

RESOLUTION NO. 2023-173

**RESOLUTION CONDITIONING LAND ACQUISITION ON COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

On Tuesday, September 12, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California, acting in its capacity as the Successor Housing Agency to the former Redevelopment Agency of the County of San Bernardino.

WHEREAS, the Board of Supervisors (“Board”) of San Bernardino County, acting in its capacity as the Successor Housing Agency to the former Redevelopment Agency of the County of San Bernardino (“County”), has identified vacant land of approximately 3.75 acres located at 10108 Locust Avenue in the unincorporated area of Bloomington, commonly identified as Assessor Parcel Number 0252-051-41 (“Property”), as a preferred site for consideration for the potential future use and development of an affordable housing development project, the details and scope of which are unknown at this time, subject to environmental review and other financing and market factors; and

WHEREAS, under Government Code Section 52201, the County has the authority to acquire property in furtherance of the creation of economic opportunity, including the creation of affordable housing, as defined in Government Code Section 52202.2(c); and

WHEREAS, contemporaneous with the adoption of this Resolution, the Board will enter into a Purchase and Sale Agreement and Joint Escrow Instructions (“Agreement”) to acquire the Property as a preferred site for consideration for a potential future use and development of an affordable housing development project, subject to environmental review and other financing and market factors; and

WHEREAS, the California Environmental Quality Act (Public Resources Code § 21000 et seq., “CEQA”) and the regulations implementing it (Cal. Code Regs., tit. 14 § 15000 et seq., the “CEQA Guidelines”) requires public agencies to ascertain whether a project may have a significant environmental impact, and thus whether to prepare an Environmental Impact Report, before it approves a project; and

WHEREAS, CEQA provides an exception to the general rule prohibiting a local agency from committing to a project before conducting environmental review for purposes of land acquisitions for public projects (CEQA Guidelines § 15004, subd. (b)(2)(A)); and

WHEREAS, CEQA Guidelines allow a public agency to designate a preferred site of a public project for CEQA review and enter into a land acquisition agreement if it has conditioned its future use of the site on CEQA compliance, and so long as it has not already approved proceeding with the use of the site for facilities which would require CEQA review (CEQA Guidelines § 15004, subd. (b)(2)(A)).

NOW, THEREFORE, BE IT RESOLVED, that Board does hereby determine, find and declare as follows:

SECTION 1. All future uses and development of the Property for an affordable housing development project or other public project shall be conditioned upon CEQA compliance.

SECTION 2. The acquisition of the Property shall not constitute a commitment of the County to a particular affordable housing development project or other public project as a whole or to any particular features. Instead, the Property has been designated as a preferred site for consideration for

a potential future use and development of an affordable housing development project at the Property, subject to CEQA compliance.

SECTION 3. The Agreement to acquire the Property is not a project as defined by CEQA because there are no specific development plans in existence for the future use and development of an affordable housing development project or other public project that would allow environmental review to be meaningful at this time, or, alternatively, the Agreement is exempt from CEQA pursuant to Section 15004(b)(2)(A) of the CEQA Guidelines because the Agreement is intended to acquire the Property as a preferred site consideration for a potential future use and development, if any, of an affordable housing development project, subject to, and conditioned on, CEQA compliance.

SECTION 4. The Board hereby approves the acquisition of the Property in furtherance of the creation of economic opportunity, including the creation of affordable housing, as defined in Government Code section 52202.2(c) and finds that a demonstrated affordable housing need exists in the community, as defined in the County Housing Element

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, acting in its capacity as the Successor Housing Agency to the former Redevelopment Agency of the County of San Bernardino by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of September 12, 2023. #56 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

