

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

May 7, 2024

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
TERRY W. THOMPSON, Director, Real Estate Services Department**

SUBJECT

Lease Agreement with San Bernardino City Unified School District for a Potential New Development of Fire Station 227 in San Bernardino

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District:

1. Find that approval of a new ground lease agreement with the San Bernardino City Unified School District to consider a potential new San Bernardino County Fire Protection District Station 227 is an exempt project under the California Environmental Quality Act Guidelines Sections 15061(b)(3) – Common Sense and conditioning all future uses and development of the vacant land contingent upon compliance with California Environmental Quality Act.
2. Approve ground lease **Agreement No. 24-354** with the San Bernardino City Unified School District for a 50-year period commencing on the “Commencement Date” as defined in the lease, with one 49-year option to extend the term of the lease, for the use of approximately one acre of unimproved land (portion of Assessor’s Parcel Number 015428101) located at 3825 North Mountain View Avenue in San Bernardino, for \$1 as an initial payment and after the Commencement Date, a lump sum payment of \$305,000 and \$1 in annual rent thereafter.
3. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments as detailed in the Financial Impact section (Four votes required).
4. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with the California Environmental Quality Act.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost of this 50-year ground lease agreement (Agreement) is approximately \$305,050, consisting of a payment of \$1, and after the Commencement Date, a one lump sum payment of \$305,000, and subsequent annual rent payments of \$1 over the term. Lease payments will be made from the Real Estate Services Department (RESD) Rents budget (7810001000) and reimbursed from the San Bernardino County Fire Protection District (SBCFPD) Valley Regional Service Zone budget unit (5802272434).

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The following budget adjustments are necessary to increase the Rents budget:

Funding Center	Commitment Item	Description	Action	Amount
7810001000	52002905	Rents & Leases – Structures, Improvements & Grounds	Increase	\$ 305,000
7810001000	55415013	Services and Supplies Transfers In	Increase	\$305,000

BACKGROUND INFORMATION

Approval of the Agreement will allow the Project and Facilities Management Department (PFMD) to solicit competitive bids for a Capital Improvement Program Project (Project). The Project will allow for the construction of a potential new fire station as a replacement to existing SBCFPD Station 227 currently located at 282 West 40th Street in San Bernardino. SBCFPD provides emergency and fire protection services to the City of San Bernardino (City) and other surrounding jurisdictions.

Fire Station 227 was constructed over 60 years ago and has provided emergency services since its construction. The current facility is limited in its ability to provide modern fire service operations. Completion of the new, larger, modern station will enable SBCFPD to provide expanded emergency services and maintain public safety to the areas it serves, supporting San Bernardino County (County) and SBCFPD's goals and objectives to operate in a fiscally responsible and business-like manner and provide for the safety, health, and social services needs of county residents.

SBCFPD staff has identified the approximately one acre of unimproved land (portion of Assessor's Parcel Number 015428101) located at 3825 North Mountain View Avenue in San Bernardino (Property) as a preferred site for replacement Station 227. However, the acquisition of the Property shall not constitute a commitment to the Fire Station 227 replacement Project or other public project as a whole or to any particular features. The recommended Agreement conditions all future uses and/or development of the Property upon compliance with the California Environmental Quality Act (CEQA), which will be conducted for the development of the Property at such time as there is a development proposal for the Property.

As a result, the Agreement to acquire the Property is not a project as defined by the CEQA because there are no specific development plans in existence for the future use and development of a fire station or other public project at the Property that would allow environmental review to be meaningful at this time. Alternatively, the Agreement is exempt from CEQA pursuant to Section 15061(b)(3) – Common Sense of the CEQA Guidelines (Title 14 of the California Code of Regulations) because the Lease is intended to acquire the Property as a preferred site for consideration for a potential future use and development, if any, of a fire station, subject to CEQA compliance at such time.

SBCFPD requested that RESD prepare the Agreement for the development of a potential new fire station to relocate Fire Station 227 for 50 years in San Bernardino. The Agreement period is from the "Commencement Date" as defined in the lease, with one 49-year option to extend the term of the lease, which requires the approval of both parties by way of an amendment to the Agreement.

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As expressed above, it is recommended that the Board of Directors for SBCFPD determine the Project to be categorically exempt from further review under the CEQA Guidelines Sections 15061(b)(3) – Common Sense exemption. The proposed Agreement is to secure property for a use that will be evaluated under CEQA at a future date.

Summary of Lease Terms

Lessor:	San Bernardino City Unified School District Dr. Scott Wyatt Board President
Location:	3825 North Mountain View Avenue, San Bernardino, CA 92410
Size:	One acre portion of Assessor's Parcel Number 015428101
Term:	50 Years
Options:	One 49-Year Option to Extend
Rent:	\$1 as an initial payment and after the Commencement Date, a lump sum payment of \$305,000 and \$1 in annual rent thereafter
Custodial:	Provided by SBCFPD
Maintenance:	Provided by SBCFPD
Utilities:	Provided by SBCFPD
Insurance:	The Notice of Insurance, as required by the Lease, is on file with RESD
Holdover:	Month-to-month basis upon the same provisions of the Lease including the rent
Right to Terminate:	SBCFPD may terminate with 90-day notice
Parking:	Sufficient for Lessee needs

PROCUREMENT

County Policy 12-02, Leasing Privately Owned Real Property for County Use shall not apply to leases of real property owned by a federal agency, the State, a city, a county, a school district, special district, or other public entity. The Board of Directors or the County Administrative Office, pursuant to County Resolution No. 2000-248 shall, as required by law, approve all such leases.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Scott Runyan, Principal Assistant County Counsel, 387-5455) on April 26, 2024; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on April 4, 2024; San Bernardino County Fire Protection District (Dan Munsey, Fire Chief/Fire

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Warden, 387-5952) on March 11, 2024; Purchasing (Ariel Gill, Supervising Buyer, 386-8046) on March 6, 2024; Finance (Ivan Ramirez, 387-4020, and Stephanie Maldonado, 387-4378, Administrative Analysts, and Yael Verduzco, Principal Administrative Analyst, 387-5285) on April 26, 2024; and County Finance and Administration (Valerie Clay, and Paloma Hernandez-Barker, Deputy Executive Officers, 387-5423) on April 26, 2024

(LB: 453-5227)

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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, SECRETARY

BY 
DATED: May 7, 2024



cc: File w/ agree
JLL 05/24/2024