with the Mitigated Negative Declaration are incorporated herein by this reference.

SECTION 2. CONDITIONS OF APPROVAL:

The approval for Extension of Time 19-12 for Subdivision 06-31 (Tentative Tract Map 16794) shall be subject to the following Conditions of Approval:

1. This approval authorizes a one (1) year Extensions of Time for Subdivision 06-31 for Tentative Tract Map 16794 involving the subdivision of a parcel containing approximately 18.45 acres into forty-four (44) individual parcels (forty-three (43) single family residential lots and one (1) debris basin lot) The project site is located on the west side of Palm Avenue and north of Verdemont Drive, within the Residential Low (RL) zone. The site shall be developed in accordance with attached plans (EXHIBIT “A”).

EXPIRATION DATE: DECEMBER 21, 2020

2. Tentative Tract Map 16794 shall comply with the Conditions of Approval and the Mitigation Monitoring/Reporting Program adopted by the Mayor and Common Council for Tentative Tract Map 16794 on December 21, 2009.

3. Within one (1) year of this approval, the filing of the final map with the Mayor and Common Council shall have occurred or the approval shall become null and void. Expiration of a tentative map shall terminate all proceedings and no final map or parcel map shall be filed without first processing a new tentative map. The City Engineer must accept the final map or parcel map documents as adequate for approval by Mayor and Common Council prior to forwarding them to the City Clerk. The date the final map shall be deemed filed with the Mayor and Common Council is the date on which the City Clerk receives the map.

4. The review authority may, upon application and for good cause, grant up to three extensions of time not to exceed 12 months each pursuant to Development Code Section 19.66.170 and the State Map Act. The applicant must file an application, processing fees, and all required submittal items, at least 30 days prior to the expiration date. The review authority shall ensure that the project complies with all current Development Code provisions in effect at the time of the requested extension.

5. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action or proceeding and will cooperate fully in the defense of this matter. Once notified, the applicant agrees to defend, indemnify and hold harmless the City of San Bernardino (City), any departments, agencies, divisions, boards or commission of the City as well as predecessors, successors, assigns, agents, directors, elected officials, officers,
employees, representatives and attorneys of the City from any claim, action or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs and attorneys’ fees, which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered as “Attorney’s fees” for the purpose of this condition. As part of the consideration for issuing this Tentative Tract Map, this condition shall remain in effect if the Tentative Tract Map is rescinded or revoked, whether or not at the request of applicant.

6. Construction shall be in substantial conformance with the plan(s) approved by the Director, Development and Environmental Review Committee, Planning Commission or Mayor and Common Council. Minor modification to the plan(s) shall be subject to approval by the Director through a minor modification permit process. Any modification which exceeds 10% of the following allowable measurable design/site considerations shall require the resubmittal of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:
   a. On-site circulation and parking, loading and landscaping;
   b. Placement and/or height of walls, fences and structures;
   c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
   d. A reduction in density or intensity of a development project.

7. The permit or approval is subject to all the applicable provisions of the Development Code in effect at the time of approval. This includes Chapter 19.20- Property Development Standards, and includes: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases and other forms of air pollution; glare control; exterior lighting design control; noise control; odor control; screening; signs, off-street parking and off-street loading; and vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until they are complied with. Any exterior structural equipment, or utility transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.

8. Any change in elevation or building pad height of 6 inches or more along the perimeter of the tentative tract map will require approval by the Planning Commission. Any change in elevation or building pad height of 1 foot or more on interior lots will require approval by the Planning Commission. The applicant’s/owner’s engineer will certify the elevation of the building pads to the City Engineer, prior to construction of the building foundation.

9. This project is located in the Foothill Fire Zone Overlay District and is subject to all requirements contained in Chapter 15.10 of the City of San Bernardino Municipal Code and Chapter 19.15 of the City's Development Code.
10. The applicant shall post a bond in an amount equivalent to the cost of landscaping including landscape installation and one (1) year of maintenance service. The purpose of the bond is to ensure that all landscaping survives the planting process and last for a period of at least one (1) year. The bond will be released no sooner than one (1) year after issuance of the Final Certificate of Occupancy and only after such time as the survival of the landscaping has been verified by City staff.

11. Maintenance of the fuel modification areas shall be performed by a Community Facilities District.

12. The retaining wall and all slopes along north of the retaining wall up to the “backyard” wrought iron fence as illustrated in Tentative Tract Map 16794 shall be included in a Community Facilities District for maintenance.

13. The retaining wall along the south property boundary shall conform to the exhibits in the staff report. Landscaping and drip irrigation shall be installed with suitable soil to support drought tolerant, fire resistant landscape materials as the wall is constructed. Uniform coverage of 50% of the wall shall be established prior to acceptance of the walls and grading. A detailed planting plan for the verdure wall shall be submitted for approval with the Development Permit for the project site. The perimeter wall along the north property boundary shall be constructed of slump stone or split face block. Both sides of the wall (above ground) along the north property boundary shall have the decorative finish.

14. Install a 4-foot wrought iron fence/post and cable fence along top of the retaining wall as a safety fence.

15. The developer/applicant shall utilize substantial ground covers and planters as landscaping to screen the retaining wall along the south property boundary.

16. Development of residential units shall require approval a Development Permit application subject to approval by the Planning Commission.

17. The location, materials, and design of interior fencing shall be reviewed concurrently with the Development Permit for the dwelling units, and shall incorporate the design standards in Section 19.20.030(8)(D) of the Development Code.

18. Construction-related activities may not occur between the hours of 8:00 p.m. and 7:00 a.m. No construction vehicles, equipment, or employees may be delivered to, or arrive at the construction site before 7:00 a.m. or leave the site after 8:00 p.m. Construction activities may only occur Monday through Saturday only.

19. The landscape plans to be submitted to Public Works shall include (but not be limited to) substantial landscaping on all slopes within the private yard areas. This landscaping shall include trees (multiple per lot) and shrubbery as well as groundcover.

20. Each of the new parcels created by this subdivision must have separate utilities and separate meters.
21. The owner/applicant shall provide written disclosure to prospective homebuyers that the subdivision is within a Foothill Fire Zone Overlay (Zone C - Moderate Fire Hazard). The written disclosure will also include property maintenance provisions established by the Fire Department.

22. Submittal requirements for permit applications (site improvements, landscaping, etc.) to the Public Works/Engineering Division shall include all Conditions of Approval and Standard Requirements issued with this approval.

23. All Conditions of Approval and Standard Requirements shall be completed prior to final inspections.

24. This approval is subject to the original Conditions of Approval and standard requirements adopted by the Mayor and Common Council on 12/21/09 and the attached updated conditions or standard requirements of the following City Departments or Divisions:

a. Public Works
b. Fire Department
c. San Bernardino Municipal Water Department
d. Public Services Department

25. Drainage and Flood Control

a. All necessary drainage and flood control measures shall be subject to requirements of the City Engineer, which may be based in part on the recommendations of the San Bernardino County Department of Transportation and Flood Control. The developer's Engineer shall furnish all necessary data relating to drainage and flood control.

b. A local drainage study will be required for the project. Any drainage improvements, structures or storm drains needed to mitigate downstream impacts or protect the development shall be designed and constructed at the developer's expense, and right-of-way dedicated as necessary.

c. The detention basin located on lot 13 shall be designed in accordance with "Detention Basin Design Criteria for San Bernardino County." Retention basins are not acceptable. Lot 13 shall serve as the detention basin until it is no longer necessary due to the availability of new storm drain infrastructure or a change in the drainage patterns to the north of the tract. Upon such time lot 13 may be used as a residential lot. Prior to the conversion of lot 13 from a detention basin to a residential lot the property owner or applicant shall submit documents, reports and/or plans subject to the approval of the City Engineer.

d. All drainage from the development shall be directed to an approved public drainage facility. If not feasible, proper drainage facilities and easements shall be provided to the satisfaction of the City Engineer.

e. If site drainage is to be outletted into the public street, the drainage shall be conveyed through a parkway culvert constructed in accordance with City Standard No. 400. Conveyance of site drainage over the Driveway approaches will not be permitted.
f. A Full-Categorical Water Quality Management Plan (WQMP) is required for this project. The applicant is directed to the City's web page at www.sbcity.org - Departments - Development Services - Public Works for templates to use in the preparation of this plan.

g. A Storm Water Pollution Prevention Plan (SWPPP) will be required. The applicant is directed to the City's web page at www.sbcity.org - Departments - Development Services - Public Works for templates to use in the preparation of this plan.

h. The City Engineer, prior to issuance of any permit, shall approve the WQMP and the SWPPP.

i. A "Notice of Intent (NOI)" shall be filed with the State Water Quality Control Board for construction disturbing 1 acre or more of land (including the project area, construction yards, storage areas, etc.).

j. The City Engineer, prior to grading plan approval, shall approve an Erosion Control Plan. The plan shall be designed to control erosion due to water and wind, including blowing dust, during all phases of construction, including graded areas which are not proposed to be immediately built upon.

26. Grading and Landscaping

a. The site/plot/grading and drainage plan shall be signed by a Registered Civil Engineer and a grading permit will be required. The grading plan shall be prepared in strict accordance with the City's "Grading Policies and Procedures" and the City's "Standard Drawings", unless otherwise approved by the City Engineer.

b. Pad elevations shown on the rough and/or precise grading plan shall not vary more than one-foot for interior pads or one-half foot for exterior pads from the pad elevations shown on the tentative tract map as approved by the Planning Commission. Exterior pads are those pads immediately adjacent to existing streets or existing residential areas.

c. Perimeter walls and landscaping & irrigation in the Community Facilities District shall be installed and accepted prior to acceptance of rough grading.

d. If more than 5 trees are to be removed from the site, a tree removal permit conforming to the requirements of Section 19.28.090 of the Development Code shall be obtained from the Community Development Department - Planning Division prior to issuance of any grading or site development permits.

e. If more than 5,000 cubic yards of earthwork is proposed, the grading shall be supervised in accordance with Section 3317.2 of the California Building Code.

f. The applicant must post a grading bond prior to issuance of a grading permit. The amount of the bond is to be determined by the City Engineer.

g. If the grading plan indicates export or import, the source of the import material or the site for the deposition of the export shall be noted on the grading plan. Permit numbers shall be noted if the source or destination is in the City of San Bernardino.

h. If more than 50 cubic yards of earth is to be hauled on City Streets then a special hauling permit shall be obtained from the City Engineer. Additional conditions, such as truck route approval, traffic controls, bonding, covering of loads, street cleaning, etc. may be required by the City Engineer.
i. An on-site Improvement Plan is required for this project. Where feasible, this plan shall be incorporated with the grading plan and shall conform to all requirements of Section 15.04-167 of the Municipal Code (See "Grading Policies and Procedures").

j. Wheel stops are not permitted by the Development Code, except at designated accessible parking spaces. Therefore, continuous 6" high curb shall be used around planter areas and areas where head in parking is adjacent to walkways. The parking spaces may be 16.5' deep and may overhang the landscaping or walkway by 2.5'. Overhang into the setback area or into an ADA path of travel (minimum 4' wide) is not permitted.

k. One 4' x 11' PCC pad at least 4" thick shall be provided in the rear or side yard area of each lot for storage of recycling containers. The pad shall be screened from public view and a 3' wide concrete walkway shall be provided from the driveway to the pad. All gates along the access way shall have a minimum clear width of 3'-6".

l. Retaining walls, block walls and all on-site fencing shall be designed and detailed on the on-site improvement Plan. This work shall be part of the on-site improvement permit issued by the City Engineer. All masonry walls shall be constructed of decorative block with architectural features acceptable to the City Planner.

m. This project is located in the high wind zone. All walls and fences shall be designed to withstand 100 mph winds. All construction details shall be included on the on-site improvement plan. Structural calculations shall be provided for City review.

n. This project is located in the high fire zone; therefore, all fences shall be of non-combustible material.

o. No construction on a site shall begin before a temporary/security fence is in place and approved by the City Engineer or his designee. Temporary/security fencing may not be removed until approved by the City Engineer or his designee. The owner or owner’s agent shall immediately remove the temporary/security fencing upon the approval of the City Engineer or his designee. Sites that contain multiple buildings shall maintain the temporary/security fencing around the portion of the site and buildings under construction as determined by the City Engineer or his designee. All temporary/security fencing for construction sites shall include screening, emergency identification and safety identification and shall be kept in neat and undamaged condition.

p. A reciprocal easement shall be recorded prior to grading plan approval if reciprocal drainage, access, sewer, and/or parking is proposed to cross lot lines, or a lot merger (4 or fewer parcels) shall be recorded to remove the interior lot lines. Merger of more than 4 parcels will require the filing of a tentative parcel map.

q. The project Landscape Plan shall be reviewed and approved by the City Engineer prior to issuance of a grading permit. Submit 5 copies to the Engineering Division for Checking.

r. Prior to occupancy of any building, the developer shall post a bond to guarantee the maintenance and survival of project landscaping for a period of one year.
s. The public right-of-way, between the property line and top of curb (also known as "parkway") along adjoining streets shall be landscaped by the developer and maintained in perpetuity by the property owner. Details of the parkway landscaping shall be included in the project’s on-site landscape plan, unless the parkway area is included in a Landscape and Lighting Maintenance District, in which case, a separate landscape plan shall be provided.

t. All electrical transformers located outdoors on the site, shall be screened from view with a solid wall or landscaping and shall not be located in any setback/right-of-way area. If the transformer cannot be screened, it shall be located in an underground vault unless approved by the City Engineer pursuant to Section 19.30.110.

27. Community Facilities District

a. A Community Facilities (CFD) shall be implemented to maintain landscaping and street lighting within the following areas (Note. CFD formation requires a minimum of 4 months after approval of CFD landscaping plans.):
   
   i. Fuel Modification Zone
   
   ii. Debris Basin and Access
   
   iii. Southern Boundary Retaining Wall, Slopes and Access

b. The Community Facilities District shall include all in-development street lighting and may share a common electric meter with the landscape irrigation controllers. Existing street lights, if any will not be included in the CFD. The cost of installing the street lighting system shall be bonded as part of the faithful performance, labor & materials, and warranty bond required for approval by the City Council and recording of the tract or parcel map.

c. The street light construction and installation details shall be shown on the street improvement plans. The following information shall be shown on the CFD plans for reference only.
   
   i. Location of all street lights to be maintained by the CFD, and

   ii. The lumen or wattage of each street light to be maintained by the CFD.

d. The cost of installation of landscaping and irrigation system in the Community Facilities District shall be bonded as part of the faithful performance, labor & materials, and warranty bond required for approval by the City Council and recording of the tract or parcel map.

e. All required CFD shall be formed and bonded prior to Map recording. (Note. Maintenance district formation requires a minimum of 4 months after approval of plans.)

f. Separate sets of Landscape Plans shall be provided for the Community Facilities District.

g. The landscaping and irrigation system shall be installed in the Community Facilities District and accepted by the City Engineer prior to application for occupancy of any house in the subdivision.

h. Prior to sale of each parcel, the Developer shall provide the City's Real Property Section of the Public Works Division with a signed copy of the "Notice of Assessment District" disclosure for each property purchaser.
28. **Utilities**
   
a. Design and construct all public utilities to serve the site in accordance with City Code, City Standards and requirements of the serving utility, including gas, electric, telephone, water, sewer and cable TV (Cable TV optional for commercial, industrial, or institutional uses).
   
b. Each parcel shall be provided with separate water and sewer facilities so the City or the agency providing such services in the area can serve it.
   
c. Backflow preventers shall be installed for any building with the finished floor elevation below the rim elevation of the nearest upstream manhole.
   
d. Sewer main extensions required to serve the site shall be constructed at the Developer's expense.
   
e. This project is located in the sewer service area maintained by the City of San Bernardino therefore, any necessary sewer main extension shall be designed and constructed in accordance with the City's "Sewer Policy and Procedures" and City Standard Drawings.
   
f. Utility services shall be placed underground and easements provided as required.
   
g. A street cut permit, from the City Engineer, will be required for utility cuts into existing streets.
   
h. All existing overhead utilities adjacent to or traversing the site on either side of the street shall be placed underground in accordance with Section 19.20.030 (non-subdivisions) or Section 19.30.110 (subdivisions) of the Development Code.
   
i. Existing Utilities which interfere with new construction shall be relocated at the Developer's expense as directed by the City Engineer, except overhead lines, if required by provisions of the Development Code to be undergrounded. See Development Code Section 19.20.030 (non-subdivisions) or Section 19.30.110 (subdivisions).
   
j. Sewers within private streets or private parking lots will not be maintained by the City but shall be designed and constructed to City Standards and inspected under a City On-Site Construction Permit. A private sewer plan designed by the Developer's Engineer and approved by the City Engineer will be required. This plan can be incorporated in the grading plan, where practical.

29. **Mapping**
   
a. A Final/Parcel Map based upon field survey will be required.
   
b. All street names shall be subject to approval of the City Engineer prior to Map recordation.
   
c. Additional survey and map information including, but not limited to, building setbacks, flooding and zones, seismic lines and setbacks, geologic mapping and archeological sites shall be filed with the City Engineer in accordance with Ordinance No. MC-592.
   
d. All rights of vehicular ingress/egress shall be dedicated from the following streets:
      
i. Palm Avenue
30. **Improvement Completion**

a. Street, sewer, drainage improvement, traffic signals, and Community Facilities District landscape and irrigation plans for the entire project shall be completed, subject to the approval of the City Engineer, prior to the Map recordation.

b. If the construction/installation of required improvements, including landscaping and irrigation within the Community Facilities District, are not completed prior to Map recordation, an improvement security accompanied by an agreement executed by the developer and the City will be required.

c. If the required improvements are not proposed to be completed prior to recordation of the Parcel Map, a deferred improvement agreement in accordance with Section 19.30160 of the Development Code will be required. If the agreement is approved, an improvement certificate shall be placed on the Parcel Map, stating that the required improvements will be completed upon development. Applicable to Parcel Maps consisting of 4 or fewer parcels only.

d. Street light energy fee to pay cost of street light energy for a period of 4 years shall be paid. Exact amount shall be determined and shall become payable prior to map recordation.

31. **Street Improvement and Dedications**

a. All public streets and public easements within and adjacent to the development shall be improved to City standards. Improvements shall include combination curb and gutter, paving, access ramps, street lights, sidewalks, and appurtenances, including, but not limited to traffic signals, traffic signal modifications, relocation of public or private facilities which interfere with new construction, striping, and landscaping and irrigation in the Community Facilities District. All improvements shall be accomplished in accordance with the City of San Bernardino "Design Policies and Procedures" and City "Standard Drawings," unless otherwise approved by the City Engineer. Street lighting, when required, shall be designed and constructed in accordance with the City's "Street Lighting Policies and Procedures." Street lighting shall be shown on street improvement plans except where otherwise approved by the City Engineer.

b. For the streets listed below, dedication of adequate street right-of-way (R.W.) to provide the distance from street centerline to property line and placement of the curb line (C.L.) in relation to the street centerline shall be as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Right of Way(ft.)</th>
<th>Curb Line(ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Avenue</td>
<td>30</td>
<td>20</td>
</tr>
</tbody>
</table>

c. Construct 8" Curb and Gutter per City Standard No. 200 adjacent to the site. Widen pavement adjacent to the site to match new curb and gutter. Construct approach and departure transitions for traffic safety and drainage as approved by the City Engineer.

d. Construct sidewalk adjacent to the site in accordance with City Standard No. 202; Case "A" (6' wide adjacent to curb).
e. At all curb returns within and adjacent to the project site, construct accessible curb ramps in accordance with Caltrans Standards to comply with current ADA accessibility requirements. Dedicate sufficient right-of-way at the corner to accommodate the ramp.

f. Construct Driveway Approaches per City Standard No. 203. Remove existing driveway approaches that are not part of the approved plan and replace with full height curb & gutter and sidewalk.

g. All Curb return radii shall be 25 feet minimum.

h. Construct all cul-de-sac's and knuckles in accordance with City Standard Drawing No. 101.

i. The pavement on existing streets adjoining the site shall be rehabilitated to centerline using a strategy approved by the City Engineer.

j. Install Street Lights adjacent to the site in accordance with City Standard Nos. SL-1 and SL-2. Also, a separate light plan shall be submitted in accordance with the City of San Bernardino Street Lighting Design Policies.

k. At least 28 feet of pavement shall be provided along streets adjacent to the subdivision, unless otherwise approved by the City Engineer.

l. Two independent means of access to the project shall be provided. Each shall have a minimum paved width of 24 feet and dedicated to the City of San Bernardino. Additional width may be required for drainage control and traffic safety.

32. Required Engineering Plans

a. A complete submittal for plan checking shall consist of:
   - street improvement plans (may include street lights or street lighting may be separate plan),
   - sewer plans (Private sewers may be shown on on-site improvement plan; public sewers must be on a separate plan with profile),
   - signing and striping plan (may be on sheets included in street improvement plan),
   - grading (may be incorporated with on-site improvement plan),
   - on-site landscaping and irrigation,
   - landscaping and irrigation in the Landscape and Lighting Maintenance District, and
   - other plans as required. Piecemeal submittal of various types of plans for the same project will not be allowed.
   - All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)

b. The rough grading plan may be designed and submitted in combination with the precise grading plan.
c. All improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block satisfactory to the City Engineer or his designee shall be provided.

d. After completion of plan checking, final mylar drawings, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer for approval.

e. Electronic files of all improvement plans/drawings shall be submitted to the City Engineer. The files shall be compatible with AutoCAD 2000, and include a .DXF file of the project. Files shall be on a CD and shall be submitted at the same time the final mylar drawings are submitted for approval.

f. Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org

33. Required Engineering Permits

a. Grading permit.

b. On-site improvements construction permit (except buildings - see Development Services-Building Division).

c. On-site landscaping permit.

d. Off-site improvement construction permit.

e) Off-site improvement CFD landscaping permit.

34. Applicable Engineering Fees

a. All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.

b. The current fee schedule is available at the Public Works Counter and at http://www.sbcity.org

c. Expeditious plan review is available. A non-refundable fee in the amount of 125% of the estimated plan check fee for each set of plans will be required at time of application for expedited plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.

35. Traffic Requirements

a. Install a speed advisory sign (15 mph) W4(LT) on “B” Street prior to hair pin turn on the property line of lots 9 and 10.

36. Public Works Occupancy Requirements for Tract Development

a. On-site landscaping (private areas) shall be installed and accepted prior to release of gas utility and prior to final inspection.

b. The streets within any phase of the subdivision shall be base paved (0.10 foot low) prior to delivery of construction materials to the site.
c. Prior to final inspection of the last three homes in the tract (or phase), the final lift of pavement shall be installed.

d. Prior to final inspection and release of the last three homes in the tract (or phase), the pavement on the streets adjacent to the tract shall be rehabilitated. The method and extent of rehabilitation shall be determined at time of final inspection by the City Engineer.

San Bernardino County Consolidated Fire District

37. Shall comply with all current Building, Fire Codes and Fire Department Standards requirements based on occupancy classification.

38. Any changes to this proposal shall require new Fire Department condition letter.

39. Any changes to the approved life safety system shall require plans to be submitted to the FD prior to construction including the following; (Fire Sprinklers, Fire Alarms, Underground water supply for fire protection, Cooking appliances & Hood protections.).

40. An approved water supply system, complete with street fire hydrants complying with Fire Department Standard, shall be in place prior to any combustible construction.

41. Premise and Building identification and addressing shall be a minimum of 12 inch in height. Single Family Home addresses shall be a minimum of 4 inches in height and shall be internally illuminated during the hours of darkness.

42. All fire access roads shall be paved and all weather and shall meet the min turning radius.

43. Fire Sprinklers are required in each residence for this project. Any tenant improvements in sprinklered buildings requires a separate submittal. Please submit all plans to County Fire Department.
SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2020-004:
   a. Finding that the environmental impacts of this project were previously analyzed in the Mitigated Negative Declaration adopted on December 21, 2009 in conjunction with the approval of Subdivision 06-31 (Tentative Tract Map 16794); and
   
   b. Approving Extension of Time 19-12 for Subdivision 06-31 (Tentative Tract Map 16794), subject to the recommended Conditions of Approval.

SECTION 4. SEVERABILITY:

If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

PASSED, APPROVED AND ADOPTED this 14th day of January 2020.

Elizabeth Sanchez, Chairperson
San Bernardino Planning Commission

ATTEST:

Oliver Mujica, Planning Commission Secretary
City of San Bernardino, California
CERTIFICATION:

I, Stephanie Sanchez, Recording Secretary of the Planning Commission of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2020-004, was duly adopted by the Planning Commission of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of January 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Sanchez, Recording Secretary
City of San Bernardino, California
EXHIBIT "A"
APPROVED PLANS
November 19, 2019

Director of Community Development
City of San Bernardino Community Development Department
300 North "D" Street 3rd Floor,
San Bernardino, CA 92418-0001

RE: Request for Time Extension, and Justification Letter for Tentative Tract Map No. 16794 (Subdivision No. 06-31).

Dear Community Development:

The reason for this letter is to request an extension of time for our Tentative Tract Map No. 16794. The request is made in accordance with the adopted conditions of approval and applicable sections of the State of California Subdivision Map Act and those provisions granted by the State of California, i.e. AB 208 (Fuentes), AB 333 (Fuentes) and SB 1185 (Lowenthal) enacted by the Governor of California.

In accordance with the City of San Bernardino Development Code we are requesting a one (1) year extension of time for Tentative Tract Map No. 16794 for the following reasons:

1. Our plans where submitted for the final map and on-site development and grading permits on May 1, 2017. The plans were lost by the city in its two moves. We are still in plan check and are in the process of resubmitting the plans. We still have not received the final approvals and ready to record final map status. Additionally our landscape plans with our Landscape Lighting and Maintenance District plans are not approved. These plans were submitted October 2017. In July we were told these plans were approved by Ryan Aschenbrenner and waiting for a letter Public Works to submit the LLMD for final approval. We did not get this letter and Ryan has left the city but not before telling us that the City now wants us to do a CFD instead of the LLMD. We are still to this date looking for direction from the city as to if this project will have a LLMD or CFD. We are still waiting for city departments to approve our plan checks so we move forward with the CFD applications.

2. We have been in meetings with the city's Water Department regarding the cost and development of the water infrastructure to service the new homes. There are still some misunderstandings on cost and improvement to site. More time is needed for this information to be completed to understand if the market conditions can absorb these fees to advance this project. These meetings are continuing after years of moving slowing. It now looks to be that an agreement should be reached early next year on the payment of water hookups for our property and others in the Verdemont area.

We look forward to your consideration and granting of the extension of time for our Tentative Tract Map No. 16794. Attached please find our application and filing fee for our requested time extension. Should you need anything else or have any question please feel free to contact me.

Regards,

Eric Cerovich
Managing Member Oxbow SB 44, LLC
(949) 579-0451

2855 Pacific Coast Hwy, Ste. 227 | Corona del Mar CA 92625 www.Oxbow-Partners.com
ATTACHMENT C
AERIAL MAP
ATTACHMENT D
LOCATION/ZONING MAP
City of San Bernardino
Request for Planning Commission Action

Date: January 14, 2020

To: Honorable Chairperson and Planning Commissioners

From: Michael Huntley, Community and Economic Development Director
By: Oliver Mujica, Planning Division Manager
    Travis Martin, Associate Planner

Subject: General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10

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Owner
City of San Bernardino
290 North D Street
San Bernardino, CA 92401

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

Applicant
High Desert Partnership in Academic Excellence Foundation, Inc.
17500 Mana Road
Apple Valley, CA 92307

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Request
Pursuant to the requirements of Chapter 19.50 (General Plan Amendments), Chapter 19.42 (Development Code Amendments), Chapter 19.74 (Zoning Map Amendments), Chapter 19.66 (Subdivision Maps) and Chapter 19.36 (Conditional Use Permits) of the City of San Bernardino Development Code, the applicant is requesting the approval of the following (Attachment A, Exhibit "A" and Attachment B):

- General Plan Amendment 19-01 and Development Code Amendment (Zoning Map Amendment) 19-05 to change the General Plan Land Use Designation from Single-Family Residential and Industrial to Public/Quasi-Public and the Zoning District Classification from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) of sixteen (16) parcels containing a total of approximately 18.06 acres;

- Subdivision 19-03 (Tentative Parcel Map 20120) to consolidate sixteen (16) parcels into two (2) parcels containing a total of approximately 15.66 acres (Parcel 1) and approximately 2.20 acres (Parcel 2); and
Conditional Use Permit 19-10 to allow the development, establishment and operation of charter school containing approximately 89,890 square feet to be built on Parcel 1.

The project site is located at 230 S. Waterman Avenue, on the northwest corner of S. Waterman Avenue and E. Valley Street.

APN(S): 0136-261-11, 23, 24, 25, 26, 27, 28, 29, 36, 37, 41, 42, 43, 44, 50, and 57
Zone: Residential Suburban (RS) and Office Industrial Park (OIP)

Recommendation
The project site will be located within the Public Facilities (PF) zone, subject to the approval of the associated General Plan Amendment and Development Code Amendment (Zoning Map Amendment), which is intended to provide for the continuation of existing and development of new schools, government administrative, police, fire, libraries, social service, and other public facilities. The proposed subdivision and the development of a charter school is consistent with the policies of the City’s General Plan by enhancing the physical and visual qualities of the subject property by maintaining land uses and design elements that will be compatible with the surrounding land uses and complies with the standards of the Public Facilities (PF) zone and all applicable provisions of the Development Code. Therefore, the Planning Division of the Community and Economic Development Department recommends that the Planning Commission take the following action:

1) Adopt Resolution No. 2020-005 of the Planning Commission of the City of San Bernardino, California, forwarding a recommendation to the Mayor and City Council recommending adoption of the Mitigated Negative Declaration; and, approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 allowing the development, establishment, and operation of a charter school, located at 230 S. Waterman Avenue (APN(S): 0136-261-11, 23, 24, 25, 26, 27, 28, 29, 36, 37, 41, 42, 43, 44, 50, and 57) (Attachment A).

Background
April 12, 2019: General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 application was submitted.

December 11, 2019: General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 was reviewed by the Development and Environmental Review Committee and moved to the Planning Commission for consideration.

December 20, 2019: Notices were mailed to the property owners and residents within 500 feet of the exterior boundaries of the subject property, providing the nature of the request, location of the
property, the date, time, and place of the Planning Commission meeting of January 14, 2020 for General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10.

December 24, 2019: Display advertisement was published in the San Bernardino Sun Newspaper.

**Setting and Site Characteristics**
The project site is located at 230 S. Waterman Avenue, on the northwest corner of S. Waterman Avenue and E. Valley Street (Attachments C and D).

Table 1, below, provides a summary of the surrounding land use characteristics of the subject site and surrounding properties.

**TABLE 1: SITE AND SURROUNDING LAND USES**

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE</th>
<th>ZONE</th>
<th>GENERAL PLAN DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Charter School</td>
<td>Public Facilities (PF)</td>
<td>Public/Quasi-Public</td>
</tr>
<tr>
<td>North</td>
<td>Elementary School</td>
<td>Residential Suburban (RS) and Office Industrial Park (OIP)</td>
<td>Single-Family Residential and Industrial</td>
</tr>
<tr>
<td>South</td>
<td>Industrial</td>
<td>Commercial Heavy (CH)</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Industrial</td>
<td>Office Industrial Park (OIP) and Industrial Light (IL)</td>
<td>Industrial</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Residential</td>
<td>Residential Suburban (RS)</td>
<td>Single-Family Residential</td>
</tr>
</tbody>
</table>

**Analysis**
The proposed project consists of the development, establishment, and operation of a charter school, Norton Science and Language Academy, in a new campus to be purpose-built on a currently vacant property located on the northwest corner of S. Waterman Avenue and E. Valley Street. The Norton Science and Language Academy currently operates out of a separate facility located at 505 E. Central Avenue, approximately ¾ of a mile southeast of the proposed project site. Upon relocation to the proposed project site the current facility would be closed.

**Site Design**
The project site has been designed to include seven (7) single-story buildings and one (1) two-story building clustered around three (3) separate quads. In addition to classroom and administrative facilities, the proposed facilities also include an indoor gymnasium, outdoor basketball courts, and outdoor playgrounds. An athletic field has also been included on the western side of the project site immediately across from the adjacent single-family residential neighborhood.

Vehicular access has been provided from two (2) primary entry points along S. Waterman Avenue and E. Valley Street, with one (1) emergency access point from S.
Allen Street. The internal site circulation has been designed to adequately accommodate on-site vehicular circulation and access to the off-street parking areas. Additionally, a drop-off/pick-up queue has been provided along the full length of the eastern frontage. Designated "paths of travel" have also been provided to ensure pedestrian safety.

Parking
A total of approximately 303 parking have been provided to serve the propose charter school. Parking has been primarily located within two (2) consolidated parking lots located at the north and south ends of the project site. Additional parking has been located to provide direct access to the administrative facilities along the eastern frontage.

Architecture
The proposed buildings have integrated a variation of architecture and materials incorporating a distinctive contemporary design. The buildings incorporate a primarily flat roof design with varying heights and additional architectural features to provide interesting design features. The proposed design uses a combination of stucco, glass, and metal elements to further break up the façade of the buildings.

Landscaping
Landscaped planters will be provided surrounding the project site with significant planting throughout the parking lot located at the corner of S. Waterman Avenue and E. Valley Street, and along the S. Waterman Avenue frontage. Additional focal landscaping is being added to emphasize the two (2) primary vehicular entry points on S. Waterman Avenue and E. Valley Street.

Traffic
The City's Traffic Engineering Division has accepted the Traffic Impact Analysis (TIA) prepared for the proposed project, and adequate traffic mitigation measures will be implemented based upon the findings of the approved Traffic Impact Analysis and based upon the recommendations of the City's Traffic Engineer. The applicant will provide a traffic signal at the intersection of S. Waterman Avenue and E. Valley Street to provide better access to/from the primary parking lot and vehicular entry located along E. Valley Street. A bus stop is also being proposed along S. Waterman Avenue.

Operations
The charter school will employ approximately 130 staff members providing services to a maximum of 1,450 students in grades ranging from kindergarten through 12th grade. Typical operating hours will be as follows:

- Kindergarten/Elementary – 8:15am-2:45pm
- Middle/High School – 7:45am-2:45pm

* Students would have access to the school for breakfast one (1) half hour before the start of session
Parent meetings are anticipated to occur once per month on either a weekday or weekend. After school programs are anticipated to keep approximately 100 students on campus until 6:00pm each weekday.

**General Plan Goals and Policies**

The City of San Bernardino General Plan includes goals and policies to guide future development within the City, including the following:

- **General Plan Land Use Element Policy 2.2.1:** Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.

- **General Plan Land Use Element Policy 2.3.1:** Commercial centers, open spaces, educational facilities, and recreational facilities should be linked to residential neighborhoods.

- **General Plan Land Use Element Goal 2.4:** Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.

- **General Plan Community Design Element Goal 5.4:** Ensure individual projects are well designed and maintained.

- **General Plan Circulation Element Policy 6.9.1:** Ensure that developments provide an adequate supply of parking to meet its needs either on-site or within close proximity.

The proposed project implements the above General Plan goals and policies in that the establishment of a new charter school on a currently vacant lot that will serve the needs of the adjacent single-family residential neighborhood and the surrounding community. The project has been designed with high quality architecture and meets all applicable Development Code standards, such as parking landscaping, building setbacks and height, etc. Moreover, the development of the new charter school will eliminate the negative image of the large vacant property along the S. Waterman Avenue corridor. Therefore, the proposed project would be compatible with surrounding land uses and consistent with the General Plan.

**California Environmental Quality Act**

In accordance with §15063 (Initial Study) of the California Environmental Quality Act (CEQA), the applicant submitted and the Planning Division accepted an Initial Study/Mitigated Negative Declaration prepared in connection with General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10. Accordingly, pursuant to §15072 (Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration) of CEQA, a Notice of Intent to Adopt a Mitigated Negative Declaration for General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 ("Project") was posted on December 20, 2019 for the CEQA-mandated thirty (30) day public review and comment period.
During the CEQA-mandated thirty (30) day public review and comment period for the Draft Initial Study/Mitigated Negative Declaration for the Project, comments were received in response to Draft Initial Study/Mitigated Negative Declaration Responses from the Department of Toxic Substance Control, Gabrieleno Band of Mission Indians/Kizh Nation, OmniTrans, South Coast Air Quality Management District, and the State Clearinghouse. Responses to the comments were prepared and included in the Final Initial Study/Mitigated Negative Declaration (please see Attachment F). Additionally, the project includes a Mitigation Monitoring and Reporting Program that incorporates all necessary measures to ensure that the proposed development does not create undue impacts in the vicinity of the project site (Attachment A, Exhibit B).

On December 11, 2019, the Development and Environmental Review Committee reviewed the application and Mitigated Negative Declaration, and moved the Mitigated Negative Declaration, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 to the Planning Commission for consideration.

Mayo and City Council 2018-2019 Goals and Objectives
General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 aligns with Goal No. 4: Ensure Development of a Well-Planned, Balanced, and Sustainable City: (c) Ensure that the City is clean and attractive. The proposed project will establish a new charter school on a currently vacant property that will provide educational services and programs meeting the educational needs of students within the community through the construction of a new facility that will complement the surrounding developments along the south Waterman Avenue corridor.

Conclusion
The proposed establishment of a new charter school, subject to approval of the associated General Plan Amendment and Development Code Amendment (Zoning Map Amendment), complies with all applicable standards of the City of San Bernardino Development Code. Therefore, staff recommends that the Planning Commission adopt Resolution No. 202-005 recommending to the Mayor and City Council the adoption of the Mitigated Negative Declaration, and the approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10.

Attachments
Attachment A Resolution No. 2020-005
Attachment B Justification Letter
Attachment C Aerial Map
Attachment D Location/Zoning Map
Attachment E Draft Initial Study/Mitigated Negative Declaration
http://sbcity.org/cityhall/community_n_economic_development/planning/environmental_documents.asp
Attachment F Final Initial Study/Mitigated Negative Declaration
http://sbcity.org/cityhall/community_n_economic_development/planning/environmental_documents.asp
ATTACHMENT A
Resolution No. 2020-005
RESOLUTION NO. 2020-005-PC


WHEREAS, on April 12, 2019, pursuant to the requirements of Chapter 19.50 (General Plan Amendments), Chapter 19.42 (Development Code Amendments), Chapter 19.74 (Zoning Map Amendments), Chapter 19.66 (Subdivision Maps) and Chapter 19.36 (Conditional Use Permits), an application for General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120), and Conditional Use Permit 19-10 was duly submitted by:

Property Owner: City of San Bernardino
290 North D Street
San Bernardino, CA 92401

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

Project Applicant: High Desert Partnership in Academic Excellence, Inc.
17500 Mana Road
Apple Valley, CA 92307

Property Address: 230 S. Waterman Avenue
San Bernardino, CA 92408

APN(S): 0136-261-11, 23, 24, 25, 26, 27, 28, 29, 36, 37, 41, 42, 43, 44, 50, and 57

Lot Area: 18.06 acres

WHEREAS, together, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120), and Conditional Use Permit 19-10 constitute the Norton Science and Language Academy Project ("Project"); and
WHEREAS, General Plan Amendment 19-01 and Development Code Amendment (Zoning Map Amendment) 19-05 is a request to change of the General Plan Land Use Designation from Single-Family Residential and Industrial to Public/Quasi-Public and the Zoning District Classification from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) of sixteen (16) parcels containing a total of approximately 18.06 acres;

WHEREAS, Subdivision 19-03 (Tentative Parcel Map 20120) is a request to consolidate sixteen (16) parcels into two (2) parcels containing approximately 15.66 acres (Parcel 1) and approximately 2.20 acres (Parcel 2);

WHEREAS, Conditional Use Permit 19-10 is a request to allow the development, establishment and operation of charter school containing approximately 89,890 square feet to be built on Parcel 1;

WHEREAS, the Planning Division of the Community and Economic Development Department of the City of San Bernardino has reviewed General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 for compliance with the California Government Code, compliance with the California Subdivision Map Act, consistency with the City of San Bernardino General Plan, and compliance with the City of San Bernardino Development Code;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”; Public Resources Code, Section 21000 et seq.), Section 21067, and State CEQA Guidelines (California Code Regulations, Section 15000 et seq.), Section 15367, the City of San Bernardino is the lead agency for the Project;

WHEREAS, Planning Division of the Community and Economic Development Department of the City of San Bernardino determined that pursuant to State CEQA Guidelines Section 15073, preparation of a Mitigated Negative Declaration was the appropriate environmental review procedure under CEQA, because all potentially significant impacts of the Project can be mitigated to a level of less than significant;

WHEREAS, a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”) were prepared for the Project;

WHEREAS, on November 18, 2019, in accordance with State CEQA Guidelines Sections 15072 and 15073, a Notice of Intent to Adopt an Mitigated Negative Declaration (“NOI”) was mailed to all organizations and individuals who previously requested such notice in writing, and notice was also made by way of publication consistent with CEQA’s requirements;

WHEREAS, on November 20, 2019, in accordance with State CEQA Guidelines Section 15072(d), the NOI was also posted by the Clerk for the County of San Bernardino Board of Supervisors to begin the 30-day public review period;
WHEREAS, on December 11 2019, pursuant to the requirements of Chapter 19.50 (General Plan Amendments), Chapter 19.42 (Development Code Amendments), Chapter 19.74 (Zoning Map Amendments), Chapter 19-66 (Subdivisions) and Chapter 19.36 (Conditional Use Permits) of the City of San Bernardino Development Code, during a duly-noticed meeting the Development and Environmental Review Committee reviewed the application and moved the Mitigated Negative Declaration, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 to the Planning Commission for consideration;

WHEREAS, on December 24, 2019, pursuant to the requirements of Section 19.52.020 (Hearings and Appeals – Application Processing) of the City of San Bernardino Development Code, the City gave public notice by advertising in the San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino, and by mailing notices to the property owners within 500 feet of the subject property of the holding of a public hearing at which the Mitigated Negative Declaration, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 would be considered;

WHEREAS, on January 14, 2020, pursuant to the requirements of Section 19.52.040 (Hearings and Appeals – Hearing Procedures) of the City of San Bernardino Development Code, the Planning Commission held the duly-noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, which the Mitigated Negative Declaration, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 and at which meeting the Planning Commission considered the Mitigated Negative Declaration, General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10;

WHEREAS, no comments made in the public hearing conducted by the Planning Commission, and no additional information submitted to the Planning Commission, has produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review under State CEQA Guidelines Section 15073.5;

WHEREAS, pursuant to the requirements of Chapter 19.52, Chapter 19.50, Chapter 19.42, Chapter 19.74, Chapter 19.66 and Chapter 19.36 of the City of San Bernardino Development Code, the Planning Commission has the authority to recommend to the Major and City Council the adoption of the Mitigated Negative Declaration, and approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10.

NOW THEREFORE, the Planning Commission of the City of San Bernardino does hereby resolve, determine, find, and order as follows:
SECTION 1. ENVIRONMENTAL DETERMINATION:

In accordance with Section 15063 (Initial Study) of the California Environmental Quality Act (CEQA), the applicant submitted and the Planning Division accepted an Initial Study/Mitigated Negative Declaration prepared in connection with General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10. Accordingly, pursuant to Section 15072 (Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration) of CEQA, a Notice of Intent to Adopt a Mitigated Negative Declaration for General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 (“Project”) was posted on December 20, 2019 for the CEQA-mandated thirty (30) day public review and comment period.

During the CEQA-mandated thirty (30) day public review and comment period for the Draft Initial Study/Mitigated Negative Declaration for the Project, comments were received in response to Draft Initial Study/Mitigated Negative Declaration Responses from the Department of Toxic Substance Control, Gabrieleno Band of Mission Indians/Kizh Nation, OmniTrans, South Coast Air Quality Management District, and the State Clearinghouse. Responses to the comments were prepared and included in the Final Initial Study/Mitigated Negative Declaration.

On January 14, 2020, during a duly-noticed public hearing, the Planning Commission considered the Final Initial Study/Mitigated Negative Declaration for the recommendation to the Mayor and City Council for the adoption of the Mitigated Negative Declaration, and the approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 for the Project.

Based upon the findings made herein and its independent judgment and analysis, the Planning Commission hereby recommends that the Mayor and City Council adopt the Mitigated Negative Declaration for the Project, and the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B, and that the Mayor and City Council impose each mitigation measure as a condition of approval on the Project, in accordance with CEQA and the State CEQA Guidelines.

SECTION 2. FINDINGS FOR GENERAL PLAN AMENDMENT 19-01:

Section 19.50.050 (Findings) of the City of San Bernardino Development Code requires that General Plan amendment applications meet certain findings prior to their approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Planning Commission for the approval of General Plan Amendment 19-01:

Finding No. 1: The proposed amendment is internally consistent with the General Plan.

Finding of Fact: The proposed amendment will change the General Plan Land Use Designation from Single-Family Residential and Industrial to Public/Quasi-Public for the entirety project site containing approximately 18.06 acres. The Public/Quasi-Public General Plan Land Use Designation is intended to provide for the public facilities and institutional uses to meet
the demand of current and future residents. The proposed amendment will allow for the development, establishment, and operation of a charter school on the currently vacant site, which is consistent with the existing elementary school to the north of the project site and single-family residential development within the project area. Therefore, the proposed project is consistent with the following General Plan goals and policies:

**General Plan Land Use Element Policy 2.2.1**: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.

**General Plan Land Use Element Goal 2.4**: Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.

**General Plan Community Design Element Goal 5.4**: Ensure individual projects are well designed and maintained.

**General Plan Circulation Element Policy 6.9.1**: Ensure that developments provide an adequate supply of parking to meet its needs either on-site or within close proximity.

**Finding No. 2:** The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Fact:** The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the proposed amendment to change the General Plan Land Use Designation of the entirety of the project site from Single-Family Residential and Industrial to Public/Quasi-Public will facilitate the development of a charter school which is consistent with the existing elementary school to the north of the project site and supportive of the surrounding single-family residential development. The project site is generally flat, with access from S. Waterman Avenue, E. Valley Street, and S. Allen Street, fully served by utility providers, and will not result in the need for the excessive provision of services. Additionally, any potential impacts created by the proposed amendment have been addressed in the Final Initial Study/Mitigated Negative Declaration and appropriate mitigation measures have been included within the Mitigation Monitoring and Reporting Program.

**Finding No. 3:** The proposed amendment would maintain the appropriate balance of land uses within the City.
Finding of Fact: The proposed amendment would result in the entirety of the project site having the Public/Quasi-Public General Plan Land Use Designation, which upon consolidation of the property will allow for the development of a charter school. The subject property is located along a major corridor, abutting an existing elementary school, and adjacent to an existing single-family residential neighborhood. Therefore, the proposed change from Single-Family Residential and Industrial to Public/Quasi-Public for the project site would allow the consolidation of educational facilities nearby existing residential uses, thereby providing for an appropriate balance of land uses within the City.

Finding No. 4: The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

Finding of Fact: The project site is currently comprised of sixteen (16) parcels that are proposed to be subdivided into two (2) parcels containing approximately 15.66 acres (Parcel 1) and 2.20 acres (Parcel 2). The project site is generally flat, with access from S. Waterman Avenue, E. Valley Street, and S. Allen Street. Utilities are available directly from S. Waterman Avenue. The project site is sufficient in size to meet parking, loading, and landscaping requirements for the proposed charter school. There are no physical constraints on the site, such as steep slopes or watercourses.

SECTION 3. FINDINGS FOR DEVELOPMENT CODE AMENDMENT (ZONING MAP AMENDMENT) 19-05:

Section 19.74.050 (Findings) of the City of San Bernardino Development Code requires that Development Code Amendment (Zoning Map Amendment) applications meet certain findings prior to their approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Planning Commission for the approval of Development Code Amendment (Zoning Map Amendment) 19-05:

Finding No. 1: The proposed amendment is consistent with the General Plan.

Finding of Fact: The proposed amendment will change the Zoning District Classification from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) for the entirety of the project site containing approximately 18.06 acres. The Public Facilities (PF) Zoning District Classification is intended to provide for the continuation of existing and development of new schools, government administrative, police, fire, libraries, social service, and other public facilities. The proposed amendment will allow for the development, establishment, and operation of a charter school on the currently vacant site, which is consistent with the existing elementary school to the north of the project site and single-family residential development within the project area. Therefore, the proposed project is consistent with the following General Plan goals and policies:
General Plan Land Use Element Policy 2.2.1: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.

General Plan Land Use Element Goal 2.4: Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.

General Plan Community Design Element Goal 5.4: Ensure individual projects are well designed and maintained.

General Plan Circulation Element Policy 6.9.1: Ensure that developments provide an adequate supply of parking to meet its needs either on-site or within close proximity.

Finding No. 2: The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the proposed amendment to change the Zoning District Classification of the entirety of the project site from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) will facilitate the development of a charter school which is consistent with the existing elementary school to the north of the project site and supportive of the surrounding single-family residential development. The project site is generally flat, with access from S. Waterman Avenue, E. Valley Street, and S. Allen Street, fully served by utility providers, and will not result in the need for the excessive provision of services. Additionally, any potential impacts created by the proposed amendment have been addressed in the Final Initial Study/Mitigated Negative Declaration and appropriate mitigation measures have been included within the Mitigation Monitoring and Reporting Program.

Finding No. 3: The proposed amendment would maintain the appropriate balance of land uses within the City.

Finding of Fact: The proposed amendment would result in the entirety of the project site having the Public Facilities (PF) Zoning District Classification, which upon consolidation of the property will allow for the development of a charter school. The subject property is located along a major corridor, abutting an existing elementary school, and adjacent to an existing single-family residential neighborhood. Therefore, the proposed change from Residential Suburban (RS) and Office Industrial Park (OIP) to Public
Facilities (PF) for the project site would allow the consolidation of educational facilities nearby existing residential uses, thereby providing for an appropriate balance of land uses within the City.

Finding No. 4: The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

Finding of Fact: The project site is currently comprised of sixteen (16) parcels that are proposed to be subdivided into two (2) parcels containing approximately 15.66 acres (Parcel 1) and 2.20 acres (Parcel 2). The project site is generally flat, with access from S. Waterman Avenue, E. Valley Street, and S. Allen Street. Utilities are available directly from S. Waterman Avenue. The project site is sufficient in size to meet parking, loading, and landscaping requirements for the proposed charter school. There are no physical constraints on the site, such as steep slopes or watercourses.

SECTION 4. FINDINGS FOR SUBDIVISION 19-03 (TENTATIVE PARCEL MAP 20120):

Section 19.66.150 (Findings) of the City of San Bernardino Development Code requires that Subdivision applications meet certain findings prior to their approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Planning Commission for the approval of Subdivision 19-03 (Tentative Parcel Map 20120):

Finding No. 1: The proposed map is consistent with the General Plan.

Finding of Fact: The proposed subdivision (Tentative Parcel Map 20120) would consolidate sixteen (16) parcels into two (2) parcels containing approximately 15.66 acres (Parcel 1) and approximately 2.20 acres (Parcel 2) to allow for the development of a charter school proposed by Conditional Use Permit 19-10. Additionally, the changes to the parcels lines are consistent with General Plan goals and Policies and the relevant provisions of the Development Code.

Finding No. 2: The design and improvements of the proposed subdivision is consistent with the General Plan.

Finding of Fact: The proposed Tentative Parcel Map will allow the development of a charter school which is compatible with the adjacent elementary school and consistent with the pattern of the surrounding development. Additionally, the proposed Tentative Parcel Map will connect to existing water and sewer services, roads, storm drains, and private utilities. Therefore, the proposed subdivision is consistent with the following General Plan goals and policies:
General Plan Land Use Goal 2.2: Promote development that integrates with surrounding land uses.

General Plan Land Use Policy 2.7.5: Require that developments conform to the availability of public infrastructure to accommodate its demands and mitigate its impacts.

Finding No. 3: The site is physically suitable for the type of development.

Finding of Fact: Each proposed parcel has been designed to meet the requirements of the Public Facilities (PF) zone and to serve the needs of the proposed charter school and any future development.

Finding No. 4: The site is physically suitable for the proposed density of development.

Finding of Fact: Each parcel has been designed to meet requirements of the Public Facilities (PF) zone and all applicable provisions of the Development Code for the proposed use.

Finding No. 5: The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

Finding of Fact: In accordance with Public Resources Code, Section 15074, a Mitigated Negative Declaration with the appropriate Mitigation Monitoring and Reporting Program (in order to ensure that the Mitigation Measures are implemented to prevent potential environmental impacts) was prepared in connection with the Project, including the proposed subdivision. Therefore, no significant negative impacts on the environment are anticipated.

Finding No. 6: The design of the subdivision or type of improvements will not cause serious public health problems.

Finding of Fact: The design of the proposed subdivision meets all of the applicable Development Code requirements and will not result in any serious public health problems. The proposed parcels will have access to existing public streets. Existing utilities and public services are available to serve the project site and ensure the maintenance of public health and safety.

Finding No. 7: 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.
Finding of Fact: The design of the subdivision will not conflict with any public or private easements. All documentation relating to easements and dedications will be reviewed and approved by the City Engineer prior to recordation of the Final Map. Existing easements will be reserved in place or relocated, as necessary.

SECTION 5. FINDINGS FOR CONDITIONAL USE PERMIT 19-10:

Section 19.36.050 (Findings) of the City of San Bernardino Development Code requires that Conditional Use Permit applications meet certain findings prior to their approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Planning Commission for the approval of Conditional Use Permit 19-10:

Finding No. 1: The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject zone and complies with all of the applicable provisions of this Development Code.

Finding of Fact: The project site will be located in the Public Facilities (PF) zone, subject to approval of the associated General Plan Amendment and Development Code Amendment (Zoning Map Amendment), which permits the development of development of schools and other public facilities. The project site is abutting an existing elementary school and adjacent to an existing single-family residential neighborhood. The proposed development will comply with all applicable Development Code standards, such as parking landscaping, building setbacks and height, etc.

Further, the development of the subject property will enhance the appearance of the currently vacant site with the construction of a new charter school with associated landscaping and on-site improvements. Therefore, the project would not impair the integrity and character of the subject land use district or be detrimental to surrounding properties.

Finding No. 2: The proposed use is consistent with the General Plan.

Finding of Fact: The proposed project would allow for the development, establishment, and operation of a new charter school on a currently vacant lot that will serve the needs of the adjacent single-family residential neighborhood and the surrounding community. The project has been designed with high quality architecture and meets all applicable Development Code standards, such as parking landscaping, building setbacks and height, etc. Therefore, the proposed project is consistent with the following General Plan goals and policies:

*General Plan Land Use Element Policy 2.2.1: Ensure compatibility between land uses and quality design through adherence to standards and regulations in the Development Code and policies and guidelines in the Community Design Element.*
General Plan Land Use Element Policy 2.3.1: Commercial centers, open spaces, educational facilities, and recreational facilities should be linked to residential neighborhoods.

General Plan Land Use Element Goal 2.4: Enhance the quality of life and economic vitality in San Bernardino by strategic in-fill of new development and revitalization of existing development.

General Plan Community Design Element Goal 5.4: Ensure individual projects are well designed and maintained.

General Plan Circulation Element Policy 6.9.1: Ensure that developments provide an adequate supply of parking to meet its needs either on-site or within close proximity.

Finding No. 3: The approval of the Conditional Use Permit or Minor Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code.

Finding of Fact: In accordance with Public Resources Code, Section 15074, a Mitigated Negative Declaration with the appropriate Mitigation Monitoring and Reporting Program (in order to ensure that the Mitigation Measures are implemented to prevent potential environmental impacts) was prepared in connection with the Project.

Finding No. 4: There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.

Finding of Fact: In accordance with Public Resources Code, Section 15074, a Mitigated Negative Declaration with the appropriate Mitigation Monitoring and Reporting Program (in order to ensure that the Mitigation Measures are implemented to prevent potential environmental impacts) was prepared in connection with the Project, including the proposed subdivision. Therefore, no significant negative impacts on the environment are anticipated.
Finding No. 5: The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The location and operating characteristics of the proposed charter school facility are consistent with all provisions of the City of San Bernardino Development Code. Conditions of Approval have been imposed to achieve project compliance and minimize impacts to surrounding land uses. The proposed project will not create conditions that may be objectionable or detrimental to other permitted uses in the vicinity. Therefore, the design of the project will ensure that the project will not create any land use conflict or adverse effects on public health, safety or welfare are anticipated to result from establishment of a charter school at the subject site.

Finding No. 6: The subject site is physically suitable for the type and density/intensity of use being proposed.

Finding of Fact: The site is physically suitable for the type and density/intensity of the project being proposed as evidenced by project compliance with all applicable Development Code Standards. The proposed facility exceeds all setback and height requirements and has been designed to incorporate into the surrounding development. The size of the project site is adequate to accommodate the proposed improvements, in compliance with the requirements of the Development Code. Therefore, the site is physically suitable for the proposed charter school, and there are no physical constraints on the site that would limit establishment of the facility as proposed.

Finding No. 7: There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site has direct access S. Waterman Avenue, E. Valley Street, and S. Allen Street. All agencies responsible for reviewing access and providing water, sanitation and other public services to the site have had the opportunity to review the proposal, and none indicated inability to serve the project site. Therefore, establishment of the proposed project, subject to Conditions of Approval, will not be detrimental to public services or public health and safety.
SECTION 6. CONDITIONS OF APPROVAL:

The approval of General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 shall be subject to the following Conditions of Approval:

1. This approval is to allow the change of the General Plan Land Use Designation from Single-Family Residential and Industrial to Public/Quasi-Public and the Zoning District Classification from Residential Suburban (RS) and Office Industrial Park (OIP) to Public Facilities (PF) of sixteen (16) parcels containing a total of approximately 18.06 acres; allow the consolidation of sixteen (16) parcels into two (2) parcels containing approximately 15.66 acres (Parcel 1) and approximately 2.20 acres (Parcel 2); and, allow the development, establishment and operation of charter school containing approximately 89,890 square feet to be built on Parcel 1. The project site is located at 230 S. Waterman Avenue, San Bernardino, CA 92408 (APN: 0136-261-11, 23, 24, 25, 26, 27, 28, 29, 36, 37, 41, 42, 43, 44, 50, and 57).

2. The project site shall be developed and maintained in accordance with: (i) the plans stamped January 14, 2020 (EXHIBIT “A”), approved by the City, which includes a tentative parcel map, site plan, floor plan(s), exterior-elevations plan(s), and conceptual landscape plan on file with the Planning Division; (ii) the Conditions of Approval contained herein; and (iii) the City’s Municipal Code regulations.

3. The project shall be subject to all of the mitigation measures contained within the Mitigation Monitoring and Reporting Program (EXHIBIT “B”), dated J, 2020 and incorporated herein by reference, as Conditions of Approval.

4. The project shall be subject to all of the mitigation measures contained within the Mitigation Monitoring and Reporting Program (EXHIBIT “B”), dated February 5, 2020 and incorporated herein by reference, as Conditions of Approval.

5. Within two (2) years of the approval of the Conditional Use Permit, the commencement of construction shall have occurred or the permit/approval shall become null and void. In addition, if at any time after the commencement of construction, work is discontinued for a period of one (1) year, then the permit/approval shall become null and void. However, approval of the Conditional Use Permit does not authorize the commencement of construction. All necessary permits must be obtained prior to the commencement of specified construction activities included in the Conditions of Approval.

EXPIRATION DATE: January 14, 2022

6. The review authority may grant a time extension, for good cause, not to exceed twelve (12) months. The applicant must file an application, the processing fees, and all required submittal items thirty (30) days prior to the expiration date. The review authority shall ensure that the project complies with all Development Code provisions in effect at the time of the requested extension.

7. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action, or proceeding and will fully cooperate in the defense of this matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless
the City of San Bernardino ("City"), any departments, agencies, divisions, boards, and/or commissions of the City, and any predecessors, successors, assigns, agents, directors, elected officials, officers, employees, representatives, and attorneys of the City from any claim, action, or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs or attorneys' fees, which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered "attorneys' fees" for purposes of this condition. As part of the consideration for issuing this Conditional Use Permit, this condition shall remain in effect if the Conditional Use Permit is rescinded or revoked, whether or not at the request of applicant.

Planning Division

8. Construction-related activities may not occur between the hours of 8:00 pm and 7:00 am. No construction vehicles, equipment, or employees may be delivered to, or arrive at, the construction site before 7:00 am or leave the site after 8:00 pm. Construction activities shall only occur Monday through Friday.

9. If the colors of the buildings or other exterior finish materials are to be modified beyond the current proposal and improvement requirements, the revised color scheme and/or finish materials shall be reviewed and approved by the Planning Division prior to the commencement of work.

10. The project landscape plans shall be in substantial compliance with the Conceptual Landscape Plan and prepared in accordance with the Development Code, Section 19.28.120 (Water Efficient Landscaping Standards).

11. Minor modifications to the plans shall be subject to approval by the Director through the Minor Modification Permit process. Any modification that exceeds 10% of the allowable measurable design/site considerations shall require the re-filing of the original application.

12. The project shall comply with all applicable requirements of the Building and Safety Division, Police Department, Municipal Water Department, Public Works Department, and the City Clerk’s Office/Business Registration Division.

13. This approval shall comply with the requirements of other outside agencies (i.e., San Bernardino County Health Department, Division of Environmental Health Services, San Bernardino County Consolidated Fire District, and California Board of Equalization), as applicable.

14. The facility operator and property owner shall be responsible for regular maintenance of the project site. The site shall be maintained in a clean condition and free of litter or any other undesirable material(s). Vandalism, graffiti, trash, and other debris shall be removed and cleaned up within twenty-four (24) hours of being reported.
15. Signs are not approved as part of this permit. Prior to establishing any new signs, or to replacing existing signs, the applicant shall submit an application and receive approval for a Sign Permit from the Planning Division. Banners, flags, pennants, and similar signs are prohibited unless a Temporary Sign Permit is obtained.

16. All exterior lighting shall be contained within property lines and be energy efficient, with the option to lower or reduce usage when the facility is closed.

17. Submittal requirements for permit applications (site improvements, landscaping, etc.) to Building Plan Check and/or Land Development must include all Conditions of Approval issued with this approval, printed on the plan sheets.

18. All Conditions of Approval and Standard Requirements shall be implemented and/or completed prior to final inspection and/or issuance of a Certificate of Occupancy.

**Building and Safety Division**

19. All plans submitted shall conform to the California Building Code (2019). Please note that this will include the California Green Building Standards Code.


21. Project shall also conform to the requirements of Chapter 4 of the California Building Code (2019), Special Details Requirements Based on Use of Occupancy.


23. Provide all disabled access requirements and complete details on plans prior to plan review submittal and conform to Chapter 11A of the California Building Code (2019).

24. There shall be a formal plan submittal prior to all issuance of permits.


**Land Development Division**

26. **Drainage and Flood Control**
   a) A local drainage study will be required for the project. Any drainage improvements, structures or storm drains needed to mitigate downstream impacts or protect the development shall be designed and constructed at the developer's expense, and right-of-way dedicated as necessary.
   b) All drainage from the development shall be directed to an approved public drainage facility. If not feasible, proper drainage facilities and easements shall be provided to the satisfaction of the City Engineer.
c) If site drainage is to be outletted into the public street, the drainage shall be conveyed through a parkway culvert constructed in accordance with City Standard No. 400. Conveyance of site drainage over the Driveway approaches will not be permitted.

d) A Final Full-Categorical Water Quality Management Plan (WQMP) is required for this project. The applicant is directed to the County of San Bernardino’s Flood Control web page for the template and Technical Guidance Document. The Land Development Division, prior to issuance of any permit, shall approve the WQMP, A CD copy of the approved WQMP and Hydrology Study shall be required prior to grading permit issuance.

e) A Storm Water Pollution Prevention Plan (SWPPP) will be required. The applicant is directed to State Water Resources Control Board (SWRCB) SMART Login system. The SWPPP shall be approved by the State and a CD copy of the approved SWPPP shall be submitted to City prior to grading permit issuance.

f) A "Notice of Intent (NOI)" shall be filed with the State Water Quality Control Board for construction disturbing 1 acre or more of land (including the project area, construction yards, storage areas, etc.). A WDID number issued by the State of California is required prior to the issuance of grading permit.

g) The Land Development Division, prior to grading plan approval, shall approve an Erosion Control Plan. The plan shall be designed to control erosion due to water and wind, including blowing dust, during all phases of construction, including graded areas which are not proposed to be immediately built upon.

27. Grading and Landscaping

a) The grading and on-site improvement plan shall be signed by a Registered Civil Engineer and a grading permit will be required. The grading plan shall be prepared in strict accordance with the City's "Grading Policies and Procedures" and the City's "Standard Drawings", unless otherwise approved by the Building Official.

b) The applicant must post a grading bond prior to issuance of a grading permit. The amount of the bond is to be determined by the Building Official.

c) If the grading plan indicates export or import, the source of the import material or the site for the deposition of the export shall be noted on the grading plan. Permit numbers shall be noted if the source or destination is in the City of San Bernardino.

d) If more than 50 cubic yards of earth is to be hauled on City Streets then a special hauling permit shall be obtained from the City Engineer. Additional conditions, such as truck route approval, traffic controls, bonding, covering of loads, street cleaning, etc. may be required by the City Engineer.

e) If more than 5 trees are to be removed from the site, a tree removal permit conforming to the requirements of Section 19.28.100 of the Development Code shall be obtained from the & Economic Development Department - Planning Division prior to issuance of any grading or site development permits.

f) An accessible path of travel shall be provided from the public way to the building entrance. All pathways shall be paved and shall provide a minimum clear width of 4 feet. Where parking overhangs the pathway, the minimum paved width shall be 6.5 feet. All accessible parking spaces shall be a minimum of 18 feet by 9 feet net.
g) A liquefaction evaluation is required for the site. This evaluation must be submitted and approved prior to issuance of a grading permit. Any grading requirements recommended by the approved liquefaction evaluation shall be incorporated in the grading plan.

h) Wheel stops are not permitted by the Development Code, except at designated accessible parking spaces. Therefore, continuous 6” high curb shall be used around planter areas and areas where head in parking is adjacent to walkways. The parking spaces may be 16.5’ deep and may overhang the landscaping or walkway by 2.5’. Overhang into the setback area or into an ADA path of travel (minimum 4’ wide) is not permitted.

i) Retaining walls, block walls and all on-site fencing shall be designed and detailed on the on-site improvement Plan. This work shall be part of the on-site improvement permit issued by the Building Official. All masonry walls shall be constructed of decorative block with architectural features acceptable to the City Planner.

j) No construction on a site shall begin before a temporary/security fence is in place and approved by the Building Official or his designee. Temporary/security fencing may not be removed until approved by the Building Official or his designee. The owner or owner’s agent shall immediately remove the temporary/security fencing upon the approval of the Building Official or his designee. Sites that contain multiple buildings shall maintain the temporary/security fencing around the portion of the site and buildings under construction as determined by the Building Official or his designee. All temporary/security fencing for construction sites shall include screening, emergency identification and safety identification and shall be kept in neat and undamaged condition.

k) The design of on-site improvements shall also comply with all requirements of The California Building Code, Title 24, relating to accessible parking and accessibility, including retrofitting of existing building access points for accessibility, if applicable.

l) The project Landscape Plan shall be reviewed and approved by the Land Development Division prior to issuance of a grading permit. Submit 3 copies to the Land Development Division for Checking.

m) The public right-of-way, between the property line and top of curb (also known as “parkway”) along adjoining streets shall be landscaped by the developer and maintained in perpetuity by the property owner. Details of the parkway landscaping shall be included in the project’s on-site landscape plan.

n) Phasing improvement plans shall include coordination with adjoining phases.

o) The applicant must post a grading bond prior to issuance of a grading permit. The amount of the bond is to be determined by the Land Development Division.

p) Prior to occupancy of any building, the developer shall post a bond to guarantee the maintenance and survival of project landscaping for a period of one year.

q) The applicant must post a performance bond prior to issuance of the on-site permit. The amount of the bond is to be determined by Land Development.
28. Utilities
   a) Design and construct all public utilities to serve the site in accordance with City Code, City Standards and requirements of the serving utility, including gas, electric, telephone, water, sewer and cable TV (Cable TV optional for commercial, industrial, or institutional uses).
   b) Backflow preventers shall be installed for any building with the finished floor elevation below the rim elevation of the nearest upstream manhole.
   c) This project is located in the sewer service area maintained by the City of San Bernardino therefore, any necessary sewer main extension shall be designed and constructed in accordance with the City's "Sewer Policy and Procedures" and City Standard Drawings.
   d) Utility services shall be placed underground and easements provided as required.
   e) Existing Utilities which interfere with new construction shall be relocated at the Developer's expense as directed by the City Engineer.
   f) Sewers within private streets or private parking lots will not be maintained by the City but shall be designed and constructed to City Standards and inspected under a City On-Site Construction Permit. A private sewer plan designed by the Developer's Engineer and approved by the City Engineer will be required. This plan can be incorporated in the grading plan, where practical.

29. Required Engineering Plans
   a) A complete submittal for plan checking shall consist of:
      ▪ street improvement plans (may include street lights or street lighting may be separate plan),
      ▪ sewer plans (Private sewers may be shown on on-site improvement plan; public sewers must be on a separate plan with profile),
      ▪ storm drain plans (Private storm drains may be shown on on-site improvement plans; public storm drains must be on a separate plan with profile),
      ▪ signing and striping plan (may be on sheets included in street improvement plan),
      ▪ lighting (on-site lighting may be included in on-site improvement plan or may be on a separate stand-alone plan),
      ▪ grading (may be incorporated with on-site improvement plan),
      ▪ on-site improvement plans and on-site landscaping and irrigation,
      ▪ water plans (shall be submitted to San Bernardino Municipal Water Department),
      ▪ other plans as required. Piecemeal submittal of various types of plans for the same project will not be allowed.
      ▪ All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)
   b) All off-site improvement plans submitted for plan check shall be prepared on the City's standard 24” x 36” sheets. A signature block satisfactory to the City Engineer or his designee shall be provided.
c) After completion of plan checking, final mylar drawings, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer and/or Building Official for approval.

d) Electronic files of all improvement plans/drawings shall be submitted to the City Engineer. The files shall be compatible with AutoCAD 2000, and include a .DXF file of the project. Files shall be on a CD and shall be submitted at the same time the final mylar drawings are submitted for approval.

e) Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org.

30. Mapping

a) Subdivision 19-03 proposes to divide approximately 18.06 acres into 2 parcels. All required entitlements, permits, approvals and payment of fees shall be completed prior to any construction permits being issued.

b) All Water Department requirements shall be addressed prior to Parcel Map recordation.

c) The applicant’s surveyor/engineer shall submit a Final Parcel Map with supporting documents (closure calculation, title report, non-interference letter, reference documents…) for review and approval to Land Development.

d) A Final Parcel Map based upon field survey will be required.

e) The Final Parcel Map shall comply with the Tentative Parcel Map and be prepared in accordance to Subdivision Map Act.

f) All required improvements within Public Works right-of-way shall be completed or securities shall be furnished as approved by the city in accordance with the Subdivision Map Act prior to recordation of the final Parcel Map.

31. Required Engineering Permits

a) Grading permit.

b) On-site improvements construction permit (except buildings - see Development Services-Building Division), including landscaping.

c) Off-site improvement construction permit.

d) A Final/Parcel Map based upon field survey will be required.

e) The applicant’s surveyor/engineer shall submit a Final/Parcel Map with supporting documents for review and approval to Land Development. The Final/Parcel map shall be recorded prior to grading permit issuance.

32. Applicable Engineering Fees

a) All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.

b) The current fee schedule is available at the Public Works Counter and at http://www.sbcity.org.
Public Works Department – Integrated Waste Division

33. The development shall construct a minimum of three (3) refuse enclosures.

34. All refuse enclosures shall be constructed in compliance with City Standard Plan No. 508.

Public Works Department

35. Street Improvement and Dedications
   a) For the streets listed below, dedication of adequate street right-of-way (R.W.) per the General Plan and Municipal Code shall provide the distance from street centerline to property line and placement of the curb line (C.L.) in relation to the street centerline shall be as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Right of Way (feet) From Centerline</th>
<th>Curb Line (feet) From Centerline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Street</td>
<td>41.25’ Existing 0’ Dedication “Local - Collector”</td>
<td>26’± Existing None-Proposed Per General Plan</td>
</tr>
<tr>
<td>Waterman Avenue</td>
<td>50’ Existing 5’ Dedication “Major Arterial”</td>
<td>42.5’± Existing None-Proposed Per General Plan</td>
</tr>
<tr>
<td>Valley Street</td>
<td>24’ Existing 6’ Dedication “Local - Collector”</td>
<td>18’± Existing 2’ Proposed (traffic report may change this condition) Per General Plan</td>
</tr>
<tr>
<td>(0136-261-29)</td>
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<td></td>
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</tbody>
</table>

b) Allen Street: * - **
   i) The street shall be rehabilitated to meet the requirements detailed in a soils report based on the “R” value of the subgrade and the traffic Index. The City’s has a minimum standard for new streets (4” AC over 8” Base); However the Soils Report may indicate a thicker or different improvement.
   ii) The existing curb and sidewalk are in poor condition. Replace per city standards, and remove any unused driveways to project.
   iii) Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible by-pass around the top of the drive approach.
   iv) Construct 8” Curb and Gutter per City Standard No. 200, type “B”.

20
v) Construct Sidewalk per City Standard No. 202; Case "A" (6’ wide adjacent to curb).
vi) Remove Street lights from wooden poles (SCE).
vi) Install LED Street Lights System adjacent to the site in accordance with City Standard No’s. SL-1, SL-2, and SL-3. Also, a separate light plan shall be submitted in accordance with the City of San Bernardino Street Lighting Design Policies.

viii) Underground existing Poles.
ix) Install 2-3” Conduit 36” under the sidewalk with pull rope and pull boxes for future Traffic connections.
x) Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

Waterman Avenue: * - **

xi) The street shall be rehabilitated to meet the requirements detailed in a soils report based on the “R” value of the subgrade and the traffic Index. The City’s has a minimum of 2” Grind and Overlay; However the Soils Report may indicate a thicker or different improvement.

xii) The existing curb & gutter is in fair condition, replace any damaged or cracked panels per city standards, the sidewalk is in poor condition replace per city standards, remove any unused driveways to project.

xiii) The corner shall be a 35’ Radius including a compliant ADA ramp with By-Pass and Truncated Domes.

xiv) If a Radius type Driveway Approach is proposed in lieu of the standard drive approach, therefore turning curb radius shall be 35’. An accessible bypass crossing the approach shall be provided to comply with current ADA standard, or Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible by-pass around the top of the drive approach.

xv) Driveway shall align with opposing driveway and may require a traffic signal if traffic report indicates.

xvi) Construct 8” Curb and Gutter per City Standard No. 200, type “B”.

xvii) Construct 6’ wide Cross Gutter with Apron per City Standard No 201.

xviii) Construct Sidewalk per City Standard No. 202; Case "A" (6’ wide adjacent to curb).

xix) Install “NO STOPPING” signs per the MUTCDCA and City Standards.

xx) An ADA Ramp shall be constructed at corner in accordance with the SPPWC (Standard Plans for Public Works Construction) or Caltrans Standard plans A88A.

xxi) If proposing a bus stop use MUTCDCA and Omni-trans standards including pad.
xxii) Existing Street Light System (Bulb) shall be replaced to LED in accordance with City Standard Nos. SL-1, SL-2, and SL-3. Also, a separate light plan may be submitted in accordance with the City of San Bernardino Street Lighting Design Policies as directed by the City Engineer.

xxiii) Install 2-3” Conduit 36” under the sidewalk with pull rope and pull boxes for future Traffic connections.

xxiv) Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

Valley Street: * - **

xxv) The street shall be rehabilitated to meet the requirements detailed in a soils report based on the “R” value of the subgrade and the traffic Index. The City’s has a minimum standard for new streets (4” AC over 8” Base); however, the Soils Report may indicate a thicker or different improvement.

xxvi) The existing curb & gutter is in fair condition, replace any damaged or cracked panels per city standards, remove any unused driveways to project...

xxvii) The corner shall be a 35’ Radius including a compliant ADA ramp with By-Pass and Truncated Domes.

xxviii) Construct Commercial Driveway Approach per City Standard No. 204, Type II, including an accessible by-pass around the top of the drive approach.

xxix) Construct 8” Curb and Gutter per City Standard No. 200, type “B”.

xxx) Construct 6’ wide Cross Gutter with Apron per City Standard No 201.

xxxi) Construct Sidewalk per City Standard No. 202; Case "A" (6’ wide adjacent to curb).

xxiis) An ADA Ramp shall be constructed at corner in accordance with the SPPWC (Standard Plans for Public Works Construction) or Caltrans Standard plans A88A.

xxxiii) Install LED Street Lights System adjacent to the site in accordance with City Standard No’s. SL-1, SL-2, and SL-3. Also, a separate light plan shall be submitted in accordance with the City of San Bernardino Street Lighting Design Policies

xxxiv) Install 2-3” Conduit 36” under the sidewalk with pull rope and pull boxes for future Traffic connections.

xxxv) Survey Monuments and ties shall be placed, replaced, tied out and recorded at any corner or alignment changes that are adjacent to the project area in accordance to California Land Surveyors Association – Monument Preservation Guidelines, Copies of Recorded Monuments/Ties shall be delivered to Public Works/Engineering.

* These Conditions are set for an estimated construction with-in two years. If construction exceeds two years from DERC Approval these conditions shall be reviewed and updated as needed.
** If a Scoping Form is required, this form shall indicated the need of a Traffic Report, the results of the traffic report shall become conditions of this project which may increase or extend the above requirements in section 1(b) and 5(a).

c) With Submittal of improvement plans including but not limited to grading plans, Street improvement plans, storm drain and retention/detention basin plans, and erosion/sediment control plans, the Applicant shall cause to be formed, or shall be annexed into an existing, Community Facilities District(s) (CFD) for landscaping, lighting, streets, drainage facilities, street sweeping, graffiti removal, or other infrastructure as required by the City to the satisfaction of the City Engineer. The Applicant shall initiate the maintenance and benefit assessment district(s) formation, or annexation, by submitting a landowner petition and consent form (provided by the City) and deposited necessary fees concurrent with the application for street and grading plan review and approval; and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of the subdivision of land, or prior issuance of any certificate of occupancy where there is no subdivision of land, and as approved by the City Engineer.

d) If a drainage report is required by Land Development, A second copy of the drainage report will be delivered to public works, if offsite or overflow storm drain systems are identified, all systems shall be identified on the street improvement plans, and public storm drain shall be on a separate set of plans.

e) City approved trash screens and filtration devices shall be installed in all catch basins or manhole connections.

f) A temporary construction encroachment permit from Public Works Department shall be required for utility cuts into existing streets or any work within City’s right-of-way. Pavement restoration or trench repair shall be in conformance with City Standard No. 310. Public facilities shall be restored or constructed back to Public Works Department satisfaction.

g) Any pavement works affecting the traffic loop detectors shall be coordinated and subjected to Public Works Traffic Division requirements.

h) The applicant must post a performance bond prior to issuance of the off-site permit. The amount of the bond is to be determined by Public Works Department.

i) The above conditions shall comply with current codes, policies, and standards at time of construction.

j) Prior to Certificate of Occupancy or completion of project all as-builts shall be submitted to Public Works.

36. Required Engineering Plans

a) A complete submittal for plan checking shall consist of:
   * street improvement plans (include engineering conditions and cross sections in these plans),
   * if storm drain plans are required then public storm drains must be on a separate plan with profile, private storm drains may be shown on on-site and off-site improvement plans,
traffic signal plans must be submitted on a separate plan (if required by conditions or traffic reports),

signing and striping plan (may be on sheets included in street improvement plan, verification and approval prior to submission),

lighting for offsite plans (may be on sheets included in street improvement plan, verification and approval prior to submission),

CFD Plans are required, they shall include Landscaping, Irrigation, Basins, etc. that are included in the CFD that are not listed in the plans above.

other plans as required. Piecemeal submittal of various types of plans for the same project will not be allowed.

All required supporting calculations, studies and reports must be included in the initial submittal (including but not limited to drainage studies, soils reports, structural calculations)

Each discipline shall have its own title sheet unless packaged as a set.

b) All off-site improvement plans submitted for plan check shall be prepared on the City’s standard 24” x 36” sheets. A signature block (city standard block) satisfactory to the City Engineer or his designee can be found on the City Web Site http://www.sbcity.org. Engineering conditions of the project shall be inserted in the last pages of the plans.

c) After completion of plan checking, final mylar drawings with city standard block, stamped and signed by the Registered Civil Engineer in charge, shall be submitted to the City Engineer and/or Building Official for approval.

d) Electronic files of all improvement plans/drawings shall be submitted to the City Engineer. The files shall be compatible with AutoCAD 2015, and include a .dx file of the project. Files shall be on CD and shall be submitted at the same time the final mylar drawings are submitted for approval.

e) Copies of the City’s design policies and procedures and standard drawings are available at the Public Works Counter for the cost of reproduction. They are also available at no charge at the Public Works Web Site at http://www.sbcity.org.

37. Required Engineering Permits

a) Off-site improvement construction permits.

b) Traffic Control and ROW Permits.

38. Applicable Engineering Fees

a) All plan check, permit, inspection, and impact fees are outlined on the Public Works Fee Schedule. A deposit in the amount of 100% of the estimated checking fee for each set of plans will be required at time of application for plan check. The amount of the fee is subject to adjustment if the construction cost estimate varies more than 10% from the estimate submitted with the application for plan checking.

b) The current fee schedule is available at the Public Works Counter and at http://www.sbcity.org.
39. **Traffic Requirements**
   
a) All Traffic mitigation measures shall be implemented according to the recommendations of the City Traffic Engineer prior to Street Improvement plan approval.

**San Bernardino County Consolidated Fire District**

40. 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.

41. Building plans shall be submitted to the Fire Department for review and approval.

42. Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

43. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

44. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

45. **Fire Hydrant Replacement.** Replacement of substandard fire hydrant(s) is required along with the required fire flow. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one four (4) inch outlet. In areas that are subject to freezing the fire hydrant shall be a Dry Barrel type and approved by the local water company. In lieu of these water improvements, fire staff may approve a residential fire sprinkler system for single family dwellings. Fire hydrants shall be installed in accordance with Fire Department.

46. 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.

47. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
48. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

49. 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.

50. Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for “fire final”.

51. 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.

52. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.

53. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

54. Prior to building permits being issued to any new structure, the primary access road shall be paved or an allweather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.

55. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an allweather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

56. Solar / Photovoltaic System Plans. Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.

57. The project shall comply with the following Fire Departments Standards:

- **Standard A-1** – FIRE APPARATUS ACCESS ROAD DESIGN, CONSTRUCTION, AND MAINTENANCE
- **Standard A-2** – FIRE APPARATUS ACCESS ROAD DESIGNATION AND MARKING
- **Standard A-3** – GATES AND OTHER OBSTRUCTIONS TO FIRE DEPARTMENT ACCESS
Standard A-4 – FIRE DEPARTMENT ACCESS KEY BOXES  
Standard B-1 – PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING  
Standard B-2 – CONSTRUCTION SITE FIRE SAFETY  
Standard F-1 – FIRE SPRINKLER SYSTEMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS  
Standard F-4 – POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS  
Standard F-5 – DESIGN, INSTALLATION, AND MAINTENANCE OF FIRE ALARM SYSTEMS  
Standard W-2 – ONSITE FIRE PROTECTION WATER SYSTEMS

58. 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.

59. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be determined by the square footage of the building an occupancy use.

60. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
SECTION 5. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2020-005 forwarding a recommendation that the Mayor and City Council:

   a. **Adopt** the Mitigated Negative Declaration for General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10, in accordance with Section 15074 of the Public Resources Code, and direct the Planning Commission Secretary to prepare and file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code, Section 21152(c) and California Code of Regulations, Title 14, Section 15094; and

   b. **Approve** General Plan Amendment 19-01, Development Code Amendment (Zoning Map Amendment) 19-05, Subdivision 19-03 (Tentative Parcel Map 20120) and Conditional Use Permit 19-10 based on the Findings of Fact and subject to the recommended Conditions of Approval.

SECTION 6. SEVERABILITY:

If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

PASSED, APPROVED, AND ADOPTED this 14th day of January 2020.

______________________________
Elizabeth Sanchez, Chairperson
San Bernardino Planning Commission

ATTEST:

______________________________
Oliver Mujica, Planning Commission Secretary
City of San Bernardino, California
CERTIFICATION:

I, Stephanie Sanchez, Recording Secretary of the Planning Commission of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2020-005, was duly adopted by the Planning Commission of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of January 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Sanchez, Recording Secretary
City of San Bernardino, California
EXHIBIT A
APPROVED PLANS
C. EXTERIOR ELEVATIONS - BUILDING H - GRADES 1-2 - EAST

D. EXTERIOR ELEVATIONS - BUILDING G - GRADES 1-2 - WEST
EXHIBIT B
MITIGATION MONITORING AND REPORTING PROGRAM
<table>
<thead>
<tr>
<th>Cultural Resources</th>
<th>Mitigation Measures (MMs)</th>
<th>Implementation Timing</th>
<th>Monitoring/Reporting Methods</th>
<th>Responsible for Approval/Monitoring</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Resources</td>
<td>MM CUL-1: The applicant or project/construction manager shall provide Worker Environmental Awareness Training (WEAP), prior to commencing construction, to inform all on-site construction workers of proper procedures in the event that cultural resources are discovered during construction.</td>
<td>Prior to initiating ground-disturbing activities.</td>
<td>Site inspections</td>
<td>Community &amp; Economic Development Department</td>
<td></td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>MM CUL-2: In the event that pre-contact/historic era cultural resources are discovered during site grading or excavations, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standard shall be hired to assess the find (due to low resource sensitivity, an archaeologist is not required onsite during construction). Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the SMBMI Cultural Resources Department shall be contacted, as detailed within MM TCR-1, regarding any pre-contact/historic era finds and be provided information after the Project archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</td>
<td>During ground-disturbing activities</td>
<td>Site monitoring</td>
<td>Qualified Archaeologist</td>
<td></td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>MM CUL-3: If significant pre-contact/historic era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Project archaeologist will develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within MM TCR-1. The Project archaeologist will monitor the remainder of the Project construction and implement the Plan accordingly.</td>
<td>During ground-disturbing activities</td>
<td>Site monitoring</td>
<td>Qualified Archaeologist</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MMs)</td>
<td>Implementation Timing</td>
<td>Monitoring/Reporting Methods</td>
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<td><strong>Noise</strong></td>
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<td><strong>MM NOI-1:</strong> During all project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufacturers’ standards. The construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors (residences) nearest the project site.</td>
<td>During construction</td>
<td>Site inspections</td>
<td>Community &amp; Economic Development Department</td>
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<td><strong>Transportation</strong></td>
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<td><strong>MM TRAN-1:</strong> The applicant shall provide a traffic signal at the intersection of Waterman Avenue and Valley Street (intersection #8), prior to issuance of certificates occupancy, or as otherwise determined necessary to avoid a significant impact pursuant to the City’s Traffic Impact Study Guidelines.</td>
<td>During construction</td>
<td>Site inspections</td>
<td>Public Works Department</td>
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<td><strong>Tribal Cultural Resources</strong></td>
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<td><strong>MM TCR-1:</strong> The <em>applicable designated Tribal entity</em> shall be contacted, as detailed in MM CUL-1, of any pre-contact/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 Project archaeologist, in coordination with the <em>applicable designated Tribal entity</em>, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a tribal monitor to be present that represents the <em>applicable designated Tribal entity</em> for the remainder of the Project ground disturbing activities, should the <em>applicable designated Tribal entity</em> elect to place a tribal monitor on-site.</td>
<td>Prior to the issuance of any ground disturbance-related permits (such as grading permits); during grading</td>
<td>Develop Tribal Monitoring Plan; Site monitoring</td>
<td>Archaeological Monitor, Tribal monitor, and Community Development Department</td>
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<td>Mitigation Measures (MMs)</td>
<td>Implementation Timing</td>
<td>Monitoring/Reporting Methods</td>
<td>Responsible for Approval/Monitoring</td>
<td>Verification</td>
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<td><strong>MM TCR-2:</strong> 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 Project Applicant and Lead Agency for dissemination to the applicable designated Tribal entity.</td>
<td>Prior to the issuance of any ground disturbance-related permits (such as grading permits); during grading</td>
<td>Develop Tribal Monitoring Plan; Site monitoring</td>
<td>Community &amp; Economic Development Department</td>
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ATTACHMENT B

Project Justification Letter
Justification Letter
Norton Science and Language Academy Project

Issue and Information

• Please describe in detail all components of the request. Explain the existing and the intended use of the property. The following documents are provided herein:
  o Concept Site Plan (Appendix E)
  o Project Description (Appendix F)

The proposed Project is requesting approval of the following components:
  o Development Permit;
  o Zoning Map Amendment;
  o General Plan Amendment
  o Approval of Subdivision; and
  o Adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act.

The total Project area encompasses approximately 18.06 acres of vacant and disturbed land. The Project site does not have an existing use. The Project proposes to construct the Norton Science and Language Academy (NSLA) which would also include the County of San Bernardino's Mill Child Development Center. Both developments, together would be considered the NSLA school “Project”. A description of the two proposed uses is provided below.

San Bernardino County Head Start/Preschool Facility (Mill Child Development Center)

The new County head start/preschool facility would be located at 205 S. Allen Street on the northwest corner between San Bernardino City Unified School District's Frank Dominguez Elementary School and the NSLA campus.

The head start/preschool facility would be located on an approximately 2.20-acre site (95,876 square-feet). The 1-story building is anticipated to be 16,978 square-feet with an outdoor playground area of approximately 17,065 square-feet. Approximately 111 vehicle parking spaces would be provided and site access is via a drive way on Allen Street and onsite stacking for safe parent unloading/loading. Proximity to Frank Dominguez Elementary School is intended to minimize traffic if parents need to attend both facilities.

The operations of the head start/preschool facility will consist of 42 staff providing services for up to 200 children ages 3-5. The typical hours of operation are 7AM to 5PM with events and meetings occurring on a weekend or an evening, once per month.

Norton Science and Language Academy (NSLA)

The NSLA school located at 230 S. Waterman Avenue is a development consisting of seven 1-story buildings and one 2-story building (Buildings A, B, H are PreK- 5th Grade, Buildings C, D and G are Administration, Multi-Purpose Room and Gymnasium and Building E and F are High School) on an approximately 15.86-acre site. The proposed buildings include the following associated amenities: an indoor high school gym, outdoor basketball courts, a soccer field, an outdoor asphalt playground, grassed play areas, and approximately 303 vehicle parking stalls distributed along the north, east and south sides of the site. Project site access would be via
three driveways: Access to the northeast and east parking lots is provided along Waterman Avenue, access to the southeast parking lot is provided on Valley Street, and emergency access to the west side of the property is providing along Allen Street.

The Project site includes new landscaping, indoor and outdoor security lighting, seating areas, perimeter fencing and frontage improvements like sidewalks, lighting, and landscaping.

The operations of the elementary-middle school and high school facilities will consist of approximately 130-staff providing services to no more than 1,450-students in grades Pre-Kindergarten-12th grade. The typical hours of operation are as follows: Elementary School – 8:15 am – 2:45 pm, with students able to come onto campus starting at 7:45 am for breakfast; Middle/ High School – 7:46 am – 2:45 pm, with students estimated to be able to come onto campus starting at 7:15 am for breakfast. The adjacent Frank Dominguez Elementary School hours are 8:50 am – 3:30 pm according to their school website.

Parent meetings are anticipated to occur once per month on a weekday or weekend. Also, it is anticipated that up to 100-students stay on campus for an after program up until 6:00 pm each day. Additionally, athletic events/practices are anticipated to take place and could draw as many as 40-50-students at any one time for games and practices.

- Existing similar uses owned and operated by the applicant(s) and their location

The County of San Bernardino and the High Desert Partnership in Academic Excellence Foundation, Inc. are working together to relocate and expand services of the Mill Child Development Center and the Norton Science and Language Academy (NSLA) located at 503 Central Ave, in the city of San Bernardino, approximately 1.5-miles from the proposed Project site. The existing facilities provide head start/preschool, elementary, and middle school services to the surrounding community.

The relocation of the education facilities to the proposed Project site will serve to bring the education facilities to an area that is more appropriate for this use, surrounded by residential units and an existing school contiguous to the north. Additionally, this location will allow for the growth of the NSLA academy to grow and serve high school students. The proposed Project Applicants have been serving the San Bernardino County communities for many years.

Findings

- Please describe in detail how the project meets/supports existing City regulations for ALL the findings for approval of each application type per San Bernardino Development Code Chapter 19.31 Administration (Please see the next page).

  - Development Permit
    - The proposed development is permitted within the subject zoning district and complies with all the applicable provisions of this Development Code, including prescribed development/site standards and any/all applicable design guidelines;
Justification Letter
Norton Science and Language Academy Project

- The proposed development would be consistent with the General Plan as amended through the Project;
- The proposed development would be harmonious and compatible with existing and future developments within the land use district and general area, as well as with the land use presently on the subject property;
- The approval of the Development Permit for the proposed development will be in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code with adoption of the Mitigated Negative Declaration (MND);
- There will be no potential significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored, pending adoption of the MND;
- The subject site is physically suitable for the type and density/intensity of use being proposed;
- There are adequate provisions for public access, water, sanitation, and public utilities and serves to ensure that the proposed use would not be detrimental to public health and safety; and
- The location, size, design and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. MC 88 1-6-94.

- Zoning Map Amendment
  - The proposed amendment would be consistent with the General Plan, as amended through the Project;
  - The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
  - The proposed amendment would maintain the appropriate balance of land uses within the City; and
  - The subject parcel(s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

- General Plan Amendment
  - The proposed amendment would be consistent with the General Plan, as amended through the Project;
  - The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
  - The proposed amendment would maintain the appropriate balance of land uses within the City; and
  - The subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).
Justification Letter
Norton Science and Language Academy Project

- Approval of Subdivision
  - The proposed subdivision would be consistent with the General Plan and the Development Code;
  - The design of the proposed subdivision would be consistent with the General Plan;
  - The site is physically suitable for the proposed type of development;
  - The site is physically suitable for the proposed density of development;
  - The design of the subdivision is not likely to cause substantial environmental damage, or substantially and unavoidably injure fish or wildlife or their habitat;
  - The design of the subdivision is not likely to cause serious public health problems; and
  - The design of the subdivision and related improvements will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Signature X __________________________ Date: 12/9/19
ATTACHMENT C

Aerial Map
ATTACHMENT D

Location/Zoning Map
ATTACHMENT E

Draft Initial Study/Mitigated Negative Declaration

http://sbcity.org/cityhall/community_n-economic_development/planning/environmental_documents.asp
ATTACHMENT F

Final Initial Study/Mitigated Negative Declaration
http://sbcity.org/cityhall/community_n_economic_development/planning/environmental_documents.asp
City of San Bernardino
Request for Planning Commission Action

Date: January 14, 2020
To: Honorable Chairperson and Planning Commissioners
From: Michael Huntley, Community and Economic Development Director
By: Oliver Mujica, Planning Division Manager
Chantal Power, Associate Planner

Subject: Development Code Amendment 19-04 for Signage Regulations and Property Development Standards

Applicant:
City of San Bernardino
Community and Economic Development Department - Planning Division
Office: 201 N. E Street
San Bernardino, CA 92401

Request
A City-initiated comprehensive update to the Chapter 19.22 (Sign Regulations) (Attachment A, Exhibit 1) and Chapter 19.20 (Property Development Standards) (Attachment A, Exhibit 2) of the City of San Bernardino Development Code (Title 19).

Recommendation
The Planning Division of the Community and Economic Development Department recommends that the Planning Commission take the following action:

1) Adopt Resolution No. 2020-006 of the Planning Commission of the City of San Bernardino, California, forwarding a recommendation to the Mayor and City Council recommending the approval of Development Code Amendment 19-04 updating Chapter 19.22 (Sign Regulations) and amending Chapter 19.20 (Property Development Standards) of the City of San Bernardino Development Code; and adopting the Negative Declaration under the California Environmental Quality Act (Attachment A).

Background
The last comprehensive update to the City's Development Code was in May 1991. Since then business needs have evolved, sign technologies have advanced, and legal rulings [most recently and significantly, the U.S. Supreme Court's decision in Reed v. Town of Gilbert (U.S. Supreme Court No. 135 S.CT.2218, 2015)] have affected how cities can and should regulate signage.
On August 13, 2019, an introduction of the Comprehensive Sign Code Update was presented to the Planning Commission. Since then, the draft has since been completed and an Amendment to Chapter 19.20 (Property Development Standards) has been included in order to add a more detailed explanation and graphic for the "Traffic Safety Sight Area" that is referenced in Chapter 19.22 (Sign Regulations).

**Purpose**
Signs allow businesses to inform the public of their location and basic services or products they provide. Sign Codes give municipalities the authority to regulate signage to minimize visual clutter by creating standards for size, location, and number of allowable signs on a property or within a designated area. Properly constructed and enforced signage regulations can provide a sense of place and identity within a community, but too much or improperly imposed regulations can create legal challenges for cities.

The current Sign Code contained within the City of San Bernardino Development Code contains key issues that constrain the Code’s ability to achieve desired outcomes, including implementation of General Plan policies and provision of a user-friendly, modern, and legally defensible Sign Code.

Staff is hoping to achieve efficiencies by updating the signage regulations, and looks to achieve the following objectives:

- Develop clear and enforceable regulations for temporary and permanent signs, including illustrations of signage regulations to supplement the text and provide examples of the sign quality San Bernardino looks to achieve.

- Comply with legal requirements and address emerging issues regarding portable and temporary signs (with the Reed v. Town of Gilbert decision providing guidance for the latter).

- Address City staff's “fix-it-list” of issues in the Sign Regulations.

- Address emerging issues particular to San Bernardino.

- Ensure consistency with the General Plan.

**Analysis**
The updated signage regulations will ensure that the vision of the City, its businesses, and its residents are maintained, and will reduce the number of code amendments, variances and interpretations. The signage regulations will continue to address regulations for the various land use districts of the community, and will also address emergent issues that include the regulation of portable and temporary signs (including political signs), animated/electronic message centers, murals and graphic signage, and creation of regulations for shopping centers and multi-tenant centers. The new signage regulations will also be user-friendly with a judicious use of graphics.
Staff is working to achieve these goals by implementing some of the following changes to the Sign Code and Property Development Standards:

✓ Language in the Sign Code will reflect an emphasis on content neutrality focusing on time, manner, and placement of signs. Particular emphasis is given to the Sign Permit Exemptions section, and a content neutrality clause has been included.

✓ The Inventory and Abatement Clause has been eliminated to ensure the City is not out of compliance with the Code requirements. Other sections of the Code address nuisances created by illegal or abandoned signs.

✓ References to specific sections of the General Plan have been included for clarification.

✓ The definitions section has been updated to address new technologies, case law, and industry standards.

✓ The graphics have been updated for a more comprehensive understanding of sign types and regulations, and calculating sign area, including three dimensional and oddly shaped signs.

✓ References to signs that appear in other sections of the Development Code have been included for simplification and ease of use.

✓ New standards for sign illumination and digital signs have been addressed, including regulations for measuring brightness, so digital signs can be approved at Staff level rather than at Planning Commission.

✓ Established provisions for minor deviations from the Signs Code through the use of Comprehensive Sign Programs, Creative Sign Permits, and Iconic Sign Permits, which would require staff to make findings and implement a more rigorous level of review. Creative Signs and Iconic Signs will also require Planning Commission review.

✓ A process for Director Interpretations has been included.

✓ Restructuring of the regulations to make them easier to follow.

✓ A graphic has been created and detailed explanation for the "Traffic Safety Sight Area" to be included in Chapter 19.20 (Property Development Standards), which is then referenced in the updated Sign Code regulations.
General Plan Goals and Policies
The City of San Bernardino General Plan includes goals and policies to guide future property development and signage regulations within the City, including the following:

- **General Plan Land Use Element Goal 2.2**: Promote development that integrates with and minimizes impacts on surrounding land uses.
- **General Plan Land Use Element Goal 2.3**: Create and enhance, dynamic, recognizable places for San Bernardino’s residents, employees, and visitors.
- **General Plan Land Use Element Goal 2.5**: Enhance the aesthetic quality of land uses and structures in San Bernardino.
- **General Plan Economic Development Element Goal 4.15**: Expand on historic and natural assets to attract recreational visitors.
- **General Plan Community Design Element Goal 5.1**: Create conspicuous gateways at key points in the community to identify and distinguish San Bernardino.
- **General Plan Community Design Element Policy 5.1.1**: Provide improvements along streets at the City boundary that clearly identify major entries to the City. Such improvements may include signage, landscaping, vertical pylons, and/or other distinctive treatments.
- **General Plan Community Design Element Policy 5.2.6**: Ensure implementation of sign regulations, which address issues of scale, type, design, materials, placement, compatibility, and maintenance.
- **General Plan Community Design Element Policy 5.7.4**: The size, colors, type, materials, and design of signs shall be related the scale of the building or development and its relation to the street.
- **General Plan Historical and Archeological Resources Element Policy 11.1.8**: Continue to develop design standards for commercial areas, similar to those in the Main Street Overlay District, which promotes the removal of tacked-on facades and inappropriate signage, the restoration of original facades, and designs that complement the historic pattern.

The purpose of the Comprehensive Sign Code Update is to protect the general public health, safety, welfare, and aesthetics of the community, and to promote the goals and policies of the General Plan addressing issues of scale, type, design, materials, placement, and compatibility of signs, as well as the relationship of signs to both the scale of the buildings and to the street. Additionally, the amendment to Chapter 19.20 (Property Development Standards) proposes to include a more clear and concise definition and graphic for the “Traffic Safety Sight Area” to ensure that new signage will not create traffic safety impacts.

**California Environmental Quality Act (CEQA)**
In accordance with Section 15063 (Initial Study) of the California Environmental Quality Act (CEQA), the Planning Division prepared an Initial Study/Negative Declaration in connection with the Development Code Amendment 19-04 (Attachment D). Accordingly, pursuant to Section 15072 of CEQA, a Notice of Intent to Adopt a Negative Declaration was posted on December 19, 2019 for the CEQA-mandated twenty (20) day public review period. During the twenty (20) day public review period, there were no comments received in response to the Initial Study/Negative Declaration.
Mayor and City Council 2018-2019 Goals and Objectives
Development Code Amendment 19-04 aligns with Goal No. 4: Ensure Development of a Well-Planned, Balanced, and Sustainable City, (c) Ensure that the City is clean and attractive. The Comprehensive Sign Code Update will ensure clear regulations that are easy to understand and enforce, are compliant with current laws and emergent technology. The new regulations will also allow for enough flexibility to encourage creative design, and the preservation of iconic signage throughout the City that will preserve and enhance the aesthetics of the City's built environment.

Conclusion
The Comprehensive Sign Code Update and amendment to Chapter 19.20 (Property Development Standards) of the City of San Bernardino Development Code ensures that the review, processing, installation, and maintenance of signs comply with all local, state, and federal requirements. Therefore, staff recommends that the Planning Commission adopt Resolution 2020-006 forwarding a recommendation of approval to the Mayor and City Council for Development Code Amendment 19-04, and adoption of the Negative Declaration.

Attachments

Attachment A
Exhibit 1 Resolution No. 2020-006
Draft Comprehensive Update to Sign Code
http://www.ci.san-bernardino.ca.us/cityhall/community_n_economic_development/planning/environmental_documents.asp

Exhibit 2 Amendment to Chapter 19.20 (Property Development Standards)
Attachment B Initial Study/Negative Declaration
http://www.ci.san-bernardino.ca.us/cityhall/community_n_economic_development/planning/environmental_documents.asp
RESOLUTION NO. 2020-006-PC


WHEREAS, Development Code Amendment 19-04 is a City-initiated update to Chapter 19.22 (Sign Regulations) and an amendment to Chapter 19.20 (Property Development Standards) of the City of San Bernardino Development Code (Title 19);

WHEREAS, the Planning Division of the Community and Economic Development Department of the City of San Bernardino has prepared Development Code Amendment 19-04 in compliance with the California Government Code, consistency with the City of San Bernardino General Plan, and compliance with the City of San Bernardino Development Code;

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code, Section 21000 et seq.), Section 21067, and State CEQA Guidelines (California Code Regulations, Section 15000 et seq.), Section 15367, the City of San Bernardino is the lead agency for the Project;

WHEREAS, Planning Division of the Community and Economic Development Department of the City of San Bernardino determined that pursuant to State CEQA Guidelines Section 15073, preparation of a Negative Declaration was the appropriate environmental review procedure under CEQA, because no potentially significant impacts would occur as a result of the Project;

WHEREAS, a Negative Declaration ("ND") was prepared for the Project;

WHEREAS, on December 20, 2019 in accordance with State CEQA Guidelines Sections 15072 and 15073, a Notice of Intent to Adopt a Negative Declaration ("NOI") was mailed to all organizations and individuals who previously requested such notice in writing, and notice was also made by way of publication consistent with CEQA’s requirements;

WHEREAS, on December 24, 2019 pursuant to the requirements Section 19.52.020 of the City of San Bernardino Development Code, the City gave public notice by advertising in the San Bernardino Sun, a newspaper of general circulation within the City of San Bernardino of the holding of a public hearing at which Development Code Amendment 19-04 would be considered;
WHEREAS, on January 14, 2020, pursuant to the requirements of Section 19.52.040 of the City of San Bernardino Development Code, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Development Code Amendment 19-04, and at which meeting, the Planning Commission considered Development Code Amendment 19-04; and

WHEREAS, pursuant to the requirements in Section 19.52.060 of the City of San Bernardino Development Code, the Planning Commission has the authority to recommend to the Mayor and City Council the approval of the Development Code Amendment 19-04.

NOW THEREFORE, the Planning Commission of the City of San Bernardino does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

The Planning Commission has independently reviewed and considered the entire record before it, including the information contained in the Negative Declaration prepared for the Project, comments received on the Negative Declaration, and responses to those comments. The Planning Commission hereby recommends that the Mayor and City Council certify that the Negative Declaration has been completed in compliance with the requirements of the CEQA and the Guidelines for the Implementation of the CEQA (Cal. Code Regs., tit. 14, § 15000 et seq.) (“State CEQA Guidelines”), and reflects the independent judgment and analysis of the City. Based upon the Negative Declaration, all comments and testimony received pertaining thereto, and the entirety of the record before it, the Planning Commission hereby finds and determines that there is no substantial evidence supporting a fair argument that approval of Development Code Amendment 19-04 will result in a significant effect on the environment.

Based upon the findings made herein and its independent judgment and analysis, the Planning Commission hereby recommends that the Mayor and City Council adopt the Negative Declaration for the Project, in accordance with the CEQA and the State CEQA Guidelines.

SECTION 2. FINDINGS FOR DEVELOPMENT CODE AMENDMENT 19-04:

Section 19.42.050 of the City of San Bernardino Development Code requires that Development Code Amendments meet certain finding prior to approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Planning Commission for the approval of Development Code Amendment 19-04:

Finding No. 1: The proposed amendment is consistent with the General Plan.

Finding of Fact: The proposed amendment is consistent with the General Plan goals and policies including the following:

General Plan Land Use Element Goal 2.2: Promote development that integrates with and minimizes impacts on surrounding land uses.
General Plan Land Use Element Goal 2.3: Create and enhance, dynamic, recognizable places for San Bernardino’s residents, employees, and visitors.

General Plan Land Use Element Goal 2.5: Enhance the aesthetic quality of land uses and structures in San Bernardino.

General Plan Economic Development Element Goal 4.15: Expand on historic and natural assets to attract recreational visitors.

General Plan Community Design Element Goal 5.1: Create conspicuous gateways at key points in the community to identify and distinguish San Bernardino.

General Plan Community Design Element Policy 5.1.1: Provide improvements along streets at the City boundary that clearly identify major entries to the City. Such improvements may include signage, landscaping, vertical pylons, and/or other distinctive treatments.

General Plan Community Design Element Policy 5.2.6: Ensure implementation of sign regulations, which address issues of scale, type, design, materials, placement, compatibility, and maintenance.

General Plan Community Design Element Policy 5.7.4: The size, colors, type, materials, and design of signs shall be related the scale of the building or development and its relation to the street.

General Plan Historical and Archeological Resources Element Policy 11.1.8: Continue to develop design standards for commercial areas, similar to those in the Main Street Overlay District, which promotes the removal of tacked-on facades and inappropriate signage, the restoration of original facades, and designs that complement the historic pattern.

The purpose of the Comprehensive Sign Code Update is to protect the general public health, safety, welfare, and aesthetics of the community, and to promote the goals and policies of the General Plan addressing issues of scale, type, design, materials, placement, and compatibility of signs, as well as the relationship of signs to both the scale of the buildings and to the street. Additionally, the amendment to Chapter 19.20 (Property Development Standards) proposes to include a more clear and concise definition and graphic for the “Traffic Safety Sight Area” to ensure that new signage will not create traffic safety impacts.
Finding No. 2: The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: Development Code Amendment 19-04 proposes to update Chapter 19.22 (Sign Regulations) and amend Chapter 19.20 (Property Development Standards) in order to establish clear regulations for the review process, permitting, installation, maintenance and operation of signs in compliance with all local, state, and federal regulations to ensure the protection of the public health, safety, convenience, welfare and aesthetics of the City.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of the Planning Commission Resolution No. 2020-006, forwarding a recommendation that the Mayor and City Council:

   a. Adopt the Negative Declaration for Development Code Amendment 19-04, in accordance with Section 15074 of the Public Resources Code, and direct the Planning Commission Secretary to file with the Clerk of the County of San Bernardino a Notice of Determination as provided under Public Resources Code, Section 21152(c) and California Code of Regulations, Title 14, Section 15094; and


SECTION 4. SEVERABILITY:

If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

PASSED, APPROVED AND ADOPTED this 14th day of January 2020.

Elizabeth Sanchez, Chairperson
San Bernardino Planning Commission

ATTEST:

Oliver Mujica, Planning Commission Secretary
City of San Bernardino, California
CERTIFICATION:

I, Stephanie Sanchez, Recording Secretary of the Planning Commission of the City of San Bernardino, California, do hereby certify that the foregoing Resolution, No. 2020-006, was duly adopted by the Planning Commission of the City of San Bernardino, California, at a regular meeting thereof held on the 14th day of January 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Sanchez, Recording Secretary
City of San Bernardino, California
CHAPTER 19.22
SIGN REGULATIONS

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19.22.070 Permanent Signs ................................................ III-19.22-21
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19.22.010 PURPOSE

This Chapter provides a comprehensive system of reasonable, effective, consistent, and content-neutral sign standards and requirements to:

A. Protect the general public health, safety, welfare, and aesthetics of the community.

B. Promote and accomplish the goals, policies, and measures of the General Plan, including, but not limited to, addressing issues of scale, type, design, materials, placement, compatibility, and maintenance of signs (Community Design Policy 5.2.6) and the relationship of signs to both the scale of the buildings and to the street (Community Design Policy 5.7.4).

C. Allow businesses, institutions, and individuals to exercise their right to free speech by displaying a message or image on a sign, and to allow audiences to receive such information.

D. Preserve and improve the appearance of and property values in the City of San Bernardino, and protect the City from the visual clutter and blight, and promote attractive and harmonious
structures and environments by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs.

E. Encourage the use of signs that provide direction and aid orientation for businesses and activities to enhance their economic value to the community and local businesses.

F. Require that signs are designed, constructed, installed, and maintained in a manner that promotes public safety and traffic safety.

G. Comply with the requirements of the Americans with Disabilities Act (ADA) and keep public rights-of-way clear and open to all.

H. Comply with the requirements of the Federal Highway Beautification Act (Section 23 of USC Title 131 [Highways Code]) and the Outdoor Advertising Act (Chapter 2 in the California Business and Professions Code).

I. Encourage signs that are well designed and pleasing in appearance, and provide incentive and latitude for variety, good design relationship, spacing, and location.

J. Promote signs that identify businesses and premises without confusion through clear and unambiguous sign standards that enable fair and consistent enforcement.

19.22.020 APPLICABILITY

A. Applicability.

1. This Chapter 19.22 applies to all signs within the City of San Bernardino unless specifically exempted herein.

2. The number and area of signs set forth in this Chapter are intended to be the base standards. In addition to the enumerated standards, consideration shall be given to a sign's relationship to the overall appearance of the subject property, as well as the surrounding community.

3. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on City of San Bernardino property that is open to the public, as long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails; or violate any other reasonable time, place, and manner restrictions adopted by the City of San Bernardino.

B. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Chapter.

C. Exemptions. The following sign types are expressly exempted from the Sign Permit requirements of this Chapter and shall not count toward cumulative allowable sign area, but
must satisfy all other permit requirements when applicable (e.g., Building, Electrical, Plumbing, Grading, Encroachment, etc.):

1. **Exempt Signs without Limitations.** The following signs are exempt from the provisions of this Chapter so long as they do not constitute a General Advertising Sign:

   a. **Non-signs.** All devices that are excluded from the definition of a "Sign."

   b. **Message Substitution.** Conforming signs on which the message is changed, but such message substitution does not alter the sign size, height, location, or illumination. This provision does not authorize the conversion of an existing legal sign to a General Advertising Sign (Billboard) or to a digital display.

   c. **Interior Graphics or Signage.** Signs or displays within a structure and not visible (meaning capable of being seen, regardless of actually being read) by the public from any public right-of-way or publicly accessible area.

   d. **Plaques.** Tablets and plaques installed by the City of San Bernardino, or by a State, Federal, or County recognized historical organization exempt from Federal taxation under Section 501 of USC Title 26 (IRS Code) that are no larger than six square feet, or signs authorized and installed by City, County, State, or Federal agencies on public owned lands.

   e. **Equipment Signs.** Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), vending machines, and gasoline pumps.

   f. **Official Notices.** Any sign, posting, notice, or similar sign issued, installed, placed, or required by law by the City of San Bernardino, County of San Bernardino, or a Federal or State governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including but not limited to the following:

      (1) Emergency and warning signs necessary for public safety or civil defense;

      (2) Legal notices posted pursuant to law or court order;

      (3) Traffic, railroad, utility, and parking signs erected and maintained by an authorized public agency or approved by an authorized public agency;

      (4) Direction, warning, or information signs required or authorized to be displayed by law;

      (5) Numerals and lettering identifying the address from the street to facilitate emergency response and compliant with City of San Bernardino requirements;
(6) Signs erected by a government agency directing the public to points of interest;

(7) Signs and advertising for the California State Lottery as authorized by California Government Code, Section 8880 et seq.; and

(8) Motor vehicle fuel pricing signs, as required by State law, which identify the brand, types, octane rating, etc., of motor vehicle fuel for sale (Sections 13470 and 13530 of the Business and Professional Code). While exempt, the City of San Bernardino may review and approve motor vehicle fuel pricing signs to confirm design requirements for permanent or temporary placement and approval provisions listed herein.

g. **Flags.** Flags, as defined herein, located on poles up to 75 feet in height and not subject to the Temporary Signs standards. Pennants, Banner Signs, Feather Signs, strings of ornamental fringes and streamers are not included in this exemption and are regulated under Section 19.22.080.

2. **Exempt Signs with Limitations.** The following Signs are exempt from Sign Permit requirements if they meet the size, height, duration, maximum number limitations, and any additional requirements set forth in Table 22.01, so long as they do not constitute a General Advertising Sign:

<table>
<thead>
<tr>
<th>Exempt Signs with Limitations (do not require permit)</th>
<th>Table 22.01</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Type</td>
<td>Maximum Number</td>
</tr>
<tr>
<td>a. Window Signs</td>
<td>N/A</td>
</tr>
<tr>
<td>b. Yard Signs on property undergoing construction or remodeling (on sites less than 5 acres in size)</td>
<td>1 sign per street frontage</td>
</tr>
<tr>
<td>c. Yard Signs on property undergoing construction or remodeling (on sites 5 acres or more in size)</td>
<td>1 sign per street frontage</td>
</tr>
<tr>
<td>d. Yard Signs on residential property that is offered for sale, lease, or rental</td>
<td>1 sign per street frontage</td>
</tr>
<tr>
<td>d. Each dwelling may place up to 6 off-site Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g., real estate open house). Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event.</td>
<td></td>
</tr>
<tr>
<td>e. Signs on non-residential property that is offered</td>
<td>1 per street frontage</td>
</tr>
</tbody>
</table>
### Table 22.01
Exempt Signs with Limitations (do not require permit)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>for sale, lease, or rental</td>
<td></td>
<td></td>
<td></td>
<td>window or on a wall.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Such signs shall be removed within 7 days after the close of escrow, rental, or lease of the property.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• See Section 19.22.080(B) and (D).</td>
</tr>
<tr>
<td>f. Yard Signs on private property where there is a garage,</td>
<td>1 per street</td>
<td>6 sf</td>
<td>5 ft</td>
<td>such on-site signs shall be removed within 7 days after the close of the sale.</td>
</tr>
<tr>
<td>yard, estate sale, or community garden/agricultural produce</td>
<td>frontage</td>
<td></td>
<td></td>
<td>• Each dwelling may place up to 6 off-site Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. garage/yard sale, estate sale). Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event.</td>
</tr>
<tr>
<td>sale taking place</td>
<td></td>
<td></td>
<td></td>
<td>• See Section 19.22.080(B) and (D).</td>
</tr>
<tr>
<td>g. Wall Signs at Entrances to Non-Residential Businesses</td>
<td>N/A</td>
<td>4 sf (total</td>
<td>N/A</td>
<td>such signs shall not be illuminated unless located within the Main Street Overlay Zone and shall be placed on a window or wall near the primary and/or secondary business entrance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>aggregate)</td>
<td></td>
<td>• See Section 19.22.070(B)(8).</td>
</tr>
<tr>
<td>h. Commercial Mascots</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Commercial Mascots shall not impede pedestrian or vehicular access.⋅</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Commercial Mascots shall be located on the property for which the service or product that is being advertised is located.</td>
</tr>
<tr>
<td>i. Suspended Signs</td>
<td>One per entrance</td>
<td>6 sf</td>
<td>N/A</td>
<td>such signs shall not project above the roofline of any structure.⋅</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Signs erected for and associated with particular events shall be removed within 7 days following the event.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Up to 6 off-site Temporary Signs may be placed on private property for the purpose of directing the public to a noncommercial activity. Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• See Section 19.22.080(B) and (D).</td>
</tr>
<tr>
<td>j. Temporary signs displaying noncommercial messages</td>
<td>N/A</td>
<td>24 sf</td>
<td></td>
<td>such signs shall not project above the roofline of any structure.⋅</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Signs erected for and associated with particular events shall be removed within 7 days following the event.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Up to 6 off-site Temporary Signs may be placed on private property for the purpose of directing the public to a noncommercial activity. Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• See Section 19.22.080(B) and (D).</td>
</tr>
</tbody>
</table>

### 19.22.030 GENERAL REQUIREMENTS FOR ALL SIGNS

Except as otherwise indicated, the following requirements shall apply to all signs in the City of San Bernardino:

#### A. Sign Message and Substitution.
Any sign may contain commercial and/or noncommercial message. Subject to the property owner's consent, a constitutionally protected noncommercial
message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized in compliance with this Chapter, as determined by the Community and Economic Development Director, without consideration of message content.

This provision does not create a right to increase the total number of signs on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device or location; and does not authorize the conversion of an existing sign to a General Advertising Sign.

B. Interpretations by Community and Economic Development Director.

1. Authority of Director to Interpret; Referral to Commission. Whenever the Community and Economic Development Director determines that the meaning or applicability of any of the requirements of this Chapter is subject to interpretation generally, or as applied to a specific case, the Community and Economic Development Director may issue an official interpretation or refer the question to the Planning Commission for determination.

2. Request for Interpretation. Any party may file a request for an interpretation or determination of this Chapter with the Community and Economic Development Director and shall include with such request the specific provisions in question and any other information necessary to assist the Community and Economic Development Director in the review.

3. Record of Interpretation. All interpretations and determinations by the Community and Economic Development Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.

4. Appeals. Any interpretation of this Chapter by the Community and Economic Development Director or Planning Commission may be appealed in compliance with Chapter 9.94 of the City of San Bernardino Municipal Code.

5. Content Neutrality. Interpretations of the requirements of this Chapter shall be exercised in light of the City of San Bernardino’s content neutrality policy.

6. Sign Type. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a “structure” as defined in the California Building Code, then the Community and Economic Development Director shall approve, conditionally approve,
or deny the application based on the most similar sign type that is expressly regulated by this Chapter.

C. Content Neutrality. It is the City of San Bernardino’s policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Chapter, a content-neutral regulation is a so-called “time, place, or manner” regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.

D. Vehicle Visibility Triangle: No sign, permanent or temporary, flag, flagpole, etc. shall be erected within the Traffic Safety Sight Area, as indicated in Section 19.20.030.29.

E. Sign Removal or Replacement. When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed, and any electrical components shall be removed and/or capped and any resulting holes filled. Affected building surfaces shall be restored to match the adjacent portion of the building.

F. Materials and Mounting Required.

1. Materials. Signs shall be made of sturdy, durable materials capable of withstanding weathering over the life of the sign with reasonable maintenance. Paper, fabric, plywood, and other materials subject to rapid deterioration may only be used for Temporary Signs or as permitted Awning Signs.

2. Mounting Required. All Permanent Signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

3. Quality Design. All Permanent Signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) or others who are capable of producing professional results.

4. Quality Construction. All Permanent Signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs with neat and readable copy, and provide for sign durability so as to reduce maintenance costs and to prevent dilapidation.

5. Hand-Painted Signs. All hand-painted signs shall be professionally applied by a sign manufacturer, artist, or similarly qualified entity or person.

G. Sign Illumination: The following standards shall apply to all illuminated signs:

1. Shielding. Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.

2. Illumination. Signs may be internally or externally illuminated.
3. **Residential Properties in Direct Line of Sight.** The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in direct line of sight to the sign.

4. **Colored Lights.** Colored lights shall not be used at a location or in a manner to be confused or construed as traffic control devices.

5. **Bulb Face Exposure.** Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property. This provision does not apply to light-emitting diodes associated with Digital Signs.

6. **Energy Efficiency.** Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

7. **No Flashing.** Lights illuminating signs shall not flash, blink, flutter, include intermittent or chasing lights, or provide any illumination that is in motion or appears to be in motion. See Section 19.22.070(B)(3) for standards pertaining to that sign type.

8. **Digital Signs.** Digital Signs shall comply with Section 19.22.070(B)(3).

**H. Sign Maintenance.** All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure, shall be maintained in a good and safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, rips, tears, loosening, and similar damage so that they do not create a hazard to persons or property or constitute a nuisance.

**I. Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, has missing or inoperative lights, or is in an otherwise dilapidated condition shall be promptly repaired, to the satisfaction of the Community and Economic Development Director, or removed.

**J. Graffiti.** Graffiti on a sign shall be removed within 48 hours of notice of its placement on such sign.

**K. Repairs.** An unmaintained sign shall be repaired or replaced within 30 calendar days following notification via a Notice of Violation from the Code Enforcement Division. Noncompliance with such a request shall constitute a nuisance, and penalties may be assessed in compliance with the provisions of Chapter 19.46. Within the 15 days after a Notice of Violation is mailed, the property owner may request a hearing before the Hearing Officer on the unmaintained sign determination in compliance with the provisions of Chapter 9.94.

**L. Rules for Sign Measurement.**

1. **Measuring Sign Height.** The height of a sign shall be measured from the highest part of the sign, including any decorative features, to the height of the adjoining finished grade directly beneath the sign.
2. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

3. **Measuring Building Frontage.** Building frontage is the building façade width that directly abuts a public street, private street, parking lot driveway, or parking spaces.

4. **Calculating Sign Area: General.** Supporting structures such as sign bases and columns are not included in the sign area, provided that they contain no lettering or graphics except for addresses or required tags. See Figure 22.01.

![Figure 22.01: Calculation of Freestanding Sign Area]

5. **Calculating Sign Area: Single-Faced Signs (Four Sides or Fewer).** For sign faces with four or fewer sides, sign area shall include the entire area within a single continuous perimeter composed of one triangle, square, or rectangle (consisting of no more than four corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 22.02.

![Figure 22.02: Calculation of Sign Area on Single-Faced Signs (Four Sides or Fewer)]

6. **Calculating Sign Area: Single-Faced Signs (Five Sides or More).** For sign faces with five or more sides, sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more
than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 22.03.

![Sign Area Diagram]

Figure 22.03: Calculation of Sign Area on Single-Faced Signs (Five Sides or More)

7. **Calculating Sign Area: Double-Faced Signs.** Only one face of a double-faced sign shall be counted in computing the permitted area of the sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure. Where the two faces are not equal in size, the larger sign face shall be used.

8. **Calculating Sign Area: Multi-Faced Signs.** On a three-faced sign, the combined sum of the area of two faces (the largest and smallest face) shall be counted in computing the permitted area of the sign.

9. **Calculating Sign Area: Three-Dimensional Signs.** On spherical, free-form, sculptural, or other non-planar signs, sign area equivalent to 50 percent of the sum of the areas using only the four vertical sides of the smallest cube that will encompass the sign structure, as shown in Figure 22.04, shall be counted in computing the permitted area of the sign.

![Three-Dimensional Sign Diagram]

Figure 22.04: Calculation of Sign Area on Three-Dimensional Signs

19.22.040 **PROHIBITED SIGNS**
The following signs are inconsistent with the sign standards set forth in this Chapter and are therefore prohibited.

A. **Prohibited Signs.** The following signs are prohibited except where specifically authorized:

1. Abandoned Signs.

2. Banner Signs, Flags, Pennants, Feather Signs, and other paraphernalia composed of paper, cardboard, cloth, or other flexible material, except as permitted by Section 19.22.080.

3. General Advertising Signs (Billboards), except as permitted by Section 19.22.090.

4. Chalkboards or blackboards.

5. Illegal Signs.

6. Pole Signs.

7. Portable Signs or A-Frame Signs, except as permitted per Table 22.01(D) or in the Main Street Overlay Zone per Table 22.07(D) and Section 19.22.080(D)(5).

8. Signs on fences.

9. Roof Signs, with the exception of signs on mansard roofs where, in the opinion of the Community and Economic Development Director, no other useable sign area is available,

10. Iconic Signs and as otherwise allowed by an approved Creative Sign Permit.

11. Any Mobile General Advertising Sign as defined in this Chapter.

12. Signs deemed to be a public nuisance as defined in Section 19.22.130 and regulated by Chapter 8.30.

B. **Location Restrictions.** Signs may not be placed in the following locations except where specifically authorized:

1. Signs on public property, except as required or authorized by a governmental agency, and except as permitted by Section 19.22.090 and Section 19.22.120.

2. Signs painted on fences or roofs.

3. Bench Signs, except as permitted by Design Review or on approved transit amenities.

C. **Display Restrictions.** Signs with the following display features are prohibited:

1. Animated, moving, flashing, blinking, reflecting, revolving, scrolling, digital or video screen signs where the message is displayed for fewer than eight seconds (dwell time)
before changing to another message, or any other similar sign, except as otherwise allowed by Section 19.22.070(B)(3) and Section 19.22.060(D).

2. Inflatable Signs, except as allowed per Section 19.22.080.

3. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.

4. Signs which emit sound, odor, or smoke.

5. Digital Signs that are located in windows (digital Window Sign), but not including neon signs.

19.22.050 DESIGN PRINCIPLES

Signage shall be used as a positive means of identifying a business, create an image, and also to brand an identity. The following sign design principles shall be used as criteria for review and approval of Sign Permits and Sign Programs in the City of San Bernardino.

A. Architectural Compatibility. The sign shall be compatible with the building and the site upon which it is located. A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and shall be architecturally compatible, including in terms of color and scale, with any building to which the sign is to be attached and with surrounding structures. Where more than one sign is provided, all signs shall be complementary to each other.

B. Context Character. A sign shall be sensitive in context to nearby uses. Where a sign is located in a district with historic buildings and landmark signs, new signs shall contribute to an integrated appearance to such district. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.

C. Legibility. Signage shall be designed to provide clear, legible information that indicates the proposed sign's purpose. The size and proportion of the elements of the sign's message—including logos, letters, icons and other graphic images—shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented toward pedestrians may be smaller than those oriented toward vehicle drivers.

D. Readability. A sign message shall be easily recognized and designed in a clear, unambiguous, and concise manner so that a viewer can understand or make sense of what appears on the sign. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background to be easily read during both day and night.

E. Visibility. A sign shall be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.

F. Graphic Interest. Sign colors and materials shall be selected to contribute to legibility and design integrity. Signage that is creative and visually interesting is encouraged.
19.22.060 SIGN PERMIT AND SIGN PROGRAM REQUIREMENTS

A. Review Authority. Table 22.02 identifies the responsible review authority for sign permit and sign program approvals. At the Community and Economic Development Director’s discretion, any sign permit or sign program submitted for review by the Community and Economic Development Director may be referred to the Planning Commission for Design Review. Procedures for review, appeal and notification shall be conducted as indicated in Chapter 19.52.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Community and Economic Development Director</th>
<th>Planning Commission</th>
<th>Mayor and City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Permanent, General</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Creative Sign Permit</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
<tr>
<td>Digital Sign</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Iconic Sign</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
<tr>
<td>Nonconforming Sign Modification</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Minor Sign Area Modification</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Sign Program</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Billboard Modification/Replacement</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
</tbody>
</table>

B. Sign Permits.

1. Permit Required. To ensure compliance with the regulations contained in this Chapter, a Sign Permit is required to erect, move, alter, replace, or reconstruct a sign, whether permanent or temporary. Each sign requires a separate Sign Permit, except those specifically exempted under Section 19.22.020(C). The following sign maintenance activities are permitted without issuance of a Sign Permit, so long as any other required building permit is obtained prior to the modification of a sign:
   a. Painting, repainting, or cleaning of a sign; and
   b. Changes to the face or copy of a sign with changeable copy.

2. Identification Decal. Every sign for which a permit is issued shall be plainly marked with the corresponding permit number issued for the sign. Tags may be displayed on sign faces or at the base of a sign structure in a visible location. Tags for Freestanding Signs or Monument Signs shall be located on the structure no higher than six feet above grade.

3. Findings and Decision. The following findings are required to be made by the responsible review authority for approval of a specifically called-out Sign Permit application, with or without conditions:
   a. The sign complies with the standards of this Chapter, any applicable specific plan or precise development plan, and any applicable Comprehensive Sign Program;
b. The sign is in substantial compliance with any applicable design guidelines and the design principles listed in Section 19.22.050;

c. The sign will not impair pedestrian and vehicular safety;

d. The sign's design or proposed construction will not threaten the public health, safety, or welfare; and

e. Where a commercial sign is affiliated with a business, that business shall have a valid Business License prior to issuance of Sign Permit.

4. **Expiration and Extension of Sign Permit.** An approved Sign Permit shall expire 12 months from the date of approval unless the sign has been installed in accordance with the approved Sign Permit and all applicable building codes or unless a different expiration date is stipulated at the time of approval. Notwithstanding these dates, the expiration date of the Sign Permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits.

Prior to the expiration of a Sign Permit, the applicant may apply to the Community and Economic Development Director for one extension of up to an additional 12 months from the original date of expiration. In response to an extension request, the Community and Economic Development Director may make minor modifications to the original approval or deny further extensions.

5. **Revisions to Sign Permit.** The Community and Economic Development Director may approve minor changes to an approved Sign Permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new/revised Sign Permit by the responsible review authority.

C. **Comprehensive Sign Program.**

1. **Purpose.** The purpose of a Comprehensive Sign Program is to integrate all signs proposed for a single development project with the overall site and structure design to present a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for projects that require multiple signs and/or unique signs and to achieve, not circumvent, the purpose of this Section. A sign program shall not be used to circumvent the City of San Bernardino's prohibition on new billboards or any other prohibited sign.

2. **When Required.** The approval of a Comprehensive Sign Program shall be required whenever any of the following circumstances exist. A Comprehensive Sign Program may be requested in circumstances other than those outlined in Subsections a. through e., below, but is not required.

   a. Whenever four or more separate tenant spaces are present on the same parcel or on multiple parcels that are part of a unified shopping center or similar business center, regardless of whether the tenant spaces are occupied;
b. Whenever five or more non-exempt signs are proposed for a single-tenant development;

c. Wherever two or more Digital Signs are proposed;

d. For any off-site temporary signs provided in conjunction with a residential subdivision pursuant to Section 19.22.080(D)(6); and

e. Whenever the Community and Economic Development Director determines that a Comprehensive Sign Program is needed because of special project characteristics (e.g., the size of site, the size and/or number of proposed signs, limited site visibility, a business within another business, the location of the site relative to major transportation routes, etc.)

3. Standards. A Comprehensive Sign Program shall comply with the following standards:

a. The proposed Comprehensive Sign Program shall comply with the purpose and intent of this Chapter, any adopted sign design guidelines, and the overall purpose and intent of this Section.

b. The proposed signs shall enhance the overall development and relate visually to other signs included in the Comprehensive Sign Program, to the structures and developments they identify, and to surrounding development, when applicable.

c. The Comprehensive Sign Program shall include all signs, including permanent, temporary, and exempt signs.

d. The Comprehensive Sign Program shall accommodate future revisions that may be required because of changes in use or tenants.

e. The Comprehensive Sign Program shall comply with the standards of this Chapter, except:

(1) The transfer of sign area limits from underutilized sign areas to areas that are more practical, through the use of a Sign Budget are permitted. The Sign Budget would equal the total allowable sign area of all signs in the development (inclusive of awning/canopy, driveway, monument/pylon, projecting, and wall signs, but excluding exempt and temporary signs). A sign area transfer shall not exceed 50 percent of the total allowable sign area for any particular sign type.

(2) Deviations of up to 20 percent are permitted with regard to individual sign area, total number, location, and height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.

(3) Deviations associated with Sections 19.22.060(B)(3)(e)(1) and (2) shall not be allowed in conjunction with deviations associated with Section 19.22.060(F).
f. Approval of a Comprehensive Sign Program shall not authorize the use of signs listed as prohibited by Section 19.22.040.

4. **Findings and Decision.** The following findings are required to be made by the responsible review authority for the approval of a Comprehensive Sign Program application, with or without conditions:

a. The Comprehensive Sign Program complies with the purpose and intent of this Chapter 19.22 and with all standards listed in Section 19.22.060(C)(3);

b. The Comprehensive Sign Program does not allow any sign that is prohibited by Section 19.22.040;

c. The Comprehensive Sign Program is in substantial compliance with any applicable design guidelines and the design principles listed in Section 19.22.050;

d. The Comprehensive Sign Program standards will result in signs that are visually related or complementary to each other and to the buildings and/or developments they identify through the integration of predominant architectural materials, elements, or details of such buildings or developments;

e. The Comprehensive Sign Program will not result in signs that would impair pedestrian and vehicular safety; and

f. Light and glare associated with the signs will not negatively affect nearby residential uses.

5. **Post-Approval Procedures.** After approval of a Comprehensive Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such program, and such program may be enforced in the same way as any provision of this Section.

a. **Lease Agreements.** The Comprehensive Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

b. **Individual Signs.** Any sign that conforms to an approved Comprehensive Sign Program may be approved by the Community and Economic Development Director; however, individual signs proposed under an approved Comprehensive Sign Program require a Sign Permit.

c. **Amendments.** The Community and Economic Development Director may approve minor amendments to a Comprehensive Sign Program that are in substantial conformance with the original approval. Minor amendments include revisions to sign location, sign type, and sign orientation. All other amendments, including amendments to total sign area and/or conditions of approval, shall be processed as a new application.
D. Creative Sign Permits.

1. Purpose. The purposes of the Creative Sign Permit are to:

   a. Encourage signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and

   b. Provide a process for the application of sign regulations in ways that will allow creatively designed signs to make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.

2. When Required. An applicant may request approval of Creative Sign Permit to authorize one on-site sign that employs standards that differ from the standards applicable to signs established in this Chapter but comply with the specific provisions of this Section. However, the Creative Sign Permit process shall not be used to allow any prohibited sign type or feature set forth in Section 19.22.040.

3. Findings and Decision. The following findings are required to be made by the responsible review authority in the approval of a Creative Sign Permit application, with or without conditions:

   a. Design quality. The proposed creative sign will:

      (1) Comply with the design principles set forth in Section 19.22.050;

      (2) Contribute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area;

      (3) Have a unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness through the use of color, graphics, proportion, quality materials, scale, and/or texture;

      (4) Utilize or enhance the architectural elements of the building; and

      (5) Be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.

   b. Contextual criteria. The sign will also contain at least one of the following elements:

      (1) Classic historic design style;

      (2) Creative image reflecting current or historic character of the City of San Bernardino; or

      (3) Inventive representation of the logo, name, or use of the structure or business.
4. **Expiration, Extension, and Amendment of Creative Sign Permit.** Procedures for expiration, extension, and amendments of Creative Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

E. **Iconic Sign Permits.**

1. **Purpose.** The purpose of the Iconic Sign Permit is to:
   - a. Preserve signs that, through design and artistic expression unrelated to their message, are culturally significant and represent unique character, history, and identity; and
   - b. Protect the community from inappropriate reuse of nonconforming and/or illegal signs.

2. **Application.** An application for an Iconic Sign Permit may be made by a business owner, property owner, or the City of San Bernardino for consideration by the responsible review authority.

3. **Findings and Decision.** In granting an Iconic Sign Permit, the responsible review authority shall be required to make the following findings:
   - a. **Technical Criteria.** Iconic Signs shall meet the following technical criteria:
     - (1) The sign uses materials, technology, or sign-making technique representative of its period of construction;
     - (2) The sign is structurally safe or can be made safe without substantially altering its original appearance; and
     - (3) The sign retains the majority of its character-defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their original function and appearance.
   - b. **Design Criteria.** Iconic Signs shall meet two or more of the following cultural or vernacular design features:
     - (1) The sign exemplifies the cultural, economic, or period heritage of the City of San Bernardino.
     - (2) The sign exhibits extraordinary aesthetic quality, creativity, or innovation;
     - (3) The sign represents an entity that is an important part of San Bernardino history; or the sign is obsolete sign copy that is originally associated with a chain or franchise business that it either local or regional chain or franchise only found in the City of San Bernardino or the southwestern United States; or the sign is associated with a significant historical event; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type; or
(4) The sign is at least 50 years old.

4. Standards and Allowances for Iconic Signs.

a. Structural Improvements. Iconic Signs may have structural improvements completed to extend the life of the sign, provided such improvements do not affect the integrity of the iconic nature of the sign.

b. Damage Repairs. If the sign is damaged, it may be repaired and/or replaced with the original sign area and original height, even if the sign does not conform to the standards of this Chapter, provided such repairs do not affect the integrity of the iconic nature of the sign.

c. Sign Area Bonus. The area of an Iconic Sign shall not be counted toward the maximum sign area for a premise.

d. Relocation. Relocation of an Iconic Sign shall be permitted through an approved Sign Permit, provided the following requirements are met:

(1) Relocation shall be to a location within the original premises or to a location within the specific neighborhood in which the sign was originally located; and

(2) If relocated to another premise, the sign shall display a conspicuous text or a plaque, using a template provided by the City of San Bernardino, that indicates that the sign has been relocated, the date of relocation, and the original location.

e. Change in Sign Copy.

(1) Changes in sign copy shall be permitted, provided such changes do not result in changes to character-defining text, as determined by the Community and Economic Development Director.

(2) Changes in sign copy shall match or be compatible with existing text in material(s), letter size, font/typography, and color, as determined by the Community and Economic Development Director.

5. Expiration, Extension, and Amendment of Iconic Sign Permit. Procedures for expiration, extension, and amendments of Iconic Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

F. Nonconforming Sign Modifications via a Nonconforming Sign Permit.

1. Purpose. The purpose of the Nonconforming Sign Permit is to allow signs that are legally nonconforming only by virtue of the zone in which they are located (meaning that the zone does not permit the sign) to have minor modifications and improvements made to them.
2. **When Required.** A Nonconforming Sign Permit is required whenever the owner of a sign located on a property which has been rezoned and where the rezoning has resulted in the sign becoming nonconforming proposes to modify an existing Nonconforming Sign’s pole structure or relocate a sign on the same site.

3. **Permitted Modifications.**
   
a. **Relocation.** Such sign may be relocated on the subject site to a location that reduces impacts on surrounding residential uses, improves onsite circulation, or improves the visibility of the sign without impacting surrounding uses.

b. **Replacement.** A Nonconforming Sign may be replaced with an Awning Sign or Wall Sign, of a size not to exceed the existing sign.

c. **Improvements to Pole Signs.** The structure of a Pole Sign may be modified to improve the physical appearance of the pole structure, as determined by the responsible review authority.

4. **Findings and Decision.** In granting a Nonconforming Sign Permit, the responsible review authority shall be required to make the following findings:
   
a. The Nonconforming Sign Modification is in substantial compliance with any applicable design guidelines and the design principles set forth in Section 19.22.050;

b. The Nonconforming Sign Modification will result in a sign or signs that are visually related or complementary to each other and to the buildings and/or developments they identify through the integration of predominant architectural materials, elements, or details of such buildings or developments;

c. The size, height, and sign type of the nonconforming sign are permitted in a zone in the City of San Bernardino that allows the type of use the sign identifies;

d. The Nonconforming Sign Modification does not include a digital sign; and

e. The Nonconforming Sign Modification will not result in signs that would impair pedestrian and vehicular safety nor create light and glare that would negatively affect nearby residential uses.

5. **Expiration, Extension, and Amendment of Nonconforming Sign Modification Permit.** Procedures for expiration, extension, and amendments of Nonconforming Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

G. **Minor Sign Area Modification.**

1. **Purpose.** The purpose of the Minor Sign Area Modification Permit is to encourage Permanent Signs that exhibit extraordinary aesthetic quality, creativity, and/or innovation through a minor increase to the maximum allowed sign area.
2. **Application.** An application for a Minor Sign Area Modification Permit may be made by a business owner, property owner, or the City of San Bernardino for consideration by the responsible review authority.

3. **Permitted Modification.** Permanent Signs may deviate no more than 10 percent from the applicable maximum sign area standard established in this Chapter. A modification permitted by this Subsection shall not be additive to any modification allowance permitted by this Chapter, including a Comprehensive Sign Program.

4. **Findings and Decision.** In granting a Permanent Sign Area Modification Permit, the responsible review authority shall be required to make the following findings:

   a. The Permanent Sign complies with the design principles set forth in Section 19.22.050;
   
   b. The Permanent Sign will contribute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area; and
   
   c. The Permanent Sign will provide strong graphic character through the effective use of color, graphics, proportion, quality materials, scale, and texture.

5. **Expiration, Extension, and Amendment of Permanent Sign Area Modification Permit.** Procedures for expiration, extension, and amendments of Permanent Sign Area Modification Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

### 19.22.070 PERMANENT SIGNS

**A. Permanent Sign Standards by Zone.** All Permanent Signs shall comply with the standards set forth in this Section. Additional Permitted Signs are included under Section 19.22.020(C). Tables 22.03, 22.04, 22.05, and 22.06 identify the sign type, number, location, area, and height allowed within each zone, along with any applicable additional regulations. The standards contained in Tables 22.03, 22.04, 22.05, and 22.06 are maximums, unless otherwise stated.

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family Residential Subdivision Development in Residential Zones</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Monument</td>
<td>2 per major neighborhood entrance</td>
<td>30 sf per sign</td>
<td>6 ft</td>
<td>External illumination only</td>
<td>Permitted only at major entrances to projects or neighborhoods</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Maintenance responsibility shall be assigned to community association</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Digital Signs not permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 19.22.070(B)(4)</td>
<td></td>
</tr>
<tr>
<td>2. Public/Quasi-Public Use in Residential Zones</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Monument</td>
<td>2 per major entrance</td>
<td>30 sf per sign</td>
<td>6 ft</td>
<td>Permitted</td>
<td>Section 19.22.070(B)(4)</td>
</tr>
</tbody>
</table>
### Table 22.03
**Residential Zones**

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Wall</td>
<td>1 per street frontage</td>
<td>24 sf per sign</td>
<td>Must be below eave line</td>
<td>Permitted</td>
<td>• Section 19.22.070(B)(8)</td>
</tr>
</tbody>
</table>

#### 3. Multiple-Unit Residential Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| a. Wall            | 1 per street frontage | 24 sf per sign | Must be below eave line | Permitted | • Digital Signs not permitted  
|                    |                |                   |                     |                      | • Section 19.22.070(B)(3)(B) |
| b. Monument        | 1 per street frontage with entrance | 30 sf per sign | 6 ft | Permitted | • Section 19.22.070(B)(4)  
|                    |                |                   |                     |                      | • This allowed sign area may be substituted for permanent sign area applied to a perimeter wall |

Note: Signs not listed in this table, such as awning signs, suspended signs, pylon signs, etc. are not permitted in residential zones.

### Table 22.04
**Commercial Zones**

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Awning</td>
<td>N/A</td>
<td>25% of the surface area of the awning</td>
<td>N/A; awning shall not extend above eave line</td>
<td>Permitted</td>
<td>• Section 19.22.070(B)(1)</td>
</tr>
</tbody>
</table>
| b. Canopy          | Single Tenant: 1 per building façade  
|                    | Multiple Tenant: 1 per tenant space | 25% of the surface area of the canopy | 24 inches, as measured from the lowest point on the sign | Permitted | • Section 19.22.070(B)(2)  
|                    |                |                   |                     |                      | • Section 19.22.070(C)(2)(C) |
| c. Driveway/Onsite Traffic Directional | 1 per driveway or drive-through lane, plus 1 per every 200 parking spaces on multiple tenant sites and 1 for every 300 parking spaces on single tenant sites, or as otherwise permitted through a Comprehensive Sign Program | 8 sf per sign face | 8 ft | Permitted | • May be in the form of Monument Sign, Pylon Sign, or Wall Sign |
| d. Monument        | Lots with less than 600 feet of street frontage: 1 per street frontage  
|                    | Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage | Single Tenant: 75 sf per sign face  
|                    | Multiple Tenant: 125 sf per sign face | 8 ft in all zones except Main Street Overlay Zone  
|                    | Main Street Overlay Zone: 5 ft | 8 ft | Permitted | • Section 19.22.070(B)(4) |
| e. Projecting      | Single Tenant: 1 per street frontage  
|                    | Multiple Tenant: 1 per tenant space | 25 sf per sign face | Must be below eave line | Permitted | • Section 19.22.070(B)(5) |
| f. Pylon           | Lots with less than 600 | Single | Single | Permitted | • Section 19.22.070(B)(6) |
Table 22.04
Commercial Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>g. Wall</td>
<td>N/A</td>
<td>2 sf of sign area per lineal foot of primary building frontage, and 1.5 sf of sign area per lineal foot of a secondary building frontage</td>
<td>Shall not extend above the eave line</td>
<td>Permitted</td>
<td>• Section 19.22.070(B)(8)</td>
</tr>
</tbody>
</table>

Note: See Section 19.22.070(B)(4)(f) and 19.22.070(B)(6)(f) for additional restrictions on pylon and monument signs.

Figure 22.05: Primary and Secondary Building Frontages

Table 22.05
Industrial Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Total Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Awning</td>
<td>N/A</td>
<td>25% of the surface area of the awning</td>
<td>Must be below the eave line</td>
<td>Internal prohibited</td>
<td>• Section 19.22.070(B)(1)</td>
</tr>
<tr>
<td>b. Canopy</td>
<td>1 per street frontage</td>
<td>25% of the surface area of the canopy</td>
<td>2 ft</td>
<td>Permitted</td>
<td>• Section 19.22.070(B)(2)</td>
</tr>
<tr>
<td>c. Driveway/Onsite Traffic Directional</td>
<td>1 per driveway or drive-through lane, plus 1 for every 100 parking spaces, or as otherwise</td>
<td>12 sf per sign face</td>
<td>8 ft</td>
<td>Internal prohibited</td>
<td>• May be in the form of Monument Sign, Pylon Sign, or Wall Sign</td>
</tr>
</tbody>
</table>
Table 22.05
Industrial Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Total Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Monument</td>
<td>Lots with less than 600 feet of street frontage: 1 per street frontage Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage</td>
<td>1 sf of sign area per 1 lineal foot of primary building frontage and 0.75 sf of sign area per 1 lineal foot of secondary building frontage; not to exceed 300 sf</td>
<td>8 ft</td>
<td>Permitted</td>
<td>* Section 19.22.070(B)(4)</td>
</tr>
<tr>
<td>e. Projecting</td>
<td>1 per street frontage</td>
<td>25 sf per sign face</td>
<td>Must be below eave line</td>
<td>Permitted</td>
<td>* Section 19.22.070(B)(5)</td>
</tr>
<tr>
<td>f. Pylon</td>
<td>Lots with less than 600 feet of street frontage: 1 per street frontage Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage</td>
<td>1 sf of sign area per 1 lineal foot of primary building frontage and 0.75 sf of sign area per 1 lineal foot of secondary building frontage; not to exceed 300 sf</td>
<td>25 ft</td>
<td>Permitted</td>
<td>* Section 19.22.070(B)(6)</td>
</tr>
<tr>
<td>g. Wall: Street Facing</td>
<td>2 on each occupant building frontage oriented toward a parking lot, street, alley, driveway, or freeway</td>
<td>2 sf of sign area per lineal foot of primary building frontage, and 1 sf of sign area per lineal foot of a secondary building frontage</td>
<td>Must be below eave line</td>
<td>Permitted</td>
<td>* Section 19.22.070(B)(8)</td>
</tr>
<tr>
<td>h. Wall: Service and Delivery Entrances</td>
<td>1 for each service or delivery entrance</td>
<td>10 sf</td>
<td>6 ft</td>
<td>Permitted</td>
<td>* Section 19.22.070(B)(8) * Shall be located within 10 ft of associated entrance</td>
</tr>
</tbody>
</table>

Note: See Section 19.22.070(B)(4)(f) and 19.22.070(B)(6)(f) for additional restrictions on pylon and monument signs.

Table 22.06
Public and Quasi-Public Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Wall</td>
<td>1 per street or parking lot frontage</td>
<td>30 sf per sign</td>
<td>Must be below eave line</td>
<td>Yes</td>
<td>* Section 19.22.070(B)(8)</td>
</tr>
<tr>
<td>b. Monument</td>
<td>1 per street or parking lot frontage</td>
<td>30 sf per sign face</td>
<td>7 ft</td>
<td>Yes</td>
<td>* Section 19.22.070(B)(4) * Shall be set back at least 1 foot from any property line</td>
</tr>
</tbody>
</table>

B. Standards by Sign Type. As listed in, and in addition to the standards in Tables 22.03, 22.04, 22.05, and 22.06, signs shall comply with the following standards applicable to the specific sign type. Each sign shall also comply with the requirements of Section 19.22.030 and all other applicable provisions of this Chapter.

1. Awning Signs. Awning Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.
a. **Location.** Awnings that display signage shall be limited to building frontages on the ground floor of buildings.

b. **Combined Sign Area.** Combinations of signs on awnings, canopies, and walls are permitted but shall not exceed the maximum allowable sign area for Wall Signs per building elevation.

c. **Vertical clearance.** A minimum vertical clearance of at least eight feet from bottom of the awning, including valance, to finished grade shall be maintained.
d. **Setback and projection into public right-of-way.** A minimum of two feet between the edge of the awning and the outer curb face shall be maintained. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.

2. **Canopy Signs.** Canopy Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.

   a. **Location.** Canopies that display signage shall be limited to building frontages on the ground floor of buildings.

   b. **Height.** Canopy Signs shall not project more than 24 inches above the highest point of any canopy, and not above the roofline of the structure for attached canopies.

   c. **Combined Sign Area.** Combinations of signs on awnings, canopies, and walls are permitted but shall not exceed the maximum allowable sign area for Wall Signs per building elevation.

   d. **Setback and Projection into public right-of-way.** A minimum of two feet between the edge of the canopy and the outer curb face shall be maintained. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.
3. Digital Signs.
   a. No Flashing. Digital Signs shall not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).
   b. Display Change. Digital Signs may display changing messages, provided that each message is displayed for no fewer than eight consecutive seconds, unless otherwise permitted by an approved agreement with the City, and in no case shall a message be displayed fewer than four seconds. The transition or blank screen time between one display message and the next shall not exceed one second.
   c. Night-time brightness.
      (1) Night-time brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message off, and again with the electronic message displaying a white image for a full color-capable electronic message or a solid message for a single-color electronic message.
      (2) All measurements shall be taken perpendicular to the face of the electronic message at the following distance:

\[
\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}
\]

      (3) The difference between the off and solid message measurements shall not exceed 0.3 foot-candles at night.
   d. Ambient Light Sensor. Digital Signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3 foot-candle requirement.
   e. Turn Off. Digital Signs located within 500 feet and in a direct line of sight of a residually zoned property shall be turned off daily at the close of business, or at such a time as specified by the Community and Economic Development Director, and in no case shall be permitted to be turned on between the hours of 2:00 A.M. and 6:00 A.M.
   f. Prohibited Digital Signs. Awning Signs, Canopy Signs, Window Signs, and Driveway/Onsite Traffic Directional Signs shall not include digital copy.
   g. Certification of Compliance. The owner of any Digital Sign shall arrange for certification by an independent contractor showing compliance with brightness standards.
4. **Monument Signs.** Monument Signs are permitted pursuant to Section 19.22.070(A) Tables 22.03, 22.04, 22.05, and 22.06.

   a. **Minimum Street Frontage.** A minimum street frontage of 100 feet is required for establishment of a monument sign.

   b. **Minimum Separation.** Monument Signs shall have a minimum separation of 50 feet from any other Monument Sign on an adjacent property.

   c. **Digital Sign Minimum Separation.** Where a Monument Sign includes a digital sign, the minimum radial distance to any other Digital Sign shall be 200 feet.

   d. **Digital Sign Copy.** Digital sign copy is permitted to occupy up to 75 percent of maximum allowable monument sign area, subject to an approved Sign Permit or Comprehensive Sign Program.

   e. **Setback.** Monument Signs shall be set back a minimum of five feet from any property line, unless otherwise specified in this Chapter.

   f. **Either Monument or Pylon as Primary Sign Type.** Properties with less than 600 feet of street frontage shall be permitted to have either one Monument Sign or one Pylon Sign as the primary signage, but not both. Properties with more than 600 feet of street frontage shall be permitted to have one Pylon or Monument sign per 600 feet of street frontage.

   g. **Landscaping Required.** All Monument Signs shall be located within the required landscaped setback or a landscaped planting bed, unless this requirement is waived through review by the Community and Economic Development Director based on site-specific conditions.

5. **Projecting Signs.** Projecting Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.

   a. **Projection from Wall.** Projecting Signs shall project no more than four feet from the face of the building wall upon which the sign is mounted.

   b. **Projection into Public Right-of-way.** Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.

   c. **Vertical clearance.** A minimum vertical clearance of eight feet from the bottom of the Suspended Sign to finished grade shall be maintained.

6. **Pylon Signs.** Pylon Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.

   a. **Minimum Street Frontage.** A minimum street front of 100 feet is required for establishment of a pylon sign.
b. **Minimum Separation.** Pylon Signs shall have a minimum separation of 50 feet from any other Pylon Sign on an adjacent property.

c. **Digital Sign Minimum Separation.** Where a Pylon Sign includes a Digital Sign, the minimum radial distance to any other Digital Sign shall be 200 feet.

d. **Digital Sign Copy.** Digital sign copy is permitted to occupy up to 75 percent of maximum allowable pylon sign area, subject to an approved Sign Permit or Comprehensive Sign Program.

e. **Setback.** Pylon Signs shall be set back a minimum of 5 feet from any property line, unless otherwise specified in this Chapter.

f. **Either Monument or Pylon as Primary Sign Type.** Properties with less than 600 feet of street frontage shall be permitted to have either one Monument Sign or one Pylon Sign as the primary signage, but not both. Properties with more than 600 feet of street frontage shall be permitted to have one Pylon or Monument sign per 600 feet of street frontage.

g. **Landscaping Required.** All Pylon Signs shall be located within the required landscaped setback or a landscaped planting bed, unless this requirement is waived through review by the Community and Economic Development Director based on site-specific conditions.

h. **Vertical Clearance.** A minimum vertical clearance of 14 feet is required for Pylon Signs projecting over vehicular passageways. A minimum vertical clearance of eight feet is required for Pylon Signs projecting over pedestrian passageways.

i. **Multiple Tenants.** A Pylon Sign for a multiple tenant site shall have no more than eight separate sign areas.

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**Figure 22.09: Multiple Tenant Pylon Signs**
7. **Suspended Signs.** Suspended Signs are permitted pursuant to Section 19.22.020(C)(2) Table 22.01.
   
   a. **Location.** Suspended Signs shall be limited to building frontages on the ground floor of non-residential buildings.
   
   b. **Illumination.** Suspended Signs may be externally or internally illuminated but shall not be Digital Signs.
   
   c. **Vertical clearance.** A minimum vertical clearance of eight feet from the bottom of the Suspended Sign to finished grade shall be maintained.
   
   d. **Projection into Public Right-of-way.** Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.

8. **Wall Signs.** Wall Signs are permitted pursuant to Section 19.22.070(A) Tables 22.03, 22.04, 22.05, and 22.06.
   
   a. **Placement.**
      
      (1) No Wall Sign shall cover, wholly or partially, any wall opening.
      
      (2) Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.
   
   b. **Cumulative Wall Sign Area.** In Commercial Zones, there is no limit on the number of Wall Signs. However, the combined area of all Wall Signs shall cumulatively comply with maximum size requirements.
   
   c. **Roof Signs in Lieu of Wall Signs.** Where a Roof Sign is permitted due to a lack of available building mansard for a sign, such Roof Sign’s allowable area shall be equivalent to the allowed sign area for Wall Signs.

9. **Window Signs.** Window Signs are permitted pursuant to Section 19.22.020(C)(2) Table 22.01.
   
   a. **Location.** Window Signs shall not be allowed on windows located above the second story.
   
   b. **Window Sign Location.** Signs shall be placed so that law enforcement and public safety personnel have a clear and unobstructed view of the interior of the establishment, including cash registers. Signage inside the building shall not be allowed within three feet of the window.
   
   c. **Perforated and/or Transparent Window Signs.** Perforated and/or transparent Window Signs may be excluded from window sign size calculations subject to review and approval by the Community and Economic Development Director and the determination that such signs are placed so that law enforcement and public
safety personnel have a clear and unobstructed view of the interior of the establishment, including cash registers.

d. **Digital Window Signs Prohibited.** Digital Window Signs are not permitted, including any such signs placed within 10 feet of the window.

C. **Signage Allowances for Specific Uses.** This Section establishes signage allowances for specific uses.

1. **Drive-Through Establishments.** In addition to the signs allowed in Section 19.22.070(A), businesses with drive-through(s) shall be allowed the following signs, subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.

   a. **Number and Size.** Two additional freestanding Menu Board signs are permitted for each establishment with a drive-through, not exceeding 32 square feet apiece (or not to exceed a combined 64 square feet).

   b. **Height.** Freestanding menu board signs shall not exceed eight feet in height. The freestanding menu board sign structure may extend above the sign height limit if:

      (1) The sign structure is separately constructed from the cabinet or face of the sign;

      (2) The portion above the cabinet or face does not contain any copy; and

      (3) The extension adds architectural embellishments to the sign.

2. **Service Stations.** In addition to the signs allowed in Section 19.22.070(A), service stations shall be allowed the following sign area and sign types subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.

   a. **Service Island Signs.** Additional incidental signs are allowed up to a maximum of two per each service island, with each such sign not exceeding three square feet.

   b. **Service Station Canopy Signs.** Signs on service station canopies shall not exceed 50 square feet on each side.

   ![Canopy Sign Diagram]

   **Figure 22.10: Service Station Canopy Signs**
3. **Theaters.** In addition to the signs allowed in Section 19.22.070(A), theaters shall be allowed the following additional signs subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.

   a. **Sign Type and Number.** Developments containing theaters are allowed one additional Pylon Sign or Monument Sign with changeable copy (digital or manual) with a maximum size of 80 square feet. Such sign shall comply with height requirements for Pylon Signs and Monument Signs as listed in Table 22.04.

   b. **Special Advertisements.** Glass encasements for special advertisements shall be allowed to be affixed to the primary building. Encasements shall not exceed a width of three feet or a height of four feet, the number of which shall be approved by the Community and Economic Development Director via the Sign Permit or Comprehensive Sign Program process.

4. **Non-Residential Uses within Freeway Corridor Overlay Zone.** In addition to the signs allowed in Section 19.22.070(A), non-residential uses located within the Freeway Corridor Overlay (FC) zone shall be allowed the following additional sign area or sign types subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.

   a. **Freeway Frontage of more than 100 feet - Maximum Sign Area.**

      (1) For single tenant sites with at least 100 feet of freeway frontage, one Freeway-Oriented Sign of up to 200 square feet is permitted.

      (2) For multiple tenant sites with at least 100 feet of freeway frontage, one Freeway-Oriented Sign of up to 100 square feet per anchor tenant is permitted.

   b. **Freeway Frontage of more than 1,000 feet - Maximum Sign Area.** For sites over five acres in size with more than 1,000 feet of freeway frontage, two Freeway-Oriented Signs of up to 100 square feet per anchor tenant with up to eight sign areas each are permitted. These signs shall not be placed closer than 600 feet of each other.

   c. **Sign Type.** Freeway-Oriented Signs may be Pylon Signs or Wall Signs. Freeway-Oriented Wall Signs are permitted only on buildings fronting the freeway.

   d. **Height.** Sign height shall not exceed 50 feet above freeway grade. Sign height may be allowed to exceed this height limit if a flag test approved by the City of San Bernardino determines that a sign of lower height would be partially or wholly obscured but shall in no case shall sign height exceed 75 feet above freeway grade.

   e. **Setback.** Freeway-Oriented Pylon Signs shall be set back at least five feet from any property line.
f. **Orientation.** Freeway-Oriented Signs shall be oriented toward the adjacent freeway. A Freeway-Oriented Sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway.

g. **Tree Replacement.** Any tree that is removed to accommodate the installation of any sign shall be replaced with a minimum 48-inch box tree at a location approved by the Community and Economic Development Director.

h. **General Advertising Prohibited.** Freeway-Oriented Signs shall not be used for general advertising (billboards).

i. **California Department of Transportation (Caltrans) Compliance.** All Freeway-Oriented Signs shall comply with the California Outdoor Advertising Act, Business and Professions Code Section 5200, or as subsequently revised, and shall be referred to Caltrans as appropriate for comment prior to Community and Economic Development Director review of the application for a Sign Permit or Comprehensive Sign Program.

D. **General Standards for Permanent Signs in all Zones.**

1. **Properties with Limited or No Street Frontage.** In any circumstance where a property has no street frontage or less than 20 feet of street frontage (for example, as a flag lot), signage shall be allowed on an adjacent property with the same zone as the subject property, subject to approval of a Comprehensive Sign Program and with the written permission of the property owner on whose property the sign is to be erected.

2. **Signage Allowed for Each Establishment.** Each establishment in a non-residential zone may have at least one Wall Sign for each frontage, one Window Sign or door sign for each entrance, and one Suspended Sign, subject to compliance with the requirements of this Chapter.

**19.22.080 TEMPORARY SIGNS**

All Temporary Signs shall comply with the standards provided in this Section. A Temporary Sign Permit shall be obtained from the Community and Economic Development Department prior to the display of Temporary Signs, unless specified in Section 19.22.020(C).

A. **Purpose.** In addition to Section 19.22.010, the purpose of this Section is to ensure that Temporary Signs do not create a distraction to the traveling public by limiting the proliferation of Temporary Signs and eliminating aesthetic blight and litter that are detrimental to the public’s health, safety, and welfare.

B. **General Standards for All Temporary Signs.**

1. **Temporary Sign Content Neutrality.** All regulations and standards in this Section are to be exercised in light of the City’s content neutrality policy. These provisions are not intended to limit, censor, or restrict free speech.
2. **Number.** The maximum number of Temporary Signs that may be displayed at the same time is subject to compliance with the applicable requirements of this Section. The number and area of Temporary Signs shall not be included in the calculation of aggregate permanent sign area.

3. **Materials and Maintenance.**
   a. Temporary exterior signs shall be made of durable, weather-resistant material. Only interior window signs may be made of nonrigid (e.g., paper) material.
   b. Temporary Signs shall be well maintained consistent with Section 19.22.030(H).

4. **Illumination Prohibited.** Temporary signs shall not be illuminated.

5. **Sign Placement.**
   a. Temporary Signs are allowed on private property only subject to permission of the property owner.
   b. Temporary Signs shall not be placed in any public right-of-way except in compliance with Section 19.22.120.
   c. Temporary Signs shall only be placed where Permanent Signs are allowed.

6. **Removal of Signs.** Temporary Signs and their components shall be promptly removed at the expiration of the Temporary Sign Permit.

C. **Temporary Sign Standards for Non-Residential Zones.** Temporary Signs in non-residential zones (including Commercial, Downtown, Industrial, Public, and Quasi-Public Zones) are allowed as provided in Table 22.07. The signs in Table 22.07 are allowed in any combination unless otherwise noted in this Section; however, businesses shall not display more than three Temporary Signs (excluding window signs) at any one time.

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Total Sign Area</th>
<th>Maximum Sign Height</th>
<th>Additional Requirements</th>
</tr>
</thead>
</table>
| a. Banner Signs      | 1 per business frontage | 30 sf or 10% of business frontage on which banner is placed, whichever is greater | N/A                 | • Section 19.22.080(D)(1)
|                      |                    |                         |                     | • For the purposes of calculating allowed banner sign area, the height of a business frontage shall be eight feet regardless of existing conditions |
| b. Yard Signs        | 1 per business frontage | 12 sf (lots < 1 acre) 6 ft (lots < 1 acre) | 32 sf (lots ≥ 1 acre) 8 ft (lots ≥ 1 acre) | • Section 19.22.080(D)(2) |
| c. Inflatable Signs  | 1 per business frontage | Per temporary event permit | Per temporary event permit | • Section 19.22.080(D)(3) |
Table 22.07
Temporary Sign Standards for Non-Residential Zones

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Total Sign Area</th>
<th>Maximum Sign Height</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Feather Signs and Pennants</td>
<td>One flag per 20 linear feet of street frontage</td>
<td>12 sf</td>
<td>10 ft</td>
<td>• Section 19.22.080(D)(4)</td>
</tr>
</tbody>
</table>
| e. Portable Temporary Signs | 1 per business frontage | 6 sf | 3 ft | • Section 19.22.080(D)(5)
• Permitted only in the Main Street Overlay Zone |

D. Standards by Temporary Sign Type.

1. **Banner Signs and Pennants.** Businesses and institutions may exhibit Banner Signs and/or Pennants related to an activity or event having a specific duration, or the end of which is related to a specific action.

   a. **Installation.** Banner Signs and Pennants shall be affixed to a permanent structure or fence (i.e., cannot be freestanding, such as mounted on temporary posts or affixed to trees).

   b. **Duration.** A Banner Sign or Pennant may be displayed for no longer than 90 consecutive days, twice per calendar year. A minimum of 30 days is required between the two 90-day display periods.

   c. **Projection.** Banner Signs and Pennants shall not project above the edge of the roof of a structure.

   d. **Materials and Maintenance.** Banner Signs and Pennants shall be professionally crafted and well-maintained (not torn, bent, faded, or dirty). Banner Signs shall be securely affixed at all corners.

2. **Yard Signs.** Businesses and institutions may exhibit Yard Signs related to an activity or event having a specific duration, or the end of which is related to a specific action.

   a. **Setback.** Yard Signs shall maintain a minimum one-foot setback from any property line.

   b. **Location.** Yard Signs shall be located outside of public rights-of-way, within a landscaped area.

   c. **Installation.** Yard Signs shall be installed securely in the ground.

   d. **Duration.** A Yard Sign may be displayed for no longer than 90 consecutive days, twice per calendar year. A minimum of 30 days is required between the two 90-day display periods.

3. **Inflatable Signs.** Businesses and institutions may exhibit Inflatable Signs related to a temporary activity or event only for which a temporary event permit was approved.
a. **Setback.** Inflatable Signs shall maintain a minimum five-foot setback from any property line.

b. **Location.** Inflatable Signs shall not be placed in the public right-of-way. Inflatable Signs may be located on within required setbacks or elsewhere on the property.

c. **Installation.** Inflatable Signs shall be installed securely in the ground or affixed to a structure.

d. **Duration.** Inflatable Signs may be displayed for no longer than 30 consecutive days, no more than twice per rolling calendar year, and may not be displayed within 30 days following the prior activity or event for which an Inflatable Sign was displayed.

4. **Feather Signs.** Businesses and institutions may exhibit Feather Signs related to an activity or event having a specific duration, or the end of which is related to a specific action.

a. **Materials.** Acceptable materials for Feather Signs include vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar materials.

b. **Location.** Feather Signs shall not interfere with either pedestrian or vehicular sight distance, any view corridor or obstruct views to any existing business or existing permanent sign.

c. **Duration.** Feather Signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. Feather Signs shall be removed during hours when the establishment is not open to the public.

5. **Portable Temporary Signs in Main Street Overlay Zone.**

a. **Location.** A Portable Sign may be located on private property or in the public right-of-way with an approved encroachment permit. Portable Signs are allowed in the City right-of-way in the Main Street Overlay Zone with an Encroachment Permit, provided the sign does not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the parcel on which the sign is located, or create traffic hazards. A minimum access width of four feet shall be maintained along all sidewalks and building entrances accessible to the public.

b. **Duration.** Portable Signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. Portable Signs shall be removed during hours when the establishment is not open to the public.

c. **Materials and Maintenance.** Portable Temporary Signs shall be professionally crafted and constructed of durable, weather-resistant materials (not subject to
damage or fading from weather), and be of sufficient weight and durability to withstand wind gusts, storms, etc.

d. **Indemnification.** The placement of a Portable Sign in the City right-of-way requires the business, person, or entity responsible for placing the sign to indemnify and hold harmless the City from any action or expense that may occur as a result of a Portable Sign being located on any sidewalk or City right-of-way, satisfactory to the City Attorney. The Encroachment Permit shall not be issued until the City Attorney has determined that this requirement has been complied with. Portable Signs for any business that fails to indemnify the City shall be deemed illegal, nonconforming, and shall be removed.

6. **Temporary Residential Subdivision Signs.** Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit. For the purposes of this Subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

a. **Size.** Temporary residential subdivision signs shall not exceed 100 square feet or two square feet of sign area for each lot with a dwelling unit to a maximum of 200 square feet. No single sign may be larger than 100 square feet and eight feet in height and shall be set back at least 10 feet from any property line (or five feet if the sign area is less than 32 square feet).

b. **Separation.** No temporary residential subdivision sign structure shall be located less than 300 feet from an existing or previously approved temporary residential subdivision sign structure, except in the case of signs on different corners of an intersection.

c. **Location.** All temporary residential subdivision signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit.

d. **Location Plan.** A temporary residential subdivision sign location plan shall be prepared, showing the site of each sign, including any secondary signage, and shall be approved by the Community and Economic Development Director prior to the issuance of a Sign Permit. The placement of each temporary residential subdivision sign structure shall be reviewed and approved by the Community and Economic Development Director.

e. **Additions.** There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the temporary residential subdivision signs as originally approved, and no other non-permitted signs, such as posters or trailer signs, may be used.

f. **Removal.** Temporary residential subdivision signs shall be removed when the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.
7. Temporary Signs during Elections and on Residential Property. See Section 19.22.020(C)(2) for regulations pertaining to Temporary Signs located on residential property during elections and during times when a residential activity is occurring, such as a yard sale or a property is advertised for sale, rent, or lease.

19.22.090 GENERAL ADVERTISING SIGNS (BILLBOARDS)

A. General Prohibition. General Advertising Signs (billboards) are prohibited in all zones unless authorized by this Section in connection with the relocation of an existing legally established nonconforming billboard or in connection with the conversion of an existing static (non-digital) General Advertising Sign to digital General Advertising Sign.

B. Applicability. Any legal nonconforming General Advertising Sign may be considered as a candidate for relocation approval. Such General Advertising Signs may be relocated to a new site or relocated on the present site only in accordance with this Section.

C. Required Permits and Agreements.

1. Billboard Relocation/Conversion Agreement and Conditional Use Permit Required. The relocation or conversion of existing static General Advertising Signs to digital General Advertising Signs, or any modification to an existing General Advertising Sign, shall be subject to an approved Billboard Relocation/Conversion Agreement and Conditional Use Permit.

2. Billboard Relocation/Conversion Agreement Parameters. The Billboard Relocation/Conversion Agreement shall include, but is not limited to, standards to regulate the following: sign size, “air time” for public service announcements, and any relocation or replacement provisions, and may include a revenue-sharing provision.

3. Lease or License Agreement. Construction and installation of General Advertising Signs on property owned by the City of San Bernardino or its related agencies may be accomplished by lease or license in lieu of a Billboard Relocation/Conversion Agreement, and any reference to a development agreement in this Chapter shall include leases or licenses on such properties.

D. Removal Requirement. In exchange for the right to locate one new replacement General Advertising Sign at a new site, or to modify characteristics of an existing legally established General Advertising Sign, such as sign area, height, and/or type, the following removal requirements apply:

1. Existing Sign Removal Prior to New Sign Installation. Any existing legally established General Advertising Sign shall be removed prior to the installation of an authorized replacement General Advertising Sign.

2. Number of Signs Required for Removal. Upon agreement between the sign owner and the City, the sign owner shall abandon a minimum of six legally nonconforming static General Advertising Sign faces and replace them with one new digital General Advertising Sign face, subject to the provisions of this Chapter.
E. Replacement of General Advertising Signs on the Same Site Without Modifications. An existing legally established General Advertising Sign may be replaced on the same site with another General Advertising Sign as a “like-for-like” replacement (i.e., same size, height, number of faces, and type).

F. Development Standards.

1. Location. A replacement or relocated General Advertising Sign shall be located on either:
   a. City-owned property; or
   b. Property in the CG, CR, IL, or IH zones that is within 200 feet of the outer edge of the I-10 freeway, I-215 freeway, and SR-210 freeway rights-of-way.

2. Size. The replacement sign area shall not exceed the sign area of the existing sign to be replaced, and in no event shall a replacement sign contain greater than 672 square feet of advertising sign area.

3. Static-Display Spacing Requirements. Spacing between static-display General Advertising Signs shall be:
   a. Up to 100 square feet of sign face: 300 linear feet
   b. Up to 300 square feet of sign face: 400 linear feet
   c. Up to 672 square feet of sign face: 600 linear feet

4. Digital Sign Spacing Requirements. Digital General Advertising Signs shall be placed no closer than 1,000 feet from another Digital Sign (either general advertising or on-site) on the same side of the freeway or street.

5. Height. The height of each digital General Advertising Sign shall be limited to 50 feet above the grade of the adjacent street or freeway grade, as applicable, unless the applicant can demonstrate by a flag test or other means approved by the Community and Economic Development Director that clearly demonstrates greater height is needed for visibility.


19.22.100 NONCONFORMING SIGNS

Any nonconforming sign in the City of San Bernardino is subject to the provisions of Chapter 19.62, and the following:

A. Continuance and Maintenance. Nonconforming Signs that were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided in this Section.
1. **Nonconformity.** Nonconforming Signs may be continued and shall be maintained in good condition as required by Section 19.22.030(H), including reasonable and routine maintenance and repairs, provided there is no expansion of any nonconformity with the current requirements of this Chapter.

2. **No Change to Physical Structure.** Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting and rust removal) are allowed so long as there is no alteration to the physical structure or support elements of the sign.

3. **Illegal Signs.** A sign that did not conform to law existing at the time of its erection shall be deemed an Illegal Sign and shall not be a Nonconforming Sign. The passage of time does not cure illegality from the outset.

B. **Alterations and Additions to Nonconforming Signs.** No Nonconforming Sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination or substantial reduction of the sign’s nonconforming features, unless otherwise allowed by an approved Iconic Sign Permit.

C. **Abandonment of Nonconforming Sign.** Whenever a Nonconforming Sign has been abandoned or the use of the property on which the sign is located has been discontinued for a continuous period of 24 months, the Nonconforming Sign shall be removed as provided for in State law and Section 19.22.110 of this Chapter.

D. **Restoration of a Damaged Nonconforming Sign.** Whenever a Nonconforming Sign that is not an approved Iconic Sign is destroyed by any cause other than intentional vandalism, such sign may be only restored, reconstructed, altered, or repaired in conformance with the provisions of this Chapter. Whenever a Nonconforming Sign that is an approved Iconic Sign is destroyed by any cause, the Iconic Sign may be restored to display the pre-existing sign area, and the nonconforming use of the sign may be resumed, provided that restoration is started within one year of the date that the damage occurred, restoration is diligently pursued to completion, and the height of the restored sign conforms to the standards of this Chapter.

E. **Building Façade Modification.** If a Development Permit is issued for modifications to the exterior of a building façade, any nonconforming building signs on the façade undergoing modification shall be brought into full conformance with the provisions of this Chapter prior to approval for final occupancy.

F. **Building Demolition.** All Nonconforming Freestanding Signs shall be demolished or removed when the building on which they are located or associated with is demolished.

G. **Iconic Signs.** Signs with an approved Iconic Sign Permit are not subject to the requirements of this Section 19.22.100, but shall comply with Section 19.22.060(E)(4).

H. **Exceptions.**

1. **Business and Professions Code.** Notwithstanding any other provision of this Section, this Section shall not apply to any sign that may not be removed pursuant to the provisions of Business and Professions Code Section 5412.5 but only during the period of time that Business and Professions Code Section 5412.5 remains in force and effect.
2. **Nonconforming Sign Modification Permits.** Notwithstanding any other provision of this Section, any Nonconforming Sign that has not been abandoned and is nonconforming only because of the zone in which it is located may apply for a Nonconforming Sign Modification Permit.
19.22.110 ENFORCEMENT

A. General Enforcement Procedures. It shall be unlawful to erect, construct, enlarge, alter, repair, display, or use a sign within the City of San Bernardino that is contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the applicable provisions of Chapter 19.46. In addition to any administrative, criminal, nuisance, or other enforcement procedure, the City of San Bernardino may withhold the issuance of Business Licenses, Building Permits, Grading Permits, Certificates of Occupancy, and other land use entitlements and may issue stop work orders for a development project failing to comply with the provisions of this Chapter.

B. Removal of Illegal Signs. Any Illegal Sign shall be removed by the property owner within 15 days after notice via a Notice of Violation from the Community and Economic Development Department.

C. Abandoned Signs.

1. Public Nuisance. Any Abandoned Sign or Illegal Sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of San Bernardino. Any sign which is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the citizens of San Bernardino. Any such sign as set forth herein is hereby deemed to be a public nuisance.

2. Removal. Any Abandoned Sign deemed to be a public nuisance shall be removed by the property owner within 30 days after notice via a Notice of Violation from the Community and Economic Development Department.

D. Illegal and Abandoned Sign Appeals. Within the 15 days after a Notice of Violation from the Community and Economic Development Department is mailed, the property owner may request a hearing before the Hearing Officer on the illegal sign determination in compliance with the provisions of Chapter 9.94. The appeal shall be granted or the decision modified if facts or circumstances disprove the existence of an Illegal Sign. If no hearing is requested, if the appeal has been denied, and/or there is no correction to the violation, the Community and Economic Development Department will abate the violation. Costs of such abatement may be assessed against the property, using the procedures established in Chapter 8.30.

19.22.120 SIGNS ON PUBLIC PROPERTY

A. Intent as to Public Forum. As it relates to the placing of signage on public property, the City declares its intent that all public property in the City shall not function as a designated public forum, unless some specific portion of public property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any.

B. Private Party Signs Generally Banned. Except as expressly allowed by a provision of this Chapter, or another provision of law, private parties may not display or post signs on public property or in the public right-of-way.
C. Signs That Are Exempt from the General Ban. The following signs are exempted from the general ban:

1. Traffic control and traffic directional signs erected by a governmental unit.

2. Official notices required by law.

3. Signs placed by the City.

4. Signs that have received an encroachment permit and are located in the Main Street Overlay Zone.

D. Authorized Signs on Public Properties and Structures. Private advertising signs may be placed on structures in the public right-of-way, such as bus shelters, if there is a licensing agreement approved by the Mayor and City Council authorizing such General Advertising Signs on public property. An application for a Sign Permit must be approved prior to the construction of General Advertising Signs on public property, and the applicant and the owner of the sign shall comply with the provisions of Section 19.22.030(F) and Section 19.22.030(H).

E. Temporary Political, Religious, Labor Protest and Other Noncommercial Signs in Traditional Public Forum Areas. In areas qualifying as traditional public forums, such as streets, parks and sidewalks, persons may display noncommercial message signs thereon, provided that their sign displayed on public property conforms to all of the following:

1. Personally Attended. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within 15 feet of the sign at all times.

2. Size.
   a. The maximum aggregate size of all signs held by a single person is 12 square feet.
   b. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.

3. Balloons. The displayed signs may not be inflatable or air activated.

4. Pedestrian and Vehicle Clearance. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance for pedestrians to pass by.

F. Enforcement. Any sign posted on public property or the public right-of-way in violation of the provisions of this Chapter is declared to be a trespass and a public nuisance, may be summarily removed by the City of San Bernardino without notice, and the persons or parties responsible for such unauthorized posting may be charged with the City of San Bernardino's actual costs of removal. In addition, any violation of this Chapter may be enforced or punished in any manner prescribed by law, including the applicable provisions of Chapter 19.46.
G. **Encroachment.** Any sign proposed to project into the public right-of-way, or into public property, shall require an encroachment permit.

H. **Street Banner Permit.** Refer to Chapter 16.16.

### 19.22.130 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply:

**A-Frame Sign:** A Freestanding Portable Sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A," and which is readily movable and not permanently attached to the ground or any structure. May also be referred to as a sandwich board sign. Other variations of such signage may also be in the shape of the letter T (inverted) or the letter H.

**Abandoned Sign:** Any lawfully erected sign, sign structure, advertising structure, or display that is not operated or maintained for a period of two years or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product of service that is no longer available; (2) the sign displays advertising for a business that is no longer licensed; (3) the sign advertises a business that is no longer doing business on the parcel where the sign is located; (4) the sign has a purpose for which the purpose has lapsed; or (3) the sign is blank. An Abandoned Sign is deemed to be a public nuisance.

**Alter; Alteration:** Any change in the weight, depth, height, area, thickness, materials, location, or type of display of an existing sign but shall not be construed to prevent normal or periodic maintenance, upkeep, or repair of a sign or change of copy (e.g., repainting).

**Awning Sign:** Any sign that is painted or applied to the face, valance, or side panel of a projecting structure consisting of a frame and a material covering, attached to and wholly supported by a building wall and installed over and partially in front of doors, windows, or other openings in a building.

![Awning Signs](image)

**Balloon:** See "Inflatable Sign."

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**Banner Sign or Banner:** A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. This sign type does not include flags (see “Flags”).

![Temporary Banner](image)

**Bench Sign:** A temporary sign message located on the seat or backrest of a bench or seat placed on or adjacent to a public right-of-way.

**Billboard:** See “General Advertising Sign.”

**Blade Sign:** See “Projecting Sign.”

**Building Façade:** An exterior side of a building, generally set facing a street. Refers to the side of a building to which a sign is attached.

**Building-Mounted Sign:** A sign that is applied or attached to a building. See “Wall Sign.”

**Business Frontage:** See “Frontage, Business.”

**Cabinet Sign:** A type of sign that contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. Such sign structures typically use slide-in panels to display the message to the public.

**Canopy:** A permanent roof-like structure of rigid materials extending from the main entrance of a structure and is typically supported by posts at the corners farthest from where the canopy attaches to the structure. See also “Awning.”

**Canopy, Service Station:** A roof-like structure, typically consisting of supporting columns, at a service station that covers the service islands and surrounding fueling area.

**Canopy Sign:** A sign that meets any one or more of these criteria: (1) a sign mounted on a permanent canopy; (2) a traditional industry term for the variable message portion of a Canopy Sign; and/or (3) an integral sign and permanent canopy. See Figure 22.08.

**Change of Copy:** Changing of the face or letters on a sign.

**Changeable Copy:** Sign copy designed to be used with removable graphics which will allow changing of copy.
**Channel Letters.** Three-dimensional individual letters or figures, with an open back or front, illuminated or non-illuminated, that are affixed to a building or to a Freestanding Sign structure.

**Commercial Message:** Message concerning primarily a proposed economic transaction or the economic interests of the sign sponsor or audience.

**Commercial Mascot:** A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when the principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers," "sign clowns," "sign spinners," "sign twirlers" and "human sandwich board" signs. Also known as "living signs" and "human signs." "Scarecrow" like devices, which simulate living persons or animals, are also included in this definition.

**Conforming Sign:** A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

**Content Neutral Time, Place, and Manner Regulations:** Consistently applicable, non-discriminatory sign regulations that specify—without reference to the content of the message—when, how, and where a sign can be displayed, with physical standards such as but not limited to height, size, and location, that allow the sign to be readable.

**Contrast:** The difference or degree of difference between things having similar or comparable natures, such as light and dark areas, colors, or typefaces.

**Copy:** The message or content of a sign, which may include letters, numbers, figures, and/or images.

**Digital Sign:** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs generally include displays using LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as "electronic message centers."

**Display Area:** See “Sign Area.”

**Display, Digital:** The sign area portion of a Digital Sign, as defined in this Chapter.

**Display, Static:** The sign area portion of a non-digital sign, where there is no electronic means of changing copy.

**Double-Sided Sign:** A sign constructed to display its message on two parallel opposing (back-to-back) faces.

**Driveway/Onsite Traffic Directional Sign:** A sign located adjacent to a pedestrian or vehicle travel way that is internal to a site or complex, intended to provide orientation and safety assistance.

**Electronic Message Center:** See “Digital Sign.”

**Electric Sign:** Any sign containing or using electrical wiring.
Externally Illuminated Sign: A sign that is illuminated by a light source that is located on the exterior of the sign or nearby and directed toward, and shines on the face of a sign.

Eave Line: The bottom of the roof eave or parapet.

Face: The surface area on a sign where advertising copy is displayed.

Feather Sign: A Temporary Sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material, typically taller than it is longer, and supported by a single vertical pole mounted into the ground or on a portable structure. This sign type does not include flags (see “Flags”).

Flag: A fabric sheet of square, rectangular, or triangular shape that is mounted on a pole. This sign type includes official flags of national, state, or local governments. This sign type does not include feather signs (see “Feather Sign”), Banners (see “Banners”), or Pennants (see “Pennants”).

Flashing Sign: A sign that contains an intermittent or sequential flashing light source. Generally, the sign’s message is constantly repeated, and the sign is most often used as a primary attention-getting device.

Freestanding Sign: A sign that is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings.

Freeway: The Interstate 10 (I-10), Interstate 215 (I-215), Interstate 210 (I-210), State Route 330 (SR-330), and State Route 259 (SR-259) rights-of-way within the boundaries of the City of San Bernardino.
Freeway-Oriented Sign: Any sign either freestanding or mounted to the primary wall(s) or façade of a building facing the freeway with no other building located in the visibility window between the subject building and the freeway.

Frontage, Building. That portion of a face of a building or length of a lot that is parallel to, or is at a near parallel angle to a public street or public parking area. For a building on a corner lot, the combined lengths of the sides of the building abutting or generally parallel to the front and corner side lot lines. See Also “Frontage, Primary” and “Frontage, Secondary.”

Frontage, Primary. That face of a building that is the longest elevation if user is facing the street, and/or the elevation where the principal entrance is located. See Figure 22.05.

Frontage, Secondary. Where a property has two or more street frontages, that face of a building that is not the longest elevation if user is facing the street, and/or the elevation parallel to a public street or parking lot where secondary entrance(s) are located. See Figure 22.05.

Frontage, Business: The width of a building occupied by a single business tenant that fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley, where customer access to the building is available. Width is measured as the widest point on an architectural elevation.

Frontage, Lot. That part of a lot or parcel abutting a street.

Frontage, Street. The total length of all lot lines abutting streets.

Ft. Abbreviation of feet.

General Advertising: The enterprise of advertising or promoting other businesses or causes, in contrast to self-promotion or on-site advertising; also known as “advertising for hire.” See “General Advertising Sign.”

General Advertising Sign: A Permanent Sign in a fixed position that meets any one or more of these criteria: 1) the sign is routinely used for general advertising for hire; 2) the sign is used to display commercial advertising for a business not located on the same premises as the sign; 3) the sign is a separate economic unit, not an accessory or auxiliary use serving the principal use on the land; and/or 4) the message display area is made available to message sponsors other than the owner. “General Advertising Sign” does not include “Freeway Signs.” “General Advertising Sign” may also be referred to as “Billboard” or “Outdoor Advertising Sign” in other Sections of the Municipal Code. See also “Digital Sign.”

General Advertising Sign, Mobile: Any sign or device placed on, mounted on, or affixed to a motor vehicle, freight, flatbed or storage trailer, or other conveyance. Mobile General Advertising Signs shall not include signs wrapped on a vehicle actively being used to load, transport or unload persons, goods, or services in the normal course of business.

Height, Sign: The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign as described in Section 19.22.030(L)(1), unless otherwise specified in this Chapter.
Iconic Sign: Any sign that has been officially designated as an Iconic Sign pursuant to Section 19.22.060(E), due to its historic or cultural significance.

Illegal Sign: A sign that meets any one or more of these criteria: 1) a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; 2) a sign which is a danger to the public or is unsafe; 3) a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County; and/or 4) a sign that is a public nuisance as defined under Chapter 8.30.

Illuminated: Signs or individual letters in which an artificial source of light is used to make the message readable and includes both internally and externally lit signs.

In: Abbreviation of inches.

Inflatable Sign: A sign that is an air-inflated object such as a balloon, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and either filled with or helium gas or equipped with a portable blower motor that provides a constant flow of air into the device.

Internally Illuminated Sign: A sign that is illuminated by a light source contained inside the sign.

LED: Light Emitting Diode.

Legal Nonconforming Sign: A legally established sign which fails to conform to the regulations of this Chapter.

Legibility: The characteristics of letters, numbers, graphics, or symbols that make it possible to differentiate one from the other.

Lifestyle Graphic: An advertising display applied directly onto the exterior surface or window of a building which does not include words but does advertise the products or services located on premise. Painting directly onto the surface is the most common application method; however, a painted or printed vinyl substrate can also be applied to a wall surface, depending on the location.

Logo: An established identifying symbol or mark associated with a business or business entity.

Luminance: The perceived brightness of an illuminated sign, measured in foot-candles above the ambient light level.

Major Neighborhood Entrance: An area proximate to the intersection of two streets, which creates the primary entryway(s) into a neighborhood officially recognized by the City of San Bernardino.

Major Tenant: A shopping center key tenant(s), which serves to attract customers to the center through its size, product line, name, and/or reputation as determined by the center property owner/authorized property management. The term anchor tenant is interchangeable with the term major tenant.
**Mansard**: A decorative fascia used to hide equipment or articles on the roof or to enhance the storefront appearance.

![Mansard Roof](image)

**Marquee**: See “Canopy.”

**Marquee Sign**: See “Canopy Sign.”

**Menu Board**: A permanently installed sign with changeable copy (digital or manual) for the purpose of providing product and/or service information for drive-through service at a business where customers remain seated in a vehicle occupying a drive-through service lane.

**Message**: See “Copy.”

**Mobile General Advertising Sign**: An advertising display that is attached to a vehicle or any other mobile, non-motorized device, conveyance, or bicycle that carries, pulls, or transports a sign or billboard and traverses the public streets or is located in a parking area and is for the primary purpose of advertising or attracting attention.

**Monument Sign**: A freestanding ground sign with low overall height and the appearance of having a solid base. See “Freestanding Sign.”

![Monument Sign](image)

**Mural**: A picture or decoration that is applied directly to a wall, does not contain a commercial message (e.g., business logo or images of items for sale), and does not have any electrical or mechanical components. A mural is distinguishable from graffiti (see Chapter 8.69) based on the property owner’s permission to paint or affix the mural onto the property.

**Neon Sign**: A sign illuminated by or utilizing neon tubing, and/or related inert gases, or products that produce the same or similar effect as neon, such as flexible light-emitting diode (LED) neon-like tubing which is visible to the viewer.

**Non-commercial Message**: Debate or commentary on topics of public concern, for example, politics, religion, philosophy, science, art.
Nonconforming Sign: Any Permanent Sign or Temporary Sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of this Chapter 19.22.

Off-Premise Sign: Any sign which advertises or informs in any manner businesses, services, or events at some location other than that upon which the sign is located, including Commercial Mascots.

On-Premise Sign: A communication device whose message and design relates to a business, an event, goods, profession or service being conducted, sold or offered at the location where the sign is erected. All non-commercial signs are considered on-premise signs.

Painted Wall Sign: A sign painted directly on a building surface.

Parapet: A wall-like barrier at the edge of a roof or structure.

Pedestal Sign. See “Pylon Sign.”

Pennant: A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands intended to flap in the wind. This sign type does not include flags (see “Flag”).

People Sign: See “Commercial Mascot.”

Permanent Sign: A sign constructed of durable materials and attached to a building, structure or the ground in a manner that will resist environmental loads such as wind, and precludes ready removal or movement of the sign, and intended to exist for the duration of time that the use or occupant is located on the premises.

Placed: Erected, constructed, posted, painted, printed, tacked, glued, carved, or otherwise fastened, affixed or made visible in any manner.

Planning Commission: The Planning Commission of the City of San Bernardino.

Pole Sign: An elevated Freestanding Sign that is supported by one or more exposed poles that are permanently attached directly into or upon the ground.
Portable Sign: A sign that is not permanently affixed to a structure or the ground. Portable Signs generally include A-Frame structures or similar low profile signs. This definition does not include Feather Signs.

Projecting Sign: A building-mounted sign with faces projecting from and perpendicular to the building fascia.

Public Property: An area that is accessible to any member of the public. Includes land or other property in which the City of San Bernardino holds a present right of possession and control, city road easements, and all public rights-of-way, regardless of ownership.

Public Nuisance: A sign, sign structure or advertising structure that meets any one or more of these criteria: 1) an attractive nuisance as defined under Municipal Code Section 8.30.015 or a nuisance declared under Section 8.30.020; 2) an abandoned sign as defined in Section 19.22.130; and/or 3) an illegal sign as defined in Section 19.22.130.

Pylon Sign: A Freestanding Sign that is supported and in direct contact with the ground or one or more solid, monumental structures or pylons and which typically has a sign face with a vertical dimension that is greater than its horizontal dimension. See Figure 22.09.

Regional Shopping Center: A shopping center with a gross site area of 20 acres or more. Commercial areas of a regional nature and auto malls may also be considered a regional shopping center for the purposes of this Chapter, subject to approval of a Sign Program.

Responsible Party. The person liable for placement of a sign. The following is a non-exclusive list of facts which when found to exist, shall constitute prima facie evidence that a person is a responsible party:

A. Based on information contained on the sign, and information from other sources, the person is identified as the owner or lessee of property used for the activity or event, and/or is the sponsor or promoter of the activity or event described on the sign.

B. Based on information that appears on the sign, and information from other sources, including but not limited to information establishing the individual or corporate identity of the owner of the sign, it is found that the person placed the sign or caused the sign to be placed.

Review Authority: The individual or official City body (e.g., Economic and Community and Economic Development Director, Planning Commission, City Council) identified by this Chapter as
having the responsibility and authority to review, approve, and deny a permit application. May also be referred to as “Responsible Review Authority.”

**Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by such buildings.

**Sign:** A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archaeological, or social information, or direct or attract attention to an object, person, institution, business, product, service, event, policy, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The following do not fall within the definition of a sign for the purposes of this Chapter.

A. Architectural or decorative features of buildings (not including lettering, trademarks, or moving parts).

B. Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of-way.

C. Gravestones and grave markers.

D. Holiday and cultural observance decorations that are on display for not more than 45 calendar days per year (per parcel or use) and which do not include commercial advertising messages.

E. Manufacturers' marks on tangible products that identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

F. Murals, painted or otherwise attached or adhered, with images or representation on the exterior of a structure that are visible from a public right-of-way or neighboring property; do not contain commercial advertisement (is noncommercial in nature); and are designed in a manner so as to serve as public art, enhance public space, and provide inspiration.

G. Colored or illuminated elements that contain no lettering, numbers, trademarks, or logos, and are located on a wall or canopy.

H. News racks and newsstands.

I. Merchandise on display and available for immediate purchase.

J. Shopping carts.

K. Symbols embedded in architecture such as symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.
L. Vehicle and vessel insignia as shown on street-legal vehicles and properly licensed watercraft including, but not limited to, license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising for hire), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.

M. Vending machines that do not display off-site commercial messages or general advertising messages.

Sign Area: See Section 19.22.030(L) (Rules for Sign Measurement), for specific rules for measuring the area of different sign types.

Sign Band: A horizontal area above the entrances to a multiple tenant building, architecturally designed to accommodate signage in a sign-centric manner.

Sign Budget: The total allowable sign area of all signs, including awning/canopy, driveway, monument/pylon, projecting, and wall signs, in a development using a Comprehensive Sign Program. Exempt and temporary signs are not included in the calculation of total allowable sign area.

Sign Copy: All portions of a sign displaying a message, including text and symbols, but not including the supporting structure or base of a sign.

Sign Face: The area of a sign on which copy is intended to be placed.

Sign Program: A coordinated design plan of one or more signs for an individual business, a multiple tenant business center, or other site that specifies the number, size, description, and location of all signs located or to be located on the parcel or business site.

Sign Twirler: See “Commercial Mascot.”

Sf: Abbreviation of square feet.

Single Face Sign: A sign with only one face plane.

Statuary Sign: Any sign which is a three-dimensional, sculptured, or molded representation of an animate or inanimate object that identifies, advertises, or otherwise directs attention to a product or business, but not including a three-dimensional sign that is affixed to a building.

Street Banner: A street banner is defined as a banner extended over a public street or other public property, either on an established bridge or independently suspended.

Street Frontage: The portion of the building or property which faces or abuts a street(s).

Support Structure: The structural portion of a sign securing the sign to the ground, a building, or to another structure.
**Suspended Sign:** A sign that is suspended from the underside of an eave, canopy, awning, arcade, or other covered walkway.

**Temporary Sign:** A sign that is intended to be displayed for a definite and limited period of time and which is not permanently installed, affixed or maintained on a building or structure.

**Trademark:** A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

**Visibility:** The quality of a letter, number, graphic, or symbol which enables the observer to distinguish it from its surrounds or background.

**Wall Sign:** A sign painted on or attached to the exterior wall of a building or structure with the display surface of the sign approximately parallel to the building or structure wall.

**Wayfinding:** Signage that enables a person to find his or her way to a given destination through the use of effective signage.

**Width, Sign:** The measurement of a sign or base of a sign at its full extent from side to side.

**Window Area:** The area within the perimeter window frames and glass doors located on a business frontage or street frontage.

**Window Sign:** Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

**Yard Sign:** Any temporary sign placed in the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, not including banners.
EXHIBIT 2
DRAFT CHAPTER 19.20 (PROPERTY DEVELOPMENT STANDARDS)
AMENDMENT
ARTICLE III - GENERAL

CHAPTER 19.20
PROPERTY DEVELOPMENT STANDARDS

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19.20.010 PURPOSE

These standards shall ensure that new or modified uses and development will produce an urban environment of stable, desirable character which is harmonious with the existing and future development, consistent with the General Plan.

19.20.020 APPLICABILITY

Any permit which authorizes new construction or modifications to an existing structure in excess of 25% of the structure floor area shall be subject to the standards set forth in this Chapter.

19.20.030 GENERAL STANDARDS

No permit shall be approved unless it conforms to all of the following standards set forth in this Chapter:

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MC 890 1/20/94, MC 1056 10/8/99

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These standards apply to more than one zone, and therefore, are combined in this Chapter. Also, these standards are to be considered in conjunction with those standards and design guidelines located in the specific land use district chapters.

1. **ACCESS**

   Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement, or recorded reciprocal access agreement.

2. **ADDITIONAL STRUCTURAL SETBACK RESTRICTIONS**

   Where the maximum permitted height of a new structure exceeds 35 feet, the following provisions shall apply:

   A. Enhanced buffering to surround properties and the appropriateness of understructure parking shall be evaluated.

   B. A visual analysis relating structure proportions, massing, height and setback shall be conducted to preserve and enhance the scenic viewshed.

   C. The need and appropriateness of the additional height shall be demonstrated.

   D. Compatibility and harmony with surrounding development, and land use designations shall be demonstrated.

   E. Above 35 feet, additional structural setbacks (step back) may be required.

3. **ANTENNAS, SATELLITE DISHES AND TELECOMMUNICATIONS FACILITIES**

   All antennas, telecommunications facilities, (monopoles) and satellite dishes shall be installed in the following manner, subject to the appropriate entitlement: MC 1090 11/20/00; MC 1237 1/8/07

   A. **EXEMPTIONS**

      The following installations in residential districts are exempt from the provisions of this section:

      1. The installation of one (1) ground mounted satellite dish antenna in the rear yard which is less than 10.5 feet in diameter and less than 12 feet in height;

      2. One (1) satellite dish antenna which is less than 24 inches in diameter may be installed on a building provided that such antenna does not extend above the eaveline of said building;
3. Residential single-pole or tower roof or ground mounted television, or amateur radio antennas where the boom of any active element of the array is 30 feet or less and the height does not exceed 75 feet.

B. DIRECTOR REVIEW

The following shall be reviewed by the Director, subject to a Development Permit:

1. Antennas up to a maximum of 15 feet in height that are mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way.

2. Antennas that are architecturally integrated with a building or structure so as not to be recognized as an antenna, such as clock towers, carillon towers and signs.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, ball field lighting where antenna height does not exceed structure height.

4. Co-location of existing equipment on an existing City-approved support structure.

5. Modification of existing telecommunications facilities where the physical area of the reconfigured or altered antenna shall not exceed 15 percent of the original approval:
   a. Three (3) or more additional whip antenna (15 feet maximum height);
   b. The reconfiguration or alteration of existing antenna on a single support structure;
   c. Additional dishes up to 4 feet in diameter;
   d. Increased height of an existing antenna up to 75 feet.

6. Stand-alone monopoles camouflaged as palm trees, pine trees or other natural objects, within a grouping of similar natural objects.

C. PLANNING COMMISSION REVIEW

The following shall be reviewed by the Planning Commission, subject to a Conditional Use Permit:

1. Increased height of an existing, approved antenna that exceeds 75 feet in height.

2. New stand-alone monopoles that exceed 75 feet in height.

3. New ground mounted, camouflaged monopoles up to 75 feet in height.
4. All other wireless communication facilities, including lattice towers.

5. Placement of an antenna on any building not screened from public view.

6. On residentially designated property that is developed with a legal non-residential use (e.g., school, church, etc.).

7. Placement of a monopole or antenna (except as provided above) located within 75 feet from a property designated residential, or within 75 feet from an existing residence. MC 1237 1/8/07

D. DEVELOPMENT AND DESIGN STANDARDS

1. The antenna, support structure and associated equipment shall not be located within any residential land use district except as provided by Section 19.20.030(3)(A) and 19.20.030(3)(D)(5).

2. A maximum of one (1) satellite dish antenna shall be permitted per lot except retail locations selling and displaying satellite dish antennas and/or televisions may have more than one (1) such antenna.

3. No part of any satellite dish antenna shall be located within a required front yard, side yard, or on the street side of a corner lot.

4. No part of any satellite dish antenna shall be located within three (3) feet of any property line.

5. No part of any monopole shall be located within ten (10) feet of any property line. MC 1237 1/8/07

6. Associated equipment shall be located within a completely enclosed structure or otherwise screened from view. Equipment shelter buildings shall be architecturally compatible with existing buildings on the site, as well as the surrounding properties, and shall be subject to the architectural Design Guidelines of the Development Code. Design features include, but are not limited to, split-face concrete block, slump stone, faux roof with pitch, etc. MC 1237 1/8/07

7. Fencing shall be wrought iron or similar decorative material and shall be consistent with the provisions of Section 19.20.030(8). Prohibited fencing includes chain link, razor wire and barbed wire. MC 1237 1/8/07

8. The antennae shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.

9. Antennas and support equipment shall be sited to minimize views from the public rights-of-way. Landscaping may be required to screen the tower, equipment buildings or support structures from view. MC 1237 1/8/07
10. If an antenna is attached or integrated into a building, it shall be painted to match the color of the building and/or covered with similar materials, subject to approval of the Director.

11. If not camouflaged, antenna and monopoles shall be a single, non-glossy color (e.g., off-white, cream, beige, green, black, or gray).

12. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights and/or strobes.

13. The operation of the antennae shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer, inclusive of the City’s trunked 800MHz public safety radio system, etc.) unless exempted by Federal regulation.

14. A support structure may be required to be adequately designed for a co-location on another company’s equipment, of no more than two companies. If co-location is proposed, the application shall be reviewed by the Director, subject to a Development Permit.

15. Camouflaged monopoles shall have heavy-density branch coverage per the manufacturer’s specifications (e.g., a minimum of 60 palm fronds or a minimum of 100 pine branches). Antennae shall be painted to match the structure or camouflaged with an approved concealment. A minimum of one-half of the length of the monopole shall be covered with a simulated bark cladding. MC 1237 1/8/07

4. DESIGN CONSIDERATIONS

The following standards are in addition to the specific design guidelines contained in the individual zones:

A. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.

B. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.

C. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.

D. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
E. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.

F. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.

G. Parking structures shall be architecturally compatible with the primary and surrounding structures.

H. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.

5. **DUST AND DIRT**

In addition to the provisions of Section 19.30.040 (Grading), all land use activities (e.g., construction, grading, and agriculture) shall be conducted so as not to create any measurable amount of dust or dirt emission beyond any boundary line of the parcel. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

A. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g., planting, paving or construction) will occur as soon as possible after grading.

B. Disturb as little native vegetation as possible.

C. Water graded areas as often as necessary to prevent blowing dust or dirt, hydrosedding with temporary irrigation, adding a dust palliative, and/or building wind fences.

D. Revegetate graded areas as soon as possible.

E. Construct appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the City Engineer.

6. **ENVIRONMENTAL RESOURCES/CONSTRAINTS**

All development proposals shall be evaluated in compliance with the California Environmental Quality Act (CEQA) and all General Plan environmental policies including, but not limited to, biological resource management areas, riparian corridors; rare, threatened and/or endangered species; air quality; mineral resources; archaeological resources; high wind areas; and, geologic hazards. Development within 50 feet of a riparian corridor may be prohibited or restricted, and structures within 50 feet of an active or potentially active fault shall be prohibited. Development within these areas shall be subject to the submittal of appropriate report(s) prepared by qualified professionals which address the impacts of the proposed project; the identification of mitigation measures necessary to eliminate the significant adverse impacts; and, the provision of a program for monitoring, evaluating the effectiveness of, and insuring the adequacy of the specified mitigation measures.
7. **Exterior Building/Structure Walls**

The following standards shall apply to all exterior building/structure wall construction:

A. Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project.

B. The following designs are deemed unacceptable in any development and therefore shall be prohibited:

1. Nonanodized and unpainted aluminum finished window frames.

2. Metal grills and facades. However, grills and facades of unique design and in keeping with the general decor of the development and neighborhood may be permitted subject to prior approval by the Director.

3. Aluminum or other metal panels are not permitted on the street elevation, unless it can be demonstrated that they are consistent with a structure's overall design character, and do not adversely effect the pedestrian environment.

8. **Fences and Walls**

The following standards shall apply to the installation of all fences and walls:

A. **Height and Type Limits**

Fences and walls shall conform to the limitations outlined in Table 20.01. MC 1056 10/8/99

B. **Traffic Safety Site Area**

On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth or other visual obstruction over 30 inches in height above the nearest street curb elevation shall be erected or placed within a Traffic Safety Sight Area. The foregoing provision shall not apply to public utility poles, trees trimmed (to the trunk) to a line at least six feet above the level of the intersection; supporting members of appurtenances to permanent structures existing on the date this Development Code becomes effective; and official warning signs or signals. MC 1056 10/8/99

C.B. **Prohibited Fence Materials/Chain Link Fencing**

1. The use of barbed wire, razor wire, or concertina wire fencing in conjunction with any other fence, wall, roof, or by itself within any land use district, is prohibited except as shown in Table 20.01, or unless required by any law or regulation of the City, the State of California, Federal Government, or agency thereof.
### TABLE 20.01
FENCES AND WALLS
HEIGHT AND TYPE LIMITS

<table>
<thead>
<tr>
<th>Zones</th>
<th>Maximum Permitted Height¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential</td>
<td></td>
</tr>
<tr>
<td>Front yard or side of street yard</td>
<td>3' Solid structures</td>
</tr>
<tr>
<td></td>
<td>4' Open work structures</td>
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<tr>
<td></td>
<td>(must permit the passage of</td>
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<tr>
<td></td>
<td>a minimum of 90% of light)</td>
</tr>
<tr>
<td>Other yard area</td>
<td>6' Solid, decorative masonry wall</td>
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<tr>
<td>Outside of required yard area</td>
<td></td>
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<tr>
<td>Abutting a non-residential district</td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Commercial, Industrial and Institutional</td>
<td></td>
</tr>
<tr>
<td>Front yard or side of street yard</td>
<td>2'6&quot; Solid structures</td>
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<tr>
<td></td>
<td>6' Open work structures</td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>8' Solid, decorative masonry wall</td>
</tr>
<tr>
<td>Other yard area</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage areas visible</td>
<td>10' Commercial</td>
</tr>
<tr>
<td>from public rights-of-way (located behind</td>
<td>16' Industrial</td>
</tr>
<tr>
<td>required yards)</td>
<td></td>
</tr>
<tr>
<td>Electric fences (located behind a primary</td>
<td></td>
</tr>
<tr>
<td>fence)</td>
<td></td>
</tr>
<tr>
<td>Within a setback area</td>
<td>10' Commercial/Industrial</td>
</tr>
<tr>
<td>Outside the setback area</td>
<td>16' Industrial</td>
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<td></td>
<td></td>
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<tr>
<td>3. All Zones-Traffic Safety Sight Area</td>
<td>2.6&quot;</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>4. Public Right-of-Way</td>
<td>8',</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5. Hillside Management Overlay -</td>
<td></td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>8',</td>
</tr>
<tr>
<td>Uphill slope</td>
<td></td>
</tr>
<tr>
<td>Down slope</td>
<td>3',6&quot;</td>
</tr>
<tr>
<td>Lots sloping with the street</td>
<td>3',6&quot;</td>
</tr>
<tr>
<td>Adjacent to driveways</td>
<td>8',</td>
</tr>
<tr>
<td>Facings streets</td>
<td>5',</td>
</tr>
<tr>
<td></td>
<td>Constructed with natural,</td>
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<tr>
<td></td>
<td>indigenous materials</td>
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<tr>
<td></td>
<td>Constructed with non-</td>
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<td></td>
<td>combustible materials only</td>
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<tr>
<td>6. Foothill Fire Zone Overlay -</td>
<td></td>
</tr>
<tr>
<td>Fences and Walls</td>
<td></td>
</tr>
</tbody>
</table>

¹The limitations shall not apply in the following instances:
- Where a greater height is required by any other provision of the Municipal Code; or
- Where a greater height or type of fence or wall is required by a condition of approval.

²Rear yard defined for the purposes of this section shall be from the rear property line to the rear plane(s) of the structure. MC 888 1/6/94

³Except for school uses (including pre-schools) which were legally established prior to November 1, 2004, which may have a 6' decorative security fence (wrought iron) in the front yard area and street-side side yard areas. MC 1212 8/15/05

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Rev. Dec. 2013
2. Six-foot high chain link fencing is permitted at all property lines for vacant commercial/industrial lots or buildings. The chain link fence shall be removed from the front yard and any other location adjacent to a public street by the owner/applicant at the time of development or occupancy.

3. Chain link fencing with neutral colored slats may be used for outdoor storage areas located in the CH, IL, IH, and IE zones within required yards, if the fence would not be adjacent to a public street. Landscaped planting of sufficient density and height may be used to screen the fence from public view. Additionally, chain link fencing may be used with tennis courts, private and commercial, temporarily at construction sites, and where it is required by any law or regulation of the City, the State of California, Federal Government, or agency thereof.

4. The above limitations shall not apply where the prohibited fence material is required as a condition of approval. MC 889 1/6/94 MC 13841/16/13

D.C. WALL DESIGN STANDARDS

Perimeter tract or commercial/industrial development walls which are adjacent to a public street shall have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18-inch deep by eight-foot long landscaped recession. MC 888 1/6/94

Walls shall be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every 25 feet of continuous wall.

E.D. RESIDENTIAL FENCING/WALL REQUIREMENT

Fencing or walls are required between individual residential units, and residential developments if adjacent to parks, open spaces, and/or major rights-of-way. All fencing and walls are to be provided by each developer at the time of construction.

F.E. ELECTRIC FENCES

1. Permit Required. No electric fences shall be installed or used unless a Fence Permit has been applied for and obtained from the Community Development Department.

2. Type of Electric Fences Allowed. The construction and use of electric fences shall be allowed in the City only as provided in this section and subject to the following standards:

a. IEC Standards 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
b. Electrification:

(1) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC.

(2) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Conditions for Installation.

a. Perimeter Fence or Wall: No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet high.

b. Location: Electric fences shall be permitted only in non-residential zones and only in locations approved by the Community Development Department.

c. Height: Electric fences shall not have a height in excess of 10 feet in commercial and industrial setback areas and shall not have a height in excess of 16 feet outside of the setback areas on industrial properties.

d. Warning Signs: Electric fences shall be clearly identified with warning signs prepared in English and Spanish that read: "Warning-Electric Fence" at intervals of not less than 60 feet.

e. "Knox Box": A "Knox Box Electrical Shunt Switch" and a "Knox Box" or other similar approved device shall be installed for emergency access of Police and Fire Departments.

4. Indemnification. All applicants issued permits to install or use an electric fence as provided in this Chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of San Bernardino and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings arising out of any personal injury, including death, or property damage caused by the electric fence.

5. Emergency Access. In the event that access by the City of San Bernardino Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Chapter is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to
gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this Chapter will agree to waive any and all claims for damages to the electric fence against the City of San Bernardino and/or its personnel under such circumstances.

6. Violation; Misdemeanor. It shall be unlawful, and a misdemeanor, for any person to install, maintain or operate an electric fence in violation of this section.

G.F. BARBED WIRE, RAZOR WIRE AND CONCERTINA WIRE FENCES

1. Permit Required. No barbed wire, razor wire, or concertina wire fences shall be installed or used unless a Fence Permit has been applied for and obtained from the Community Development Department.

2. Conditions for Installation.
   a. Location: Barbed wire, razor wire, or concertina wire fences shall be permitted only in non-residential zones and only in locations approved by the Community Development Department.
   b. Height: Barbed wire, razor wire, or concertina wire fences shall not have a height in excess of 10 feet in commercial and industrial setback areas and shall not have a height in excess of 16 feet outside of the setback areas on industrial properties.

9. FIRE PROTECTION

All structures shall meet the requirements of the City Fire Department.

10. FUMES, VAPOUR, GASES, AND OTHER FORMS OF AIR POLLUTION

No emission which can cause damage to human health, animals, vegetation or other forms of property shall be discharged into the atmosphere. No other forms of emission shall be measurable at any point beyond the boundary line of the parcel. Emissions shall be in compliance with Air Quality Management District and Regional Water Quality Control Board permits.

11. GLARE

No glare incidental to any use shall be visible beyond any boundary line of the parcel.

12. HAZARDOUS MATERIALS

The following standards are intended to ensure that the use, handling, storage and transportation of hazardous materials comply with all applicable requirements of Government Code 65850.2 and Health and Safety Code 25505, Article 80-Uniform Fire
Code, et. al. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes, which would be contrary to State Law, but only to require reporting of information to the City that must be provided to other public agencies.

For the purposes of this Section, "hazardous materials" shall include all substances on the comprehensive master list of hazardous materials compiled and maintained by the California Department of Health Services.

A. A Conditional Use Permit shall be required for any new commercial, industrial, or institutional or accessory use, or major addition to an existing use, that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous chemicals under the Uniform Fire Code, with the following exceptions:

1. Underground storage of bulk flammable and combustible liquids; and
2. Hazardous materials in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales.

B. All businesses required by Chapter 6.95 of the California Health and Safety Code to prepare hazardous materials release response plans shall submit copies of these plans, including revisions to the Director at the same time these plans are submitted to the administering agency which is responsible for administering these provisions.

C. Underground storage of hazardous materials shall comply with all applicable requirements of Chapter 6.7 of the California Health and Safety Code, and Article 79 of the Uniform Fire Code. Any business that uses underground storage tanks shall comply with the following:

1. Notify the City Fire Department of any unauthorized release of hazardous materials immediately, after the release has been detected and the steps taken to control the release; and
2. Notify the City Fire Department and the Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.

D. Above-ground storage tanks for any flammable liquids shall meet all standards of the City Fire Department.

E. All structures subject to the provisions of this Development Code and all newly created lots shall be designed to accommodate a setback of at least 100 feet from a pipeline. This setback may be reduced, where the Director finds that:

1. The structure would be protected from the radiant heat of an explosion by berms or other physical barriers;
2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, lot lines, or easements; and,

3. There shall be construction of hazardous liquid containment system or other mitigating facility where the City Engineer finds that a leak would accumulate within the reduced setback area. The design shall be approved by the City Engineer and a surety instrument shall be approved by the City Attorney to ensure the construction of the system.

A proposed structure (including a residence) on an undeveloped existing lot of record that cannot be constructed only because of this restriction, shall be allowed to be constructed if the structure is located so as to comply with the setback regulation as closely as possible. The Director may require a hazardous liquid containment system, to be approved by the City Engineer.

A pipeline is defined as follows:

1. A pipe with a nominal diameter of 6 inches or more, that is used to transport hazardous liquids, but does not include a pipe used to transport a hazardous liquid by gravity and a pipe used to transport or store a hazardous liquid within a refinery, storage, or manufacturing facility; or,

2. A pipe with a nominal diameter of six inches or more operated at a pressure of more than 275 pounds per square inch that carries gas.

A subdivider of a development within 500 feet of a pipeline shall notify a new owner at the time of purchase agreement and at the close of escrow of the location, size, and type of pipeline.

13. **HEIGHT DETERMINATION (STRUCTURES)**

All structures shall meet the following standards relating to height:

A. The structure's height shall not exceed the standard for the land use district in which it is located. The structure height shall be determined from the finished grade to the highest point of the structure, excluding chimneys and vents.

B. Pad elevations shall be determined by the Director and the City Engineer based on the following criteria.

1. Flood control;

2. Site drainage;

3. Viewshed protection from both public and private property;

4. Protection of privacy of surrounding properties including consideration of the location of windows, doors, balconies, and decks;
5. Structure setback in relationship to structure height and property lines;

6. Sightline and structure envelope analysis;

7. Sewer line grade and location; and

8. Necessary slopes and retaining walls.

C. Perimeter fences, or walls, shall not exceed six feet in height, unless as otherwise provided in this Development Code. The height shall be measured from the finished grade of the property.

D. Architectural walls integral to the structure design, attached to the structure may exceed 6 feet in height, subject to review by the Director.

E. To protect safety sight-distance for vehicular movement, sight obscuring fences, or walls, or other obstructions shall not exceed 36 inches in height when located in a front setback. MC 888 1/6/94

F. Free-standing flagpoles and radio and television antennas may not exceed the structure height restrictions of the land use district in which they are located, except as otherwise provided in this Development Code.

14. LIGHTING

Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits.
15. **NOISE**

No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention-attracting, or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms and church bells. The following provisions shall apply:

A. In residential areas, no exterior noise level shall exceed 65dBA and no interior noise level shall exceed 45dBA.

B. All residential developments shall incorporate the following standards to mitigate noise levels:

1. Increase the distance between the noise source and receiver.

2. Locate land uses not sensitive to noise (i.e., parking lots, garages, maintenance facilities, utility areas, etc.) between the noise source and the receiver.

3. Bedrooms should be located on the side of the structure away from major rights-of-way.

4. Quiet outdoor spaces may be provided next to a noisy right-of-way by creating a U-shaped development which faces away from the right-of-way.

C. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to $\frac{1}{4}$-inch plywood). The barrier shall be of a continuous material which is resistant to sound including:

   1. Masonry block
   2. Precast concrete
   3. Earth berm or a combination of earth berm with block concrete.

D. Noise barriers shall interrupt the line-of-sight between noise source and receiver.

16. **ODOR**

No use shall emit any obnoxious odor or fumes.

17. **PROJECTIONS/CONSTRUCTION AND EQUIPMENT PERMITTED INTO SETBACKS**

The following list represents the only projections, construction, or equipment that shall be permitted within the required setbacks:

A. Front Setback: Roof overhangs, fireplace chimney, awnings & canopies
B. Rear Setback: Roof overhangs, pools, patio covers, tennis courts, gazebos, and awnings & canopies, provided there is no projection within 10 feet of the property line. Accessory structures may be built to the interior side or rear property lines provided that such structures are not closer than 10 feet to any other structures. MC 876 7/8/93

C. Side Setback: Roof overhangs, fireplace chimney, awnings & canopies

Building Code requirements may further restrict the distance required to be maintained from the property lines and other structures.

18. **PUBLIC STREET IMPROVEMENTS**

A. Any new construction or construction of 2,500 square feet or more of the structure floor area of the primary structure shall require the dedication of public right-of-way for public street purposes. In addition, the property owner shall be required to irrevocably agree to participate in any future assessment district that may be formed to construct public street improvements in accordance with the policies, procedures and standards of the Director of Public Works/City Engineer.

B. Whenever street improvements are required along a parcel as a condition of approval, and the off-site drainage pattern requires it, the entire street section may be required to be improved in accordance with the policies, procedures and standards of the Director of Public Works/City Engineer.

C. Special Fee areas may be designated by the Mayor and Common Council to provide funding for required improvements or to refund monies advanced by the City for designated improvements. Whenever such fee areas are established by Resolution of the Mayor and Common Council, all new construction or construction of 2,500 square feet or more of structure floor area of the primary structures shall pay such fees. MC 816 2/6/92 MC-1373 6/20/12

19. **RADIOACTIVITY OR ELECTRIC DISTURBANCE**

No activity shall be permitted which emits radioactivity or electrical disturbance.

20. **REFUSE STORAGE/DISPOSAL**

Every parcel with a multi-family, commercial or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height, in compliance with adopted Public Works Department Standards. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Trash receptacles for single family homes should be stored within the enclosed garage or behind a fence.
21. **SCREENING**

Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

22. **SIGNS, OFF-STREET PARKING, OFF-STREET LOADING AND LANDSCAPING**

All development shall comply with the provisions of Chapter 19.22 (Sign Standards); Chapter 19.24 (Off-Street Parking Standards); Chapter 19.26 (Off-Street Loading Standards) and Chapter 19.28 (Landscaping).

23. **SOLAR ENERGY DESIGN STANDARDS MC 1381 12/19/12**

Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

A. Future structures should be oriented to maximize solar access opportunities.

B. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45° of due south.

C. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.

D. Any pool or spa facilities owned and maintained by a homeowners association shall be equipped with a solar cover and solar water heating system.

E. No structure (building, wall or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.

24. **STORAGE**

There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; or building or manufacturing materials in any portion of a lot, except as allowed under the provisions of this Development Code. No storage shall occur on any vacant parcel.

No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.

Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
25. **TOXIC SUBSTANCES AND WASTES**

No use may operate that utilizes toxic substances or produces toxic waste without the approval of a Conditional Use Permit pursuant to the provisions of Chapter 19.36 (Conditional Use Permits). Prior to consideration of a Conditional Use Permit, the operator must prepare a toxic substance and waste management plan which will provide for the safe use and disposal of these substances.

26. **TRANSPORTATION CONTROL MEASURES (TCM)**

The purpose of this section is to reduce vehicle trips thereby reducing air pollutants and improving air quality, to comply with State Law, and to promote an improved quality of life. All new development is subject to the following Transportation Control Measures:

A. Bicycle parking facilities or secured bicycle lockers shall be provided for all new non-residential developments and multi-family (of 10 or more units) developments when discretionary review is required. Parking racks or secured lockers shall be provided at a rate of 1 per 30 parking spaces with a minimum of a three-bike rack.

B. All new non-residential developments, meeting CMP thresholds of 250 or more peak hour trips, shall provide a minimum of one shower for persons bicycling or walking to work. The shower shall be made so as to be accessible to both men and women.

C. On-site pedestrian walkways and bicycle facilities shall be provided connecting each building in a development to public streets for all new non-residential and multi-family (of 10 or more units).

D. Passenger loading areas, suitable to the proposed land use shall be provided for all new non-residential and multi-family (of 10 or more units) developments (of 100 or more parking spaces). The loading areas shall be placed in locations close to building entrances but so as not to interfere with vehicle circulation.

E. Preferred parking facilities shall be provided for vanpools at a rate of 1 van parking space per 100 standard parking spaces for all new non-residential development. A minimum of one such space shall be required. A vertical clearance of no less than 9 feet shall be provided.

F. Transit improvements such as bus pullouts, bus pads, and bus shelters shall be provided for new residential and non-residential development along existing or planned transit routes. The need for and nature of those improvements shall be defined in cooperation with Omnitrans.

G. New non-residential developments exceeding the following thresholds may be required to designate on-site parking areas to be used by commuters as park-and-ride lots or contribute exaction fees to develop off-site park-and-ride lots:
Retail  
Industrial  
Office  

250,000 Square Feet GFA  
325,000 Square Feet GFA  
125,000 Square Feet GFA

The determination of whether an on-site park-and-ride facility or contribution of exaction fees is required will be based upon a Traffic Impact Analysis Report (TIA Report), prepared by a qualified traffic engineer in a manner consistent with the Congestion Management Program (CMP) for San Bernardino County.

H. Parking space requirements for new non-residential development shall be reduced when linked to other actions that reduce trips to account for increased ridesharing and other modes of transportation. Analysis shall be provided estimating the trip reductions. The City Traffic Engineer shall review the analysis and make a recommendation to the Planning Division on the number of parking spaces that may be eliminated.

I. A telecommuting center or contributions toward such a center shall be required for all new residential developments of 500 units or more.

J. On-site video conferencing facilities shall be provided for all office park developments with 1,000 or more employees. MC 8901/20/94

27. UNDERGROUNDING OF UTILITIES

Utilities shall be placed underground pursuant to Section 19.30.110. In the event an above ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area. If it cannot be screened, it shall be located in an underground vault. Exceptions to the undergrounding of utilities requirements are as follows:

A. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground, if they are used solely in connection with the underground transmission or distribution lines;

B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;

C. The Council may waive any requirement of this section if topographical, soil or similar physical conditions make such underground installation unreasonable or impractical;

D. Any Parcel Map with a maximum of four residential parcels, no parcel of which has previously been exempted from this section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities;

E. That portion of a previously developed non-residential Parcel Map;
F. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where one line is exempt, all parcel lines on that same pole shall be exempt;

G. Any single lot development on a Residential Estate, Low, Suburban, or Urban (RE, RL, RS, and RU) designated parcel; or any single lot development of one net acre or less in any land use district, shall be exempt from this requirement. This exemption shall not apply where the requirement to underground utilities is imposed as a condition of approval of a subdivision map; and

H. The remodeling of existing structures where the cost of remodeling is less than 50% of the replacement cost of the existing structure as determined for building permit fees shall be exempt.

28. **VIBRATION**

No vibration associated with any use shall be permitted which is discernible beyond the boundary line of the property.

29. **TRAFFIC SAFETY SIGHT AREA**

No fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 36 inches in height above the nearest street curb elevation shall be erected or placed within a Traffic Safety Sight Area. A Traffic Safety Sight Area is a triangular portion of a lot formed by three distances measured along and/or perpendicular to property lines at the intersection of two street rights-of-way or at intersections of driveways, parking entrances, and alleys with a street right-of-way.

**A. DISTANCES USED TO MEASURE TRAFFIC SAFETY SIGHT AREAS**

The following distances, as seen in Figure 19.20 (29)-A (Traffic Safety Sight Area Distances) shall be used to measure Traffic Safety Sight Areas. Upon review by the City Traffic Engineer, the distances specified in this Section may be increased if he/she determines that a greater distance is required to maintain public health and safety or reduced if he/she determines that the reduced distance would not create a public health and safety hazard.

1. For Traffic Safety Sight Areas at the intersection of two street rights-of-way, two sides of the triangle extend along the intersecting property lines for 20 feet and the third side is a diagonal line that connects the two other sides.

2. For Traffic Safety Sight Areas at the intersection of a street right-of-way and alley, two sides of the triangle extend along the intersecting property lines for 10 feet and the third side is a diagonal line that connects the two other sides.
3. For Traffic Safety Sight Areas at the intersection of a street right-of-way and driveway or parking entrance, one side of the triangle extends from the intersection of the street right-of-way and the driveway or parking entrance for 10 feet along the property line. The second side extends from the intersection of the street right-of-way and driveway or parking entrance for 10 feet perpendicular to the property line. The third side of the triangle connects the two other sides.

Figure 19.20 (29)-A: Traffic Safety Sight Area Distances

B. EXEMPTIONS

Traffic Safety Sight Areas shall not apply to the following:

1. Public utility poles;

2. Trees trimmed (to the trunk) to a line at least six feet above the level of the intersection;

3. Supporting members of appurtenances to permanent structures existing on the date this Development Code becomes effective; or

4. Official warning signs or signals.
ATTACHMENT B
INITIAL STUDY/NEGATIVE DECLARATION
City of San Bernardino
Comprehensive Sign Code Update
(Municipal Code Title 19, Development Code,
Chapter 19.22 – Sign Regulations)
Initial Study | Negative Declaration

Lead Agency:
City of San Bernardino
Planning Division
Office: 201 N. E Street
Mail: 290 N. D Street
San Bernardino, CA 92401

December 2019
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INTRODUCTION

The City of San Bernardino proposes a comprehensive update to the City’s Sign Code, contained in Chapter 19.22 (Sign Regulations), Title 19 (Land Use/Subdivision Regulations) of the City of San Bernardino Municipal Code. The updated signage regulations will ensure that the vision of the City, its businesses, and its residents are maintained, and will reduce the number of code amendments, variances and interpretations. The signage regulations will continue to address regulations for the various land use districts of the community, and will also address emergent issues that include the regulation of portable and temporary signs, animated/electronic message centers, murals and graphic signage, and creation of regulations for shopping centers and multi-tenant centers. Adoption of new signage regulations constitutes a project subject to review under the California Environmental Quality Act (CEQA) 1970 (Public Resources Code, Section 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations, Section 15000 et seq.).
This Initial Study has been prepared to assess the short-term, long-term, and cumulative environmental impacts that could result from the adoption and implementation of the new Sign Code.

This report has been prepared to comply with Section 15063 of the State CEQA Guidelines, which sets forth the required contents of an Initial Study:

- A description of the project, including the location of the project (see Section 2)
- Identification of the environmental setting (see Section 2.9)
- Identification of environmental effects by use of a checklist, matrix, or other methods, provided that entries on the checklist or other form are briefly explained to indicate that there is some evidence to support the entries (see Section 4)
- Discussion of ways to mitigate significant effects identified, if any (see Section 4)
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Section 4.10)
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Section 5)

1.1 - Purpose of CEQA
The body of state law known as CEQA was originally enacted in 1970 and has been amended a number of times. The legislative intent of these regulations is established in Section 21000 of the California Public Resources Code, as follows:
The Legislature finds and declares as follows:

a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the State takes immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for
every Californian.

The Legislature further finds and declares that it is the policy of the State to:

a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

c) Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.

e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

1.2 - Public Comments

Comments from all agencies and individuals are invited regarding the information contained in this Initial Study. Such comments should explain any perceived deficiencies in the assessment of impacts, identify the information that is purportedly lacking in the Initial Study, or indicate where the information may be found. All comments on the Initial Study are to be submitted to:

Chantal Power, AICP
Associate Planner
City of San Bernardino,
Community and Economic Development Department
Office: 201 N. E Street
Mail: 290 N. D Street
San Bernardino, CA 92401
(909) 384-7272 extension 3328
power_ch@sbcity.org

Following a 20-day period of circulation and review of the Initial Study, all comments will be considered by the City of San Bernardino prior to adoption.

1.3 - Availability of Materials

All materials related to the preparation of this Initial Study are available for public review. To request an appointment to review these materials, please contact Chantal Power as indicated above.
PROJECT DESCRIPTION

2.1 - Project Title:  City of San Bernardino Comprehensive Sign Code Update

2.2 - Case Number:  Development Code Amendment (DCA 19-04)

2.3 - Lead Agency Name And Address:
   City of San Bernardino
   Community and Economic Development Department
   Planning Division
   Office: 201 N. E Street
   Mail: 290 N. D Street
   San Bernardino, CA 92401

2.4 - Contact Person and Phone Number:
   Chantal Power, AICP
   Associate Planner
   909-384-7272 ext. 3328
   power_ch@sbcity.org

2.5 - Project Location:  Citywide

2.6 - General Plan Designation:  All  2.7 - Zoning:  All

2.8 - Project Description:
Proposal by the City of San Bernardino to amend the Development Code (Title 19 of the San Bernardino Municipal Code) for a comprehensive update to Chapter 19.22 – Sign Regulations, and Chapter 19.20 – Property Development Standards. The proposed new Sign Regulations will regulate signs placed on private property, in the public right-of-way, and on property owned by public agencies other than the City and over which the City has zoning authority within the incorporated boundaries of the City. The proposed amendments include but are not limited to: 1) developing clear and enforceable regulations for temporary and permanent signs, including updated graphics to supplement the text and provide examples of the sign quality San Bernardino looks to achieve; 2) comply with legal requirements and address emerging issues regarding portable and temporary signs (with the Reed v. Town of Gilbert decision providing guidance for the latter emphasizing content neutrality); 3) address emerging issues particular to the City of San Bernardino; 4) provide flexibility for creative and iconic signs; 5) update definitions to address new technologies, case law, and industry standards; 6) amend Chapter 19.20 – Property Development Standards to include a detailed explanation and graphic detail for the “Traffic Safety Sight Area” referenced in Chapter 19.22 – Sign Regulations; and 7) ensure consistency with the General Plan.

2.9 - Environmental Setting:
The City of San Bernardino is located approximately 60 miles east of the City of Los Angeles, at the southern base of the San Bernardino Mountains in the upper Santa Ana River Valley. This valley is framed by the San Bernardino Mountains on the northeast and east, Blue Mountain and Box Springs Mountain abutting the Cities of Loma Linda and Redlands to the south, and the San Gabriel Mountains to the northwest, and the Jurupa Hills to the southwest. The City is surrounded by the National Forest to the north, the Cities of Highland to the east, Redlands to the southeast, Loma Linda to the south, Colton to the southwest, and Rialto to the west. The City is located in the south western portion of San Bernardino County. Major freeways traversing the City include the SR-259, SR-330, SR-18, I-210, I-215, and I-10 Freeways. The City’s total planning area, including the Sphere of Influence (SOI) is 45,440 acres, or 71 square miles. This area includes 39,729 acres, or 62.0753 square miles, of unincorporated territory and 5,711 acres or 8.9 square miles of unincorporated land.
2.10 - Required Approvals:

Development Code Amendment approval by the City of San Bernardino Mayor and City Council

2.11 - Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None

2.12 – Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City has mailed consultation letters, pursuant to the requirements of AB 52 and SB 18, to the area tribes, the Gabrieleño Band of Mission Indians – Kizh Nation, the San Manuel Band of Mission Indians, and the Soboba Band of Luiseño Indians, and have not received requests for consultation regarding the Comprehensive Sign Code Update.
EXHIBIT 1: REGIONAL MAP
DETERMINATION

3.1 - Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture/Forestry Resources ☐ Air Quality
☐ Biological Resources ☐ Cultural Resources ☐ Geology / Soils
☐ Greenhouse Gas Emissions ☐ Hazards & Hazardous Materials ☐ Hydrology / Water Quality
☐ Land Use / Planning ☐ Mineral Resources ☐ Noise
☐ Population / Housing ☐ Public Services ☐ Recreation
☐ Transportation ☐ Utilities / Service Systems ☐ Mandatory Findings of Significance
☐ Tribal Cultural Resources ☐ Wildfire ☐ Energy

3.2 - Determination

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

__________________________________________  _________________________________________
Signature                                      Date

Chantal Power, AICP  City of San Bernardino
Printed Name For
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analyses Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

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<td>a) Have a substantial adverse effect on a scenic vista?</td>
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<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</td>
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<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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4.1 a) Less Than Significant Impact. The proposed Comprehensive Sign Code Update is intended to create clear, user-friendly regulations and establish guidelines for implementation, installation, and maintenance of signage within the City of San Bernardino. Design guidelines have been proposed for the size placement and location of signs; and the approval authority will be required to make findings that a proposed sign is in compliance with all applicable regulations and policies.

The City's General Plan does not specifically identify any areas of the City as scenic vistas, though it is recognized that the areas adjacent to the San Bernardino Wilderness mountain range provide a unique aesthetic quality to the City and the communities surrounding those areas. The areas immediately adjacent to the foothills are zoned for residential uses, and signage is most heavily regulated in these zones, limiting the size to no more than 30 square feet, limiting height of free standing signs to no more than 6 feet, and prohibiting digital signage. Substantial adverse effects on a scenic vista are not anticipated to result from the adoption of the Comprehensive Sign Code Update.

4.1 b) No Impact. There are no designated state scenic highways within the City of San Bernardino. The project does not include any development activity. Therefore, no impact would result.
4.1 c) Less Than Significant Impact. The proposed Comprehensive Sign Code Update will establish regulations consistent with the goals and policies of the general plan, along with design guidelines to ensure consistency surrounding properties and land uses.

Section 19.22.010 (Purpose) of the Sign Code has been revised to include provisions that would:

- "Promote and accomplish the goals, policies, and measures of the General Plan, including, but not limited to, addressing issues of scale, type, design, materials, placements, compatibility, and maintenance of signs (Community Design Policy 5.2.6) and the relationship of signs to both the scale of the buildings and to the street (Community Design Policy 5.7.4);" and,
- "Preserve and improve the appearance of and property values in the City of San Bernardino, and protect the City from visual clutter and blight, and promote attractive and harmonious structures and environments by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs;" and,
- "Comply with the requirements of the Federal Highway Beautification Act (Section 23 of USC Title 131 [Highways Code]) and the Outdoor Advertising Act (Chapter 2 in the California Business and Professions Code).

Section 19.22.050 (Design Principles) has been added to the Sign Code and includes provisions for:

- "Architectural Compatibility. The sign shall be compatible with the building and the site upon which it is located. A sign (including its supporting structure, if any) shall be designed as an integral design element of a building’s architecture and shall be architecturally compatible, including in terms of color and scale, with any building to which the sign is to be attached and with surrounding structures. Where more than one sign is provided, all signs shall be complementary to each other;" and,
- "Context Character. A sign shall be sensitive in context to nearby uses. Where a sign is located in a district with historic buildings and landmark signs, new signs shall contribute to an integrated appearance to such district. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods."

Pole signs, roof mounted, and static General Advertising Signs (Billboards) are prohibited. Digital General Advertising Signs are permitted but limited and heavily regulated under Section 19.22.090. Implementation of the proposed Comprehensive Sign Code Update will not result in significant impacts.

4.1 d) Less Than Significant Impact. Standards specific to sign illumination and digital signs have been drafted so as not to create a public nuisance or safety hazards.

Section 19.22.030 (G) (Sign Illumination) has been added to the Comprehensive Sign Code Update to establish clear standards for shielding, illumination, residential properties in direct line of sight, colored lights, bulb face exposure, energy efficiency, and a prohibition on flashing signs.

Section 19.22.070 (B)(3) (Permanent Signs – Standards by Sign Type – Digital Signs) has been added to the Comprehensive Sign Code Update to establish clear standards for digital signs to include: no flashing, timing of display change following industry standards, night-time brightness not to exceed 0.3 foot-candles, ambient light sensors for automatic dimming, Hours digital signage in proximity to residential uses would be required to turn off, signs types prohibited from using digital copy, and a requirement for a Certificate of Compliance showing compliance with brightness standards.

As no such standards currently exist, implementation of the proposed Comprehensive Sign Code Update will not result in significant impacts.
4.2 - AGRICULTURE AND FOREST RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  

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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
   
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c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
   
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d) Result in the loss of forest land or conversion of forest land to non-forest use?
   
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e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?
   
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<th>No Impact</th>
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</table>
4.2 a) No Impact. There are no lands identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, located within the city limits of the City of San Bernardino. Therefore, no impact will result.

4.2 b) No Impact. There are no existing agricultural zones, or lands under Williamson Act contract located within the city limits of the City of San Bernardino. Therefore, no impact will result.

4.2 c) No Impact. There are no existing forest land (as defined by Public Resources Code 12220 (g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) within the city limits of the City of San Bernardino. Therefore, no impact will result.

4.2 d) No Impact. There are no forest lands within the City of San Bernardino. Therefore, no impact will result.

4.2 e) No Impact. There are no designated Farmlands or forest lands within the City of San Bernardino. Therefore, no impact will result.

4.3 - AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

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<thead>
<tr>
<th>Would the project:</th>
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<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>c) Expose sensitive receptors to substantial pollutant concentrations?</td>
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</table>
4.3 a) **No Impact.** The South Coast Air Quality Management District (SCAQMD) is the regulatory agency responsible for air quality improvements in the South Coast Air Basin (SCAB) which encompasses a region consisting of a large area of Los Angeles, Orange County, Riverside County, and San Bernardino County. The 2016 Air Quality Management Plan (AQMP) was formulated and adopted by the SCAQMD and Southern California Association of Governments (SCAG) with the purpose of reaching short-term and long-term goals for pollutants within the South Coast Air Basin designated as "nonattainment" because the area does not meet federal or state Ambient Air Quality Standards (AAQS). The South Coast Air Basin is designated as "nonattainment" for Ozone – 1 hour standard, Ozone – 8 hour standard, PM10 (particulate matter, 10 micrometers or smaller), and PM2.5 (particulate matter, 2.5 micrometers or smaller). Criteria pollutants designated as “attainment” within the South Coast Air Basin include Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, and Lead.

The project proposes to amend chapters of the City of San Bernardino Development Code for the purpose of updating signage regulations. The Comprehensive Sign Code Update will not make it easier to construct new signage; the intention of the update is to draft clear regulations for the construction and maintenance of signage. No development activity is proposed in connection with the Comprehensive Sign Code Update. Therefore:

4.3 a) The project would not conflict with or obstruct implementation of the 2016 Air Quality Management Plan. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs, will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.3 b) **Less Than Significant Impact.** The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.3 c) **Less Than Significant Impact.** The project would not expose sensitive receptors to substantial pollutant concentrations. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.
4.3 d) No Impact. No development activity is proposed in connection with the project and the Comprehensive Sign Code Update proposes to strictly prohibit any sign which emits sound, odor, or smoke. Therefore, the project would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people). Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

### 4.4 - BIOLOGICAL RESOURCES –

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<tr>
<th>Would the project:</th>
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</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tbody>
</table>
4.4 a, b, e & f) No Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. Therefore:

4.4 a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game, or the U.S. Fish and Wildlife Service.

4.4 b) The project will not a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game, or the U.S. Fish and Wildlife Service.

4.4 c) Less Than Significant Impact. The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The new regulations would require the removal of signs that been deemed abandoned after a 24 month period of non-use. There is a small chance that such as sign could possibly exist in an area identified as a state or federally protected wetland and could result in some disturbance through demolition, but the potential for this to occur is so unlikely that the potential impact would be less than significant.

4.4 d) Less Than Significant Impact. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The new regulations would require the removal of signs that been deemed abandoned after a 24 month period of non-use. There is a small chance that such as sign could possibly exist that is used as a nesting site for wildlife and could result in some disturbance through demolition, but the potential for this to occur is unlikely and the potential impact would be less than significant.

4.4 e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
### 4.5 - CULTURAL RESOURCES -- Would the project:

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</thead>
<tbody>
<tr>
<td>a)</td>
<td>Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c)</td>
<td>Disturb any human remains, including those interred outside of dedicated cemeteries?</td>
<td>☐</td>
<td>☐</td>
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</table>

#### 4.5 a) No Impact

Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. Therefore:

#### 4.5 a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. Additionally, the Draft Sign Code regulations contain provisions for preserving “iconic Signs; signs that through design and artistic expression unrelated to their message, are culturally significant and represent unique character, history, and identity,” and a provision that signs proposed in areas with existing historic buildings contribute to the character and appearance of those buildings and districts.

#### 4.5 b) Less Than Significant Impact

The project will not cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5. The new regulations would require the removal of signs that been deemed abandoned after a 24 month period of non-use. There is a small chance that such as sign could possibly exist in an area with an archeological resource and could result in some disturbance through demolition, but the potential for this to occur is unlikely, would require minimal ground disturbance, and the potential impact would be less than significant.

#### 4.5 c) Less Than Significant Impact

The project will not result in the disturbance of any human remains including those interred outside of dedicated cemeteries. The new regulations would require the removal of signs that been deemed abandoned after a 24 month period of non-use. There is a small chance that such as sign could possibly exist on a site that contains human remains and could result in some disturbance through demolition, but the potential for this to occur is unlikely, would require minimal ground disturbance, and the potential impact would be less than significant.
### 4.6 - ENERGY -- Would the project:

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<tbody>
<tr>
<td>a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</td>
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</table>

**4.6 a - b) No Impact.** Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. Therefore:

**4.6 a) The project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, as no construction activities are proposed in connection to the project.**

Section 19.22.030 (G)(6) (Sign Illumination – Energy Efficiency) has been added to the Comprehensive Sign Code Update and requires that all light sources utilize energy-efficient fixtures to the greatest extent possible. All new signs will also be required to comply with all applicable state and federal codes including the Federal Highway Beautification Act (Section 23 of USC Title 131 [Highways Code]) and the Outdoor Advertising Act (Chapter 2 in the California Business and Professions Code), the California Building Code, and the California Green Code. No impacts will occur.

**4.6 b) The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. All new signage must comply with state and local plans for renewable energy and energy efficiency. No impacts will occur.**

### 4.7 - GEOLOGY AND SOILS -- Would the project:

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a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) strong seismic ground shaking?

iii) seismic-related ground failure, including liquefaction?

iv) landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

f) Directly or Indirectly destroy a unique paleontological resource or site or unique geologic feature?
4.7 a) Less Than Significant Impact. The City of San Bernardino is crisscrossed by numerous faults and trace faults, many of which are located within the Alquist-Priolo Earthquake Fault Zone. Faults located within the Alquist-Priolo Earthquake Fault Zone are considered to have been active during the Holocene time and have the potential for surface rupture, strong seismic ground shaking, seismic related ground failure, including liquefaction, and landslides. The Alquist-Priolo Earthquake Fault Zoning Act regulates development near active faults and requires comprehensive geological investigation to identify the location and activity level of any faults on the development site and mandates that structures intended for human occupancy not be built over active faults. Signs are not structures intended for human occupancy and are exempt from these requirements.

Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: the rupture of a known earthquake fault; strong seismic ground shaking; seismic related ground failure, including liquefaction; or landslides.

4.7 b) Less Than Significant Impact. The project will not result in substantial soil erosion or loss of topsoil. Wall signs would have no impact on soil erosion. Freestanding signs are relatively small and require minimal ground disturbance and are constructed pursuant to California Building Code standards, including any measures to address soil erosion. Impacts from sign construction would be less than significant.

4.7 c) Less Than Significant Impact. The project will not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Liquefaction is caused by build-up of excess hydrostatic pressure in saturated cohesionless soils due to cyclic stress generated by ground-shaking during an earthquake. Many locations within the City of San Bernardino are located in areas with "high" and moderately high to moderate" liquefaction potential which can be induced by seismic activity. Lateral spreading is characterized as the downslope movement of surface sediment due to liquefaction in the subsurface layer. No impact would occur as a result of wall sign construction. Freestanding signs involve minimal surface disruption and impacts concerning liquefaction and lateral spreading would be less than significant.

4.7 d) Less Than Significant Impact. The project will not create substantial direct or indirect risks to life or property. Expansive soils are defined as soils that shrink when dry and expand when wet. These characteristics apply to soils with a high percentage of clay. Commonly found soils within the City are not characterized as expansive and construction of signs would be required to conform to California Building Code requirements. Impacts concerning expansive soils would be less than significant.

4.7 e) No Impact. The project does not include construction activities, and sign construction does not require the inclusion of septic tanks or disposal of waste water. No impact will occur.

4.7 f) Less Than Significant Impact. The project will not directly or indirectly destroy a paleontological resource or site or unique geologic feature. The project does not include construction activities, and future construction of wall signs would have no impact on paleontological resources. Freestanding signs are relatively small and require minimal ground disturbance. Potential impacts concerning paleontological resources would be less than significant.
### 4.8 - GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Worksheet Impact</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?</td>
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#### 4.8 a – b) No Impact

Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. Therefore:

**4.8 a)** The project does not involve construction activities and as signs are relatively small, any future construction of signs will not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.

**4.8 b)** Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. The project and any future sign construction will be required to comply with all applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases.

### 4.9 - HAZARDS AND HAZARDOUS MATERIALS

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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<td>[X]</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
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</tbody>
</table>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

4.9 a) No Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. Construction of and operation signs does not include the routine transport, use, or disposal of hazardous materials. Therefore, the project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

4.9 b) No Impact. The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Any future construction and operation of signs would not result in the release of hazardous materials into the environment. No impact will result.

4.9 c) No Impact. The project does not involve any construction activities. Any future construction and operation of signs will not cause hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste. No impact will result.

4.9 d) Less Than Significant Impact. There is one superfund site located within the City of San Bernardino that is on the Cortese List maintained by the Department of Toxic Substances Control (DTSC). The site has been undergoing continued cleanup efforts by the U.S. EPA since 1986. The project does not include construction activities and it is unlikely that any signage would be constructed on the one remaining superfund site within the City, but in the event that a sign is erected on the site, the construction of a sign would not inhibit cleanup efforts and would not create a significant hazard to the public or the environment. Any impacts would be less than significant.
4.9 e) No Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. Any future constructions of signs within two miles of the San Bernardino International Airport would be subject to the California Building Code requirements and the City’s Noise Ordinance for construction activities. The project will not result in a safety hazard or excessive noise for people residing or working in the project area. No impact will result.

4.9 f) No Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. Any future constructions of signs will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

4.9 g) No Impact. The project does not include the construction of signs. Any future construction or operation of signs would be required to comply with the California Building Code, the California Fire Code, and the City’s Weed Abatement Ordinance. The project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact will result.

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### 4.10 - HYDROLOGY AND WATER QUALITY --

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<th>Would the project:</th>
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<th>Less Than Significant With Mitigation Incorporated</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</td>
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<td>☐</td>
<td>☐</td>
<td>☑</td>
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<tr>
<td>i) result in substantial erosion or siltation on- or off-site;</td>
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<td>☐</td>
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<tr>
<td>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</td>
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</table>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) impede or redirect flood flows?

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

4.10 a- e) No impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.10 a) Future construction and operation of signs would not include the use of water or waste discharge and would only result in minimal ground disruption. The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

4.10 b) Future construction and operation of signs would not include the use of groundwater supplies and would not interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

4.10 c) Future construction and operation of signs would require minimal ground disturbance and will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.

4.10 d) A seiche is a small tidal wave that occurs in a lake or other enclosed body of water. Seiches may be generated by ground motion during an earthquake and may cause an overflow of a lake, reservoir or lagoon. No features of this nature exist in the City of San Bernardino. A tsunami is a high ocean wave generated by a submarine earthquake or volcanic eruption. San Bernardino is located inland and would not be affected by tsunamis. The Santa Ana River and its tributaries especially those out of the mountainous areas have the potential to carry large amounts of debris, or debris flow. Construction of any future signs will occur on existing or new buildings or on the ground surface, and involve minimal ground disruption, if any, and will not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

4.10 e) Future construction and operation of signs would cause minimal, if any, ground disruption and will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
### 4.11 - LAND USE AND PLANNING –

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
</tr>
<tr>
<td>b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
</tr>
</tbody>
</table>

**4.11 a -b) No impact.** Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

**4.11 a) Signs, whether installed on a building or on the ground surface, are small structures that would not physically divide an established community.**

**4.11 b) Any future construction of signs would be constructed in accordance with the California Building Code, and all applicable development and zoning regulations and the will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

### 4.12 - MINERAL RESOURCES –

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
</tr>
</tbody>
</table>
4.12 a - b) **No impact.** There are four Mineral Resource Zones located in the City of San Bernardino. Mineral Resource Zone -1 (MRZ-1) is defined as an area where adequate information indicates that no significant mineral deposits are present or likely to be present. MRZ-2 is a Mineral Resource Zone where adequate information indicates that significant mineral deposits are present, or a likelihood of their presence and development should be controlled. MRZ-3 is a Mineral Resource Zone where the significance of mineral deposits cannot be determined from the available data. The MRZ-4 is a Mineral Resource Zone where there is insufficient data to assign any other MRZ designation. The State has designated a large area near the western and southern boundaries as MRZ-2, much of which is already developed.

Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. The construction of new signs would result in minimal, if any, ground disturbance and would have no impact on a potential resource sector.

4.12 a) Signs, whether installed on a building or on the ground surface, are small structures that require minimal, if any, ground disturbance and will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

4.12 b) Signs, whether installed on a building or on the ground surface, are small structures that require minimal, if any, ground disturbance and will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

<table>
<thead>
<tr>
<th>4.13 - NOISE - Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
4.13 a – c) No impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.13 a) Any future construction of signs would be subject to the California Building Code requirements and the City’s Noise Ordinance for construction activities and will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

4.13 b) Signs, whether installed on a building or on the ground surface, are small structures that require minimal, if any, ground disturbance and will not result in generation of excessive groundborne vibration or groundborne noise levels.

4.13 c) Any future construction of signs in the vicinity of the San Bernardino International Airport would be subject to the California Building Code requirements and the City’s Noise Ordinance for construction activities and will not expose people residing or working in the project area to excessive noise levels.

4.14 - POPULATION AND HOUSING –
Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

4.14 a – b) No impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.14 a) Construction and operations of signs has no effect on population growth in an area, either directly or indirectly.

4.14 b) Signs, whether installed on a building or on the ground surface, are small structures and will not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.15 - PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Public Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
4.15 a) No impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Future construction and operation of signs will not result in any adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire protection, police protection, schools, parks, and other public facilities.

<table>
<thead>
<tr>
<th>4.16 - RECREATION – Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

4.16 a – b) No impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

4.16 a) Any future construction of signs will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

4.16 b) Construction and operation of signs does not include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment.
### 4.17 - TRANSPORTATION –

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(^1) or will conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tbody>
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**4.17 a -d) No impact.** Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed.

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\(^1\) CEQA Guidelines section 15064.3(c) provides that a lead agency “may elect to be governed by the provisions” of the section immediately; otherwise, the section’s provisions apply July 1, 2020. Here, the District has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehicular miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.
4.17 a) Any future construction of signs will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Section 19.22.010 (H) (Purpose) has been added to the Comprehensive Sign Code Update and requires that signs "comply with the requirements of the Federal Highway Beautification Act (Section 23 of USC Title 131 [Highways Code]) and the Outdoor Advertising Act (Chapter 2 in the California Business and Professions Code)."

4.17 b) Any future construction of signs will not conflict or be inconsistent with CEQA Guidelines section 15064.3 or will conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

4.17 c) Any future construction of signs will not substantially increase hazards due to a geometric design feature or incompatible uses.

Section 19.22.010 (F) (Purpose) has been added to the Comprehensive Sign Code Update and requires that signs "designed, constructed, installed, and maintained in a manner that promotes public safety and traffic safety."

Section 19.22.040 (C)(3) (Prohibited Signs – Display Restrictions) prohibits "signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic."

4.17 d) Any future construction of signs will not result in inadequate emergency access.

<table>
<thead>
<tr>
<th>4.18 - TRIBAL CULTURAL RESOURCES – Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.18 a) Less Than Significant Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Any potential impacts will be individually analyzed. Signs are small structures which require minimal, if any, ground disturbance, and are strictly regulated for size, location, and illumination to ensure that construction, placement, and operation will not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.19 - UTILITIES AND SERVICE SYSTEMS – Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

4.19 a) Less Than Significant Impact. Signs do not use water or natural gas. Signs have no impact on wastewater treatment or stormwater drainage. Signs have no impact on telecommunications facilities and in some cases may be used for the colocation of small telecommunications equipment. Some signs are illuminated or digital and require the use of electrical power, but are relatively small structures and are required to meet state and federal energy efficiency standards and will not result in significant impacts to the electrical grid and would result in the expansion or construction of new electrical facilities.

4.19 b) No Impact. Signs do not use water and will not impact water supply.

4.19 c) No Impact. Signs have no impact on wastewater treatment and will not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.

4.19 d) Less Than Significant Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. In the case of Digital General Advertising Signs, a Conditional Use Permit and appropriate CEQA determination is required and construction of these signs is only permitted within 200 feet of the of the outer edge of the I-10 freeway, I-215 free, and SR-210 freeway rights-of-way, and on City owned property. Future construction of signs would create a minimal amount of debris that would need to be diverted to one of several regional landfills as required by State law and will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

4.19 e) No Impact. The project does not include construction activities. Future construction of signs will be required to comply with federal, state, and local management and reduction statutes and regulations related to solid waste.
4.20 - WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Substantially impair an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c)</td>
<td>Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d)</td>
<td>Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

4.20 a) No Impact. The project does not include construction activities. Future construction and operation of signs and will not substantially impair an adopted emergency response plan or emergency evacuation plan; signs can be useful for orienting and directing traffic in emergency situations.

4.20 b) No Impact. The project does not include the construction or operation of signs. Any future construction or operation of signs would be required to comply with the California Building Code, the California Fire Code, and the City’s Weed Abatement Ordinance and will not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.
4.20 c) Less Than Significant Impact. Drafting and implementing the Comprehensive Sign Code Update will not result in any development activity. The Comprehensive Sign Code Update will not facilitate or encourage construction of new signs; the intention of the update is to establish clear regulations for the construction and maintenance of signage. Other than Digital General Advertising Signs, construction of signs is not permitted on undeveloped parcels. Individual future development projects that may result in the construction of new signs will be analyzed pursuant to CEQA guidelines for potential impacts on a case by case basis. Future construction and operation of signs may require connection to an existing power line or a power line that is installed as part of a larger project, which would require maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, but the impacts from signage alone would be insignificant as signs are relatively small structures and will be designed for maximum energy efficiency.

4.20 d) No Impact. The project does not include the construction of signs. Any future construction of signs requires minimal, if any, ground disturbance, and will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

<table>
<thead>
<tr>
<th>4.21 - MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>