



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
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April 23, 2020

Steven Valdez
Senior Planner
County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA, 92415-0182

Subject: Summerland Senior Care Facility Chino Project
Mitigated Negative Declaration
CEQA-2020-0063-R6

Dear Mr. Valdez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) from the County of San Bernardino Land Use Services Department (County; Lead Agency) for the Summerland Senior Care Facility Chino Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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PROJECT DESCRIPTION SUMMARY

The Project is proposing to construct a new three-story, 45-foot high, senior living facility with 109 units (79 assisted living units and 30 memory care units) on 5.0 gross acres. Parking will be provided via surface parking stalls and within a subterranean parking structure. A private roadway will provide access throughout the Project site with a drop-off area on the west end of the Project, adjacent to the parking structure entrance.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW agrees that an MND could be appropriate for the Project with the addition and implementation of specific and enforceable avoidance and minimization measures and compensatory mitigation strategies, including those CDFW recommends within the body of this letter.

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible.

Nesting Birds

The MND states, "Development of the site will result in removal of 3.16-acres of ruderal vegetation which will have a minimal impact on wildlife which currently utilize the site. The wildlife species which inhabit the site are limited in number and the mobile species will disperse through the area." (MND, p. 27).. According to the California Natural Diversity Database (CNDDB), several bird species protected under Fish and Game Code (Fish & G. Code, § 3503 & 3503.5) are known to occur within a 10-mile radius of the Project, including but not limited to: coastal cactus wren, tricolored blackbird, coastal California gnatcatcher, merlin, burrowing owl, least Bell's vireo, California horned lark, yellow warbler, California black rail, golden eagle, yellow-breasted chat, southern California rufous-crowned sparrow, white-tailed kite, western yellow-billed cuckoo, grasshopper sparrow, Swainson's hawk, southwestern willow flycatcher, yellow rail, long-eared owl, and Cooper's hawk. The MND states, "No special status species were observed during the general biological surveys conducted on August 28, 2019, nor is the site expected to support any listed or other special status species now or in the future... the site has been significantly disturbed by past human activities and does not support any habitats which are associated with any sensitive species. However, one species (i.e., burrowing owl) sometimes inhabits disturbed areas if suitable burrows are present. No owls, owl sign (castings, whitewash, etc.) or suitable burrows were observed during the field investigations" (MND, p. 27). However, for certain ground or burrow nesting bird species of special concern, site conditions could change providing

nesting opportunities in future breeding seasons. Therefore, CDFW concludes the analysis or basis to support the determination that the Project would have no impacts on nesting bird species of special concern is not supported by fair argument and CDFW recommends the following mitigation measures be included in the MND prior to adoption:

- BIO 1: Applicant shall ensure that impacts to nesting bird species of special concern at the project site are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures.
1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
 2. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, **no more than 3 days prior to the initiation of project activities**. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.
 3. When an active nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities

bedrock may cause the sewage to perch and the seepage pits from percolating properly. Additionally, raw sewage may be leeching directly into the high groundwater table. Groundwater is an important source of drinking water in the San Bernardino County valley and should be protected from contamination. We think the study should be amended to address these concerns.

It is also unclear where exactly the seepage pits will be located and how/where a future sewer connection will be made. In the event that the project applicant wishes to connect this parcel or future parcels to the City of Chino sewer system, the property would be required to annex into the City of Chino per Resolution No. 2018-09 (attached). In addition, the project applicant would need to follow the annexation process outlined by the City of Chino and Local Agency Formation Commission (LAFCO).

Section 2 - Stormwater Infrastructure Impacts

The project is tributary to System 70 of the Chino Master Plan of Drainage. See the attachment. As this facility does not exist, the increase in runoff caused by the project must be mitigated to below pre-developed conditions. The project should not increase runoff flow rates and velocities. Alternatively, the project should construct the master plan drainage facilities between the project and Chino Creek.

Section 3 - Conflicts with the City's adopted General Plan

Based on the proposed design of the project, the project is not consistent with adopted goals and policies of the City's General Plan, as described below:

- Policy P8, under Goal CC-3 in the Chino General Plan, states that infill development, secondary residential units, and multi-family housing shall be consistent in scale and character with existing neighborhoods. The proposed senior housing facility does not represent a permitted land use within the RD1 zone, and the massing and large scale of the proposed facility is not consistent with the character of the existing neighborhood, and therefore is in conflict with this policy.
- Policy P3, under goal TRA-1 in the Chino General Plan, states that the City shall ensure that new developments consider location, roadway width, existing driveways, and surrounding development in order to minimize the impacts of new development on surrounding neighborhoods. The proposed project does not adequately address potential traffic impacts, public right-of-way improvements, or ingress/egress to the site. A traffic study was provided when the project was originally proposed as an annexation to the city, but our comments were not entirely addressed. Please have the study fully analyze impacts to Chino streets and intersection and provide a copy for our review and comment to ensure there is not any conflicts with this policy.


Section 4 - Project Review Comments

A similar entitlement application was previously submitted to the City of Chino, and the City's Development Review Committee (DRC) provided comments on the proposed project. Although the scope of the project has been revised slightly, many of the previous comments had not yet not been addressed. The City's Planning Division, Engineering

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Questions regarding this letter or further coordination should be directed to Marina Barton, Environmental Scientist at 909-948-9632 or marina.barton@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

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HCPB CEQA Coordinator
Habitat Conservation Planning Branch

RESPONSE to CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) LETTER

Nesting Birds

CDFW Comment: The CDFW letter summarizes the conclusions reached in the IS/MND that nesting birds and burrowing owls were unlikely to occur within the project boundaries. The CDFW specifically states: *“However, for certain ground or burrow nesting bird species of special concern, site conditions could change providing nesting opportunities in future breeding seasons.”*

The CDFW letter further states that the conclusion in the IS/MND is not supported by *“substantial evidence”* or supported by *“fair argument.”*

Therefore, CDFW recommends that a mitigation measure be included in the IS/MND.

County Response: The CDFW letter does not identify any specific reasons why the IS/MND did not provide *“substantial evidence”* and is not supported by *“fair argument.”*

Under CEQA, *“substantial evidence”* is defined as follows:

“(a) Substantial evidence as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”

“(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

The IS/MND is based on the *General Biological Resources Assessment*, RCA Associates, September 10, 2019 included as Appendix B of the IS/MND, Based on a general literature review, a search of USFWS and CDFW data bases, and a search of the California Natural Diversity Database (CNDDDB), it was determined that there are twelve State or federal listed wildlife species and four listed plants that have been documented in the immediate surrounding region within approximately ten miles of the site (CNDDDB, 2019). These listed species include Swainson’s hawk, San Bernardino kangaroo rat, coastal California gnatcatcher, tri-colored blackbird, California black rail, least Bell’s vireo, Santa Ana sucker, western yellow-billed, cuckoo, southwestern flycatcher, Stephen’s kangaroo rat, steelhead, Delhi Sands flower loving fly, Santa Ana woollystar, Brauton’s milk-vetch, Nevin’s barberry, and slender-horned spinyflower (CNDDDB, 2019, Table 1, Appendix A).

Following the data review, general biological surveys were performed on the site and in the Caltrans right-of-way on August 28, 2019. The biological resources on the site and in the surrounding areas were investigated by Randall C. Arnold, Jr. from about 0900 to 1130 hours. As part of the surveys, the project site and the right-of-way to the southwest of the site were evaluated for the presence of habitats which could potentially support populations of sensitive species.

The site is relatively small (3.16-acres) and supports minimal vegetation due to past human activities. It was determined that protocol surveys were unnecessary for any of the special status species known to occur in the region (See Table 1, Appendix A) given the existing level of past disturbance and the absence of any native plant communities. However, the site was surveyed for the presence of burrowing owls and suitable owl burrows given the fact that this species does occasionally occur in disturbed habitats.

No special status species were observed during the general biological surveys conducted on August 28, 2019, nor is the site expected to support any listed or other special status species *now or in the future*. As noted above, the site has been significantly disturbed by past human activities and does not support any habitats which are associated with any of the species listed in Table 1 (Appendix A). However, one species (i.e., burrowing owl) sometimes inhabits disturbed areas if suitable burrows are present. No owls, owl sign (castings, whitewash, etc.) or suitable burrows were observed during the field investigations.

Approval of the proposed project is not expected to have an adverse effect on any special status species based on the results of the August 2019 field investigations. The site is bordered on the north and east by houses, and on the southwest by Serenity Trail and supports ruderal vegetation. The site shows signs of significant past disturbance and does not support any habitat suitable for any special status species; therefore, the site is not expected to support any populations of those special status species known to occur in the surrounding region (Table 1, Appendix A). No mitigation measures are recommended at this time; however, if any special status species are identified in the future during development activities, CDFW and USFWS should be notified. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species.

For these reasons, the Draft IS/MND’s conclusions regarding the absence of suitable habitat are supported by substantial evidence and, there is no data to suggest it is necessary to reevaluate impacts to this species. The County believes that the General Biological Resources Assessment, RCA Associates, September 10, 2019 meets the criteria for “substantial evidence.”

The CDFW letter did not identify any concerns with the respect to the methodology used to determine impacts to nesting birds nor did it express concerns with the existing conditions on the site. Therefore, the County believes that the IS/MND is correct in concluding that there are no impacts with respect to nesting birds and a mitigation is not required as part of the CEQA process.

Conclusion

The responses to comments contain material and revisions that will be added to the text of the IS/MND as noted above. None of this material constitutes the type of significant new information that requires recirculation of the IS/MND for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the IS/MND. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

EXHIBIT G

Findings

PROPOSED PROJECT: A GENERAL PLAN AMENDMENT (GPA) TO CHANGE THE CURRENT LAND USE ZONING DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL- 1 ACRE MINIMUM LOT SIZE (RS-1) TO GENERAL COMMERCIAL (CG) IN CONJUNCTION WITH A CONDITIONAL USE PERMIT (CUP) FOR THE DEVELOPMENT OF A THREE STORY, 109-UNIT RESIDENTIAL CARE FACILITY AT 13225 SERENITY TRAIL (PROJECT).

FINDINGS: GENERAL PLAN AMENDMENT [Development Code Section 86.12.060]

1. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE RESPECTIVE PLAN, THE GENERAL PLAN OR AN APPLICABLE SPECIFIC PLAN;

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan with the approval of the proposed GPA. The proposed development is located in an urban setting, near a minor arterial that contains full urban services. Therefore, the proposed development is consistent with the Commercial General (CG) goals and policies outlined in the General Plan Land Use Element. The proposed GPA in conjunction with the CUP for the development of a residential care facility development specifically implements the following goals and policies:

- GOAL LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Consistency: The Project site is currently vacant. The proposed Project will develop the vacant parcel into a residential care facility for seniors, which is consistent with the proposed GPA. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. The Project site is 3.16 acres in size and is located in a developed area. The site is bordered by single-family residential development to the north and east, and commercial and residential uses to the south, and the State Route 71 (SR-71) to the west. The Project site is at a lower elevation from the adjacent homes and is not part of existing neighborhoods to the north and east. In addition, the Project will have separate entrances and exits that are not accessible from the existing roadway system in the neighborhood to the north and east. As such, the Project will not divide an established community and there are no similar impacts. The proposed Project will be a benefit to the community and not compromise existing development in the area.

- GOAL LU 2: Residential land uses will be provided in a range of styles, densities, and affordability and in a variety of areas to live, ranging from traditional urban neighborhoods to more “rural” neighborhoods.

Consistency: The proposed Project provides for a mixture of senior housing types, in varying floor plans. The residential care facility will provide much needed housing for seniors in the area.

- GOAL LU 6: Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.

Consistency: The proposed Project is an infill project located in an area that has been developed with single-family homes. The proposed residential care facility will be separated from the existing development by landscaping and ample screening, and will rest at a lower elevation than existing

homes in the community. The facility will lead to much needed improvements to the area, which will improve walkability through the incorporation of sidewalk and curb improvements. Furthermore, the development will consist of a mixture of housing types for seniors that require assistance. In addition, the proposed infill development in the Chino Sphere is encouraged by the General Plan.

- GOAL LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further county wide economic development goals.

Consistency: The Project site is near a commercial use on the south side of Chino Avenue; to the east and north are single-family residential uses; and to the west is SR-71. The proposed Project will develop the vacant parcel into a senior assisted living facility with 109 units. The GPA will allow a vacant lot that is underutilized to be developed with a senior assisted living project that is separated and buffered from the existing single family neighborhood to the north and east, freeway to the west and Chino Avenue to the south and is appropriate at the proposed location given the limited areas available for the proposed type of use.

- POLICY LU 9.1: Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

Consistency: The proposed Project is a sphere of influence infill project located on a lot that has been underutilized and in need of improvement. The proposed residential assisted living development will lead to improved walkability through required street and curb improvements. Furthermore, the development will consist of a mixture of housing types for seniors in need of assistance.

- GOAL CI 9: The County will ensure the quality of life by pacing future growth with the availability of public infrastructures.

Consistency: The Project site is located on the north side of Serenity Trail, just north of Chino Avenue and east of SR-71. Serenity Trail will serve as access roads for the proposed Project (refer to Figure 3, Site Plan). Adequate public services and facilities will be provided in accordance with provisions of the CUP, Mitigated Negative Declaration (MND), and through conditions of approval/mitigation measures to serve the proposed development. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety, and welfare. In fact, the proposed development will improve the appearance of the neighborhood by improving a vacant lot with a modern residential care facility development. Water service for the Project will be provided by Monte Vista Water District and an advance septic system will be used for wastewater treatment.

2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY;

Approval of the GPA would change the Land Use Zoning District designation of the Project site from Single Residential (RS-1) to General Commercial (CG). The proposed Project will develop the vacant parcel into a 109-unit senior assisted living facility. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the Project would lead to the construction of an underutilized site that could no longer support residentially zoned uses. The Project has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and

welfare. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

3. THE PROPOSED LAND USE ZONING DISTRICT CHANGE IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED;

The Project site is currently vacant, but has been previously disturbed by past human activities. The surrounding land uses to the north and east are residential uses. Approval of the GPA would change the Land Use Zoning District designation of the Project site from Single Residential (RS-1) to General Commercial (CG). The proposed Project will develop the vacant parcel into a 109-unit, three story, residential care facility which would be consistent with the proposed GPA with the approval of the associated CUP.

The General Commercial (CG) Zoning District allows for the development of a residential care facility in compliance with Licensed Residential Care Facility standards with the approval of a CUP. The General Commercial (CG) Land Use Zoning District allows for the development of a licensed residential care facility and requires a minimum lot size of five acres. Although the parcel size is less than five acres in size, the parcel is measured based on gross area. Furthermore, the lot was reduced in size by government action to accommodate flood control measures and a County roadway, as a result of the expansion of SR-71. As such, the CUP associated with the Project counts for meeting Development Code requirements. Therefore, the development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the Project would lead to the construction of residential care facility on an underutilized site that could no longer support single-family residential homes. The proposed development will lead to much needed improvements to the area, which will improve walkability through the incorporation of sidewalk and curb improvements. Furthermore, the development will consist of a mixture of housing types for seniors that require assistance. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

4. THE PROPOSED LAND USE ZONING DISTRICT CHANGE WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA;

The Project site (3.2 acres) and County flood control easement abutting the Project site comply with the five acre minimum required in the General Commercial (CG) Land Use District. The proposed Land Use Zoning District will meet the minimum size requirements enumerated in the Development Code and will allow for the creation of a residential care facility within a commercial zoning district. The residential use, although only allowed within a commercial land use district in this area is considered an appropriate extension of the single-family tract given that commercial land uses are located to the south and west of the Project site.

5. THE PROPOSED LAND USE ZONING DISTRICT CHANGE DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE;

The change in the Land Use District from Single Residential, 1-acre minimum (RS-1) to General Commercial (CG) will not conflict with the Development Code. The General Plan allows General Commercial Land Use Districts to be located in areas adjacent to a major arterial street, highway, or freeway or at the intersection of two major arterial streets. Since the Project is located in an urbanized sphere, adjacent to a freeway, the change in zone will not conflict with the provisions of

the Development Code and is in full compliance.

6. THE PROPOSED LAND USE ZONING DISTRICT CHANGE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY; AND

Adequate public services and facilities will be provided in accordance with provisions of the CUP, Mitigated Negative Declaration (MND), and through conditions of approval/mitigation measures to serve the proposed development. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the appearance of the area by improving a vacant lot with a modern residential care facility development.

7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.

The proposed development of a three story, 109-unit, senior assisted living facility on approximately 3.2 acres of land is physically suitable for development. The affected site (proposed CG zone) allows for the development of a residential care facility with the approval of a CUP. The proposed Project will comply with the minimum 5-acre requirement for the GPA. As noted above, the lot size is exempt from the required minimum lot size requirements as allowed in Development Code Section 83.02.050. The Project site was reviewed by the Chino Valley Fire Authority and determined to provide adequate access for emergency vehicles.

The proposed Project would generate approximately 109 residents. To determine a crime rate directly associated with a development proposal would be speculative; the County reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the County. Therefore, no significant adverse impacts to law enforcement are identified or anticipated, and no mitigation measures are required. The proposed Project, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.

CONDITIONAL USE PERMIT FINDINGS: [Development Code Section 85.06.040]

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The proposed residential care facility meets all development code requirements for General Commercial (CG) Land Use District with the approval of a CUP and compliance with Licensed Residential Care Facility Standards. The proposed project site is an adequate shape and size to accommodate the construction of the three-story residential care facility. Adequate landscaping, buffers, outdoor lighting and limitations are placed on the Project to allow for compliance with sections 84.23 of the County Development Code. Furthermore, to allow the residential care facility

development to blend appropriately with the existing development to the north, adequate setbacks, landscaping buffers and on-site parking are provided to buffer the residential care facility from the single-family homes.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE LEGAL AND PHYSICAL ACCESS WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The proposed Project provides for adequate site access off Serenity Trail by means of two one driveways. The Project is conditioned to install off-site, Project frontage only, sidewalk and roadway improvements along Serenity Trail for curb and gutter.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THAT THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, OR OTHER DISTURBANCE.

An Initial Study (IS) was prepared for the proposed Project resulting in a MND. These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project will allow for the installation of solar on the rooftop of the proposed residential units in the future and would not limit the future development of solar energy systems or other development on neighboring properties.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan with the approval of the proposed GPA and Zone Change. The proposed development is located in a centralized urban setting, near a freeway and will contain full urban services. Therefore, the proposed development is consistent with General Commercial (CG) goals outlined in the General Plan Land Use Element. The proposed CUP for a residential care facility development specifically implements the following goals.

- GOAL LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Consistency: The Project site is currently vacant and was previously disturbed by past human activities. The surrounding land uses to the north and east are predominately single family, while

the properties to the west and south are a mixture of commercial and residential uses. The proposed Project will develop the vacant parcel into 109 unit, three story residential care facility would be consistence with the proposed GPA. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the project would lead to the construction of a residential care facility for seniors on an underutilized site that could no longer support single-family homes. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

- GOAL LU 6: Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.

Consistency: The proposed Project is an infill project located in an area that has been developed with single-family homes. The proposed residential care facility development is designed to operate distinctly from the single-family homes to the north and east, and will lead to improved walkability through the required street and curb improvements. Furthermore, the development will consist of a senior homes that will allow for the appropriate mixture of uses along Serenity Trail, near Chino Avenue. In addition, the proposed infill development in the Chino Sphere is encouraged by the General Plan.

- GOAL LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further county wide economic development goals.

Consistency: The surrounding land uses to the north, south, east, and west are a mix of commercial and residential uses. The Project site is adjacent to residential uses on the north and east; to the west and south are commercial uses and a SR-71. The proposed Project will develop the vacant parcel into 109-unit residential care facility for seniors. The amendment will allow a vacant lot that is underutilized to be developed with a much-needed residential care facility that is clearly separated from the single-family homes to the north and freeway to the east.

- POLICY LU 9.1: Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

Consistency: The proposed Project is an infill project located in a sphere area that have been developed with single-family homes. The proposed residential care facility development is designed to provide adequate facilities to care for seniors with needs. In addition, the proposed infill development in the Chino Sphere of Influence is encouraged by the General Plan.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF DEVELOPMENT, TO ACCOMMODATE THE PROPOSED DEVELOPMENT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

The proposed residential care facility development has been included in the utility and service providers' plans. The proposed Project also will not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, the proposed development can be accommodated by existing infrastructure and will not significantly lower service levels.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All conditions listed in the conditions of approval are necessary and reasonable to ensure compliance and to carry out the goals, policies and objectives of the County's General Plan.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems onsite or on adjacent parcels

ENVIRONMENTAL FINDING:

The potential environmental effects of the proposed Project have been analyzed in an IS. The IS / MND analysis found no substantial evidence that the Project will have a significant effect on the environment. The Project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures. The proposed MND for this Project reflects the County's independent judgment in making this decision. Therefore, adoption of a MND is recommended.

END OF FINDINGS