CITY OF REDLANDS

CITY COUNCIL

A G E N D A

DECEMBER 3, 2024

EDDIE TEJEDA
Mayor

PAUL T. BARICH
Mayor Pro Tempore

DENISE DAVIS
Council Member

JENNA GUZMAN-LOWERY
Council Member

MARIO SAUCEDO
Council Member

***

JEANNE DONALDSON
City Clerk

PHILLIP DOOLITTLE
City Treasurer

CHARLES M. DUGGAN JR.
City Manager

YVETTE M. ABICH GARCIA
City Attorney

5:00 p.m. Open Public Meeting, Public Comment (Closed Session)
6:00 p.m. Open Session (Public Meeting)

* * *

City Council Chambers
Civic Center, 35 Cajon Street, Redlands, California

A G E N D A

The following information comprises the agenda for the regular meeting of the City Council of the City of Redlands at the times noted below in the City Council Chambers, Civic Center, 35 Cajon Street, Redlands, California, on:

TUESDAY, DECEMBER 3, 2024

To join via Zoom on a computer, laptop, or smart device
Please visit www.zoom.us, click on Join a Meeting
Enter the **Meeting ID 896 2789 8341**, then run the Zoom launcher
To join via Zoom with audio only (cell phone or landline):
Dial **1-877-853-5247**
Enter the **Meeting ID 896 2789 8341**

Should the City lose connectivity on Zoom, we will halt the meeting until it can be restored. To check on the status of remote connectivity in the event of an outage, go to the City's website at www.cityofredlands.org or to the City's Facebook page at @CityofRedlands or the Instagram page at @CityofRedlands_CityHall.

In the event the City cannot reestablish Zoom connectivity in a reasonable amount of time, the mayor will adjourn the meeting to a future date.

***PLEASE NOTE**: Anyone desiring to speak on an agendized item at this meeting may do so during the consideration of that item. Due to time constraints and the number of persons who may wish to give oral testimony, public comments will be limited to three (3) minutes.

- **To provide comment while participating from Council Chambers:**
  - Although it is not required, speakers are encouraged to submit a "Speaker Sign Up Sheet" before the meeting is convened. Forms are available in the Office of the City Clerk or in Council Chambers.
  - After the meeting has convened, you may place the speaker form in the basket at the table along the north wall of the Chambers. Please do not disturb the City Clerk while the meeting is in progress.

- **To provide comment through Zoom (on a computer, laptop, or smart device)**:
  - Click the "Raise Hand" button and the moderator will unmute you when it is your turn to speak

- **To provide comment via audio only (cell phone or landline)**:
  - Dial *9 to "Raise Hand". The moderator will identify you by your area code and last 3 numbers of your telephone number when it is your turn to speak.

PLEASE SILENCE CELL PHONES, PAGERS AND OTHER ELECTRONIC COMMUNICATION DEVICES UPON ENTERING THE CHAMBERS

5:00 P.M.

A. **Call City Council Meeting to Order.**

B. **Public Comment**
(Any person wishing to provide public comment on a closed session matter may do so at this time.)

Recycled Paper

C. **Recess City Council Meeting to a Closed Session**

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)
One Case:
a. Harper v. City of Redlands, et al. , U.S. District Court Central District of California , Case No. 5:23-cv-00695-SSS-KKy

2. Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property:	APNs: 0173-231-23-0000 and 0173-231-26-0000 (England Grove)
Agency Negotiators:	Charles M. Duggan, City Manager; Christopher Boatman, Assistant City Manager
Negotiating Party:	Johanna Crooker, ACIP Director of Forward Planning - Entitlements, Southern California; Meritage Homes of California, Inc.
Under Negotiation:	Terms of payment and price of possible land purchase by City.

3. Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property:	APN: 0171-191-30-0000
Agency Negotiators:	Charles M. Duggan, City Manager; Christopher Boatman, Assistant City Manager
Negotiating Party:	Steve Stockton, President, Redlands Historical Museum Association
Under Negotiation:	Terms of possible lease with City.

4. Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property:	APN: 0292-166-08-0000 (Grove School)
Agency Negotiators:	Charles M. Duggan, City Manager; Christopher Boatman, Assistant City Manager
Negotiating Party:	Jason Hill, Deputy Superintendent, Business Services/CBO; Redlands Unified School District
Under Negotiation:	Terms of possible property transfer to Redlands Unified School District.

6:00 P.M.

D. **Reconvene City Council Meeting**

Recycled Paper

E. ***Invocation by Council Member Davis-Pledge of Allegiance***
(In keeping with long-standing traditions of legislative invocations, this City Council meeting may include a brief invocation. Such invocations are not intended to proselytize or advance any one, or to disparage any other, faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.)

F. **Closed Session Report**
(No reportable action taken in closed session unless otherwise announced by the City Attorney at this time.)

G. **Presentations**

1. Holiday Performance by the Redlands Girls Vocal Ensemble led by Katharine Bond (Mayor Tejeda)

2. Presentation of holiday video from the City of Redlands (Mayor Tejeda)

3. Presentation of a $25,000 check to Animal Shelter from Tom Bell Chevrolet (Mayor Pro Tem Barich)

H. **Public Comment - City Council**
(At this time, the City Council will provide an opportunity for the public to address them on any subject, within the jurisdiction of the City Council, which is not already scheduled on this agenda. However, any matter that requires action will be referred to staff for a report and possible action at a subsequent meeting. Comments will be limited to three {3} minutes.)

I. **Consent Calendar**
(The following routine items have been recommended for approval and will be acted upon simultaneously unless separate discussion and/or action is requested by a Councilmember or a member of the audience.)

1. Approve the regular meeting minutes November 19, 2024 (City Clerk Donaldson)

2. Approve the Local Appointments List for 2025 of all regular and ongoing commissions and boards of the City of Redlands (Mayor Tejeda)

3. Adopt Resolution No. 8642 to receive an annual report of City of Redlands surplus lands (Assistant City Manager Boatman)

4. Approve the Second Amendment to the Professional Services Agreement with CASC Engineering and Consulting, Inc., increasing the Agreement by $50,000 to an aggregate amount not-to-exceed $125,000 to allow for the continued performance of professional services for field survey and survey mapping/improvement plan review services for the City and determine that approval of this agreement amendment is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Development Services Director Desatnik)

5. Adopt Resolution No. 8648 to authorize a one-year time Extension of Time to the expiration date of Commission Review & Approval No. 949 for the construction of a 48,079 square-foot light industrial building with ancillary office space on a 2.56-acre parcel located at the northeast corner of New Jersey Street and West Park Avenue (APN: 0292-153-20-0000) in the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan (Development Services Director Desatnik)

Recycled Paper

6. Reject all bids received for the Redlands Fire Department Household Hazardous Waste Collection Site Metal Canopy; bids received exceed the available budget (Facilities and Community Services Director Crocker)

7. Reject all bids received for the Joslyn Senior Center HVAC and Roofing project; bids received exceed the available budget (Facilities and Community Services Director Crocker)

8. Approve the Professional Services Agreement with Jacob Green & Associates, Inc in the amount of $71,950 for the development and implementation of an Emergency Management Comprehensive Training and Exercise program (Fire Chief Sessler)

9. Authorize the annual maintenance payment to Motorola Solutions, Inc. in the amount of $110,887.77 for the Police Department's Spillman Computer Aided Dispatch/Records Management System (Management Services/Finance Director Garcia)

10. Approve the negotiation of Cooperative Agreement with the San Bernardino Municipal Water Department and partnering agencies for the development of a Regional Biosolids Program Feasibility Study for an amount not-to-exceed $50,000, designate the City Manager or his designee as the City's representative, authorize approval when agreement is finalized, and determine that this action is exempt from environmental review pursuant to Section 15378 of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

11. Approve the Professional Services Agreement with Leslie Palencia, doing business as Palencia Consulting Engineers, for an amount not-to-exceed $79,280 to prepare Watershed Sanitary Survey 5-Year Updates, and determine that approval of this Agreement is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

12. Adopt Resolution No. 8640 authorizing the Redlands Police Department’s participation in the Tobacco Grant Program funded by the California Department of Justice for Fiscal Year 2024-25 and appropriation of the grant of $43,148.00 to the Police Department (Police Chief Tolber)

13. Approve the Memorandum of Understanding with the Inland Regional Narcotics Enforcement Team and authorize the Chief of Police to execute the Memorandum of Understanding (Police Chief Tolber)

14. Approve the submission of a Facility Request Form to the University of Redlands for use of its facilities from January 1, 2025 through December 31, 2026 for the purpose of Redlands Police Department training, presentations, and testing and authorize the Chief of Police or her designee to execute the request form and related facility use documents (Police Chief Tolber)

J. **Communications**

1. Recognition of outgoing Council Member Jenna Guzman-Lowery

K. **Public Hearings**

1. **PUBLIC HEARING** to consider Resolution No. 8641 related to the development applications for the proposed “Tennessee Village” project located on a 13.48-acre site located on the east side of Tennessee Street approximately 600 feet north of West Lugonia Avenue within the Special Development (EV/SD) District of the East Valley Corridor Specific Plan (APN: 0167-171-15-0000):

   (Mayor to declare the meeting open as a public hearing)

Recycled Paper

A. **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program** prepared for the project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines.
B. **Socio-Economic Cost/Benefit Study** prepared for the proposed project as required by Measure U.
C. **Amendment No. 50 to Specific Plan 40** – A request to amend the East Valley Corridor Specific Plan (Specific Plan No. 40) to remove the project site consisting of 13.48 acres (gross) from the boundaries of Specific Plan 40 area.
D. **Zone Change No. 477** – A request to change the zoning designation of the 13.48 (gross) acre project site from Special Development (EV/SD) District to General Commercial (C-3) District.
E. **Tentative Parcel Map No. 20688** – A request to subdivide the entire project site into four parcels consisting of 1.37 net acres, 1.49 net acres, 5.02 net acres, and 4.88 net acres in size for development purposes.
F. **Conditional Use Permit No. 1173** – A request to construct a mixed-use project consisting of 460 apartments and approximately 18,000 square feet of commercial space on a vacant 13.48-acre site as allowed in the C-3, General Commercial District.
G. **Commission Review and Approval No. 956** – A request for site plan approval and architectural design review to construct a mixed used development composed of 460 apartment units within ten buildings and approximately 18,000 square feet of commercial space. The residential units include one-bedroom, two-bedroom, and three-bedroom floor plans ranging from 755 to 1,599 square feet each.
H. **Density Bonus Agreement with Declaration of Affordable Housing Covenants and Restrictions** – A request to approve a Density Bonus Agreement which sets forth the terms and conditions to allow the Density Bonus Units and increased density for the project, the concessions and waivers that the developer is entitled to pursuant to State law, and affordability covenants to ensure the affordability of twenty (20) apartment units for Very Low Income households.
(Development Services Director Desatnik)

L. **New Business**

1. Consideration of the Agreement with Schmidt Geomatic Mapping, Inc. to provide aerial mapping and land surveying services for the California Street Landfill for a potential total amount not-to-exceed $266,976 and determine that approval of the Agreement is exempt from environmental review pursuant to Section 15301 of the State's guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

2. Consideration of the Non-Professional Services Agreement with Clean Infusion LLC for the Wastewater Treatment Plant Secondary Clarifier Rehabilitation Project for an amount not-to-exceed $430,000, and determination that the project is categorically exempt from environmental review pursuant to Section 15302(c) of the State's Guidelines for Implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

M. **Individual Council Member Announcements and/or Reports on Activities**
(No collective discussion or action.)

N. **Adjournment**
The next regular meeting of the City Council will be held on December 17, 2024.

Recycled Paper

If you challenge any proposed development entitlement listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Goutam Dobey, of the Municipal Utilities and Engineering Department at (909) 798-7584 ext 2. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

(28 CFR 35.102-35.104 ADA Title II)

Any writings or documents distributed to a majority of the City Council regarding an open session agenda item less than 72 hours before this meeting are available for public inspection at the City Clerk's Office or at the dais of the City Clerk once the open session begins.

Staff reports or other written documentation relating to items referred to on the agenda are available at the A. K. Smiley Public Library, 125 West Vine Street, Redlands, California, and on the City's website referenced below.

Regular meetings are televised live on Redlands TV Channel 3 (Spectrum) and Channel 35 (Frontier) and re-broadcast at 7:00 P.M. the following Wednesday, Friday and Sunday; and at 9:00 A.M. Thursday, Saturday and Monday. Meetings are also streamed live and archived for later viewing on demand on the City's website at www.cityofredlands.org. Agendas, staff reports and minutes of the City Council of the City of Redlands are available online at: www.cityofredlands.org.

Recycled Paper

City Council Meeting **I. 1.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the regular meeting minutes November 19, 2024 (City Clerk Donaldson)

MOTION:

I move to approve the regular meeting minutes of November 19, 2024.

Attachments

Meeting Minutes of November 19, 2024

MINUTES

Regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on November 19, 2024 at 5:00 P.M.

Present:	Eddie Tejeda, Mayor Paul Barich, Mayor Pro Tempore Denise Davis, Council Member Jenna Guzman-Lowery, Council Member Mario Saucedo, Council Member
Staff:	Charles M. Duggan, Jr., City Manager; Yvette M. Abich Garcia, City Attorney; Jeanne Donaldson, City Clerk; Janice McConnell, Assistant City Manager; Chris Boatman, Assistant City Manager; Carl Baker, Public Information Officer; Danielle Garcia, Management Services/Finance Director; Brian Desatnik, Development Services Director; John Harris, Municipal Utilities and Engineering Director; Rich Sessler, Fire Chief; Stephen Crane, Deputy Police Chief; Tabitha Crocker, Facilities and Community Services Director; Robert Meteau, HR/Risk Management Director

Mayor Tejeda called the meeting to order and explained that comments could be presented in-person, via Zoom, via cell phone or landline. He offered the public an opportunity to provide comment on any item on the agenda for the closed session.

PUBLIC COMMENT

Open Government - Stephen Rogers raised concerns about the proposed extension of the City Attorney's employment contract and urged the Council to establish a set of goals and objectives which should be tied to the City Manager's employment contract.

CLOSED SESSION

Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)
Two Cases:
a. Miller & Associates, LLC v. City of Redlands, San Bernardino Superior Court, Case No. CIVSB2203755
b. Salcido v. City of Redlands, et al., San Bernardino County Superior Court, Case No. CIVSB2218452

Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property:	APN: 0170-142-12-0000 (Property One Parcel) and APN: 0169-272-27-0000 (City Parcel)
Agency Negotiators:	Charles M. Duggan, City Manager; Christopher Boatman, Assistant City Manager
Negotiating Party:	Lance Lenhert, Manager, Property One, LLC
Under Negotiation:	Terms of possible exchange of real property by City.

Conference with Labor Negotiator – Government Code §54957.6
(Assistant City Manager McConnell)

Agency Negotiators:	Mayor Tejeda and Mayor Pro Tempore Barich
Unrepresented Employees:	City Attorney

RECONVENE CITY COUNCIL MEETING

The meeting reconvened at 6:00 P.M. with an invocation by Council Member Saucedo followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT

City Attorney Garcia announced that no reportable action was taken during the closed session.

PRESENTATIONS

Recognition of 2024 City of Redlands Retirees

Mayor Tejeda listed the names of the 2024 City of Redlands retirees, thanked them for their service and presented a small gift of appreciation to the retirees who attended the meeting, including Lynn Rezendes, Tommi Ng, Joseph Valdivia and Heather Collier.

PUBLIC COMMENT

Crystal Springs Property - Steve Rogers requested the City purchase the Crystal Springs Ranch property and designate it as open space, due to its cultural and historical significance. Additionally, he asked the Council to prevent the current owners from ravaging the property.

Council Member Appreciation - Anthony Dodd and Tracy Wise expressed their sincere gratitude for the work that Council Member Guzman-Lowery has accomplished over the last four years and thanked her for her thoughtful, intelligent, and caring efforts.

Various Musings - Dennis Bell complimented Director Harris and his staff for providing informative tours of the wastewater treatment plant and the Hinckley Water Treatment plant. He complained about the public outreach efforts related to the Arts and Culture Master Plan, and thought this was a waste of money.

So Cal Gas Introductions - Janel Ruiz introduced herself as the new Public Affairs Manager of the South Inland region of So Cal Gas.

CONSENT CALENDAR

Minutes

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously approved, by roll call vote, the special joint City Council and Planning Commission meeting minutes of October 8, 2024, and the regular meeting minutes of October 15, 2024.

Vote: 5 - 0 Passed

Student Commissioner Appointments

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously appointed, by roll call vote, Grace Emrick, Redlands High School, to serve as the student commissioner on the Human Relations Commission for calendar year 2025; appointed Vincent Fu, Citrus Valley High School, to serve as the student commissioner on the Traffic and Parking Commission for calendar year 2025; and appointed Victoria Grace Montaghami, The Grove High School, to serve as the student commissioner on the Parks and Recreation Advisory Commission for calendar year 2025.

Vote: 5 - 0 Passed

Municipal Utilities/Public Works Commission Appointments

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously reappointed, by roll call vote, Thomas Breitkreuz, David Garcia, and Paul Norwood to the Municipal Utilities/Public Works Commission to serve additional four-year terms each on the Municipal Utilities/Public Works Commission ending November 16, 2028.

Vote: 5 - 0 Passed

Cultural Arts Commission Appointment

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously appointed, by roll call vote, Brian Ball to serve the remainder of a four-year term on the Cultural Arts Commission ending January 6, 2027.

Vote: 5 - 0 Passed

Resolution No. 8603 Street Vacation No. 194 Mecca Street

Development Services Director Desatnik reviewed Resolution No. 8603 for Street Vacation No. 194 and the request to summarily vacate an excess portion of unimproved Mecca Street right-of-way that is 30 feet in width and approximately 298 feet in length (total of approximately 8,941 square-feet) located approximately 150 east of Gold Hill Lane and south of 31119 Outer Highway 10. While Mecca Street is considered public right-of-way, it is unimproved, there is no public access, and the adjacent landowners have built fences and placed storage materials within the right-of-way. The property owner asked for the vacation of the portions of Mecca Street adjacent to the parcels they own, in order to allow potential future property improvements or development of the properties without further concern about potential encroachment onto public right-of-way.

As public comment, Steve Rogers asserted he thought the strip of land is not excess property and even though it is dirt, people use it as a trail and a pedestrian pathway. He said the property should be opened for pedestrian and trail use. Director Desatnik pointed out that the right-of-way does not connect to any other access point and stops at a dead-end. Assistant City Manager Boatman clarified that Gold Hill Lane provides public right-of-way.

On motion of Council Member Mario Saucedo, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that the proposal is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and adopted Resolution No. 8603 for Street Vacation No. 194, to summarily vacate an excess portion of unimproved Mecca Street right-of-way that is 30 feet in width and approximately 298 feet in length (total of approximately 8,941 square-feet) located approximately 150 east of Gold Hill Lane and south of 31119 Outer Highway 10 (APNs: 0300-101-30-0000 and 0300-101-23-0000).

Vote: 5 - 0 Passed

First Amendment Community Works Design Group for BMX Pump Track

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously approved, by roll call vote, the First Amendment to the Agreement with Community Works Design Group, LLC to extend the agreement to June 30, 2025, to complete the design of a BMX Pump Track.

Vote: 5 - 0 Passed

Drainage Study Agreement San Timoteo Canyon, Live Oak Canyon, and Alessandro Road

Facilities and Community Services Director Crocker reported on a Professional Services Agreement with Watearth, Inc. to perform a drainage study for San Timoteo Canyon, Live Oak Canyon, and Alessandro Road for an amount not to exceed $128,377. The Streets Division provides for the general maintenance and repair of 314 miles of streets and 90 miles of storm drains within city limits. One particular area is the canyon area along Live Oak Canyon Road, San Timoteo Road, and Alessandro Road has become the main thoroughfare for commuters and visitors. With increased vehicular traffic and a significant amount of residential construction, these routes may experience concerns during and after heavy rains, and result in an increase in water erosion. To assess and mitigate the issues along these routes, the proposed drainage study will be prepared to effectively address future operations and maintenance of this area.

As public comment, Stephen Rodgers wondered why the project was being run through Facilities and Community Services, when he said it was clear this work should be managed by engineers. Municipal Utilities and Engineering Director Harris clarified that City Engineer Goutam Dobey had developed the scope, and he will be reviewing the project.

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously determined, by roll call vote, that approval of the Professional Services Agreement with Watearth, Inc. is exempt from environmental review pursuant to Section 15061 (b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved the Professional Services Agreement with Watearth, Inc. to perform a drainage study for San Timoteo Canyon, Live Oak Canyon, and Alessandro Road for an amount not to exceed $128,377.

Vote: 5 - 0 Passed

NYE Beach Ball Drop Event In-kind Request

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously determined, by roll call vote, that the approval of the event is exempt from environmental review pursuant to Section 15311(c) of the State's guidelines implementing the California Environmental Quality Act; authorized and approved a request for In-Kind support in the amount of $2,209, and temporary street closure of Fifth Avenue related to the New Year's Eve Beach Ball Drop event hosted by the Redlands Visitor Center on December 31, 2024.

Vote: 5 - 0 Passed

In-KInd Request Redlands Christmas Parade

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously determined, by roll call vote, that approval of the event is exempt from environmental review pursuant to Section 15311(c) of the State's guidelines implementing the California Environmental Quality Act; authorized and approved a request for in-kind support in the amount of $37,286.72, and the temporary street closures related to the Redlands Christmas Parade event hosted by the Kiwanis Club on December 7, 2024.

Vote: 5 - 0 Passed

Accept FY 2022 Homeland Security Grant Program Funding Award

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously accepted, by roll call vote, the Federal Emergency Management Agency 2022 Homeland Security Grant Program funds in the amount of $17,393 to purchase a DHI Mavic Thermal Drone Package; and approved an additional appropriation for the same amount.

Vote: 5 - 0 Passed

MOU SBC Probation Department After-School Program At-risk Youth

On motion of Council Member Denise Davis, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the Memorandum of Understanding (MOU) between the San Bernardino County Probation Department and the City of Redlands Police Department to implement an after-school program for at-risk youth; and authorized the Chief of Police to execute the agreement.

Vote: 5 - 0 Passed

Paul Smith, through Toyota of Redlands Donation of $250,000

Mayor Pro Tem Barich recused himself from this item due to his source of income relationship with Toyota of Redlands. Deputy Police Chief Crane was pleased to report that Paul Smith, through Toyota of Redlands notified the Police Department of his intent to donate $250,000 to the City to outfit the new Redlands Police Department's Wellness facility. The facility will provide members of the organization access to free weights, dumbbells, cardio equipment, mat space for defensive tactics/yoga/recovery, a sauna, cold plunge, and other recovery methods.

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council unanimously accepted, by roll call vote, the monetary donation in the amount of $250,000 from Paul Smith, through Toyota of Redlands; and approved an additional appropriation of the same.

Vote: 4 - 0 Passed

Other: Mayor Pro Tempore Paul Barich (RECUSE)

COMMUNICATIONS

2024 League of California Cities Annual Conference Report

Council Member Davis and Council Member Saucedo each reported on their attendance at the League of California Cities Annual Conference and Expo held October 16-18, 2024 in Long Beach. They were honored to represent the City and enjoyed meeting with a variety of colleagues from across the state and beyond. Council Member Davis highlighted the following sessions: the LGBTQ Caucus meeting, the Path Towards Plastic Pollution Prevention, Navigating the EV Transition and Trolls on Social Media. Council Member Saucedo attended courses related to housing and wildfire prevention and, as the voting delegate, he reviewed the process by which the Resolutions Committee hears, debates and considers resolutions addressing issues facing California's cities.

2024 National Community Survey (NCS) Results Presentation

Assistant City Manager McConnell introduced Brandon Barnett, Senior Survey Associate with Polco, who detailed the 2024 National Community Survey (NCS) results. In order to effectively gauge Redlands residents' continued satisfaction with City services, in August 2024, the City released the 2024 NCS, during the months of August, September and early October. The NCS includes standard questions for measuring resident satisfaction levels and perceptions of the quality of local government services and a half page of customized questions regarding specific local issues. The standardized portions of the NCS allow Polco to provide benchmark comparisons to any of the hundreds of communities that have conducted the survey. Polco compiled the results into a report which highlighted historical trends since 2021, noting areas where the City received positive feedback from Redlands residents, while also identifying areas where City services can improve. A summary of conclusions included, 1) Most residents feel a strong sense of safety in Redlands; 2) Redlands' economic health is important to residents; 3) Residents appreciate many aspects of the City's leadership and governance; 4) Residents consider mobility a priority and praise walkability and the ease of travel by bicycle in the city; and 5) Redlands' educational and cultural opportunities are a valued aspect of community livability.

As public comment, Dennis Bell said the number of respondents was hardly significant in comparison to the City's population. He thought there was an overall lack of confidence in the government and this survey was a waste of taxpayer money. Expressing concern about some of the results, Mayor Pro Tem Barich suggested the City needed to evaluate its methods for communicating with the public and work towards finding better methods of reaching out to the community. Council Member Davis suggested the city consider taking a look at an effective newsletter produced by the City of Corona.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously agreed, by roll call vote, to receive and file the presentation on the results of the 2024 National Community Survey (NCS) conducted by Policy Confluence, Inc. dba Polco.

Vote: 5 - 0 Passed

PUBLIC HEARINGS

Appeal of Planning Commission's Denial Warehouse/Distribution Facility

Mayor Tejeda announced that he would recuse himself from voting and discussing this item out of an abundance of caution. He also announced that City Attorney Garcia advised him that he did not have a conflict of interest based on monetary contributions made to his recent campaign reelection efforts running for Council Member, District 2, concerns which were communicated to the City Attorney earlier in the day by a member of the public.

Mayor Pro Tem Barich declared the meeting open as a public hearing and called on Principal Planner Sean Reilly for background on an Appeal of the Planning Commission's denial of a proposed new 197,397 square-foot warehouse/distribution facility located at 301 Tennessee Street (APN: 0292-192-11-0000) and 360 Kansas Street (APN: 0292-192-14-0000). As ex-parte communication, the remaining four Council Members announced they each had met separately with the Applicant for a review of the project.

The appellant, Prologis, filed an appeal of the Planning Commission's decision to deny entitlements for a proposed warehouse building. The building includes 8,000 square feet of office space and up to ten percent of the building is proposed for refrigerated storage and is not being constructed for the purposes of any specific tenant. The project area consists of two parcels that have been previously developed. The site is approximately 10.9 acres and located at 360 Kansas Street and 301 Tennessee Street, generally between Tennessee Street and Kansas Street, and north of W. State Street. The building includes 25 truck loading dock doors, 242 automobile parking stalls, and other related site improvements including driveways, landscaping, lighting, utilities, and drainage improvements.

On April 23, 2024, the Planning Commission deliberated upon the project, indicating an intent to deny the project. The Commission voted 6 to 0 to continue the matter until May 14, 2024, to allow staff sufficient time to prepare an appropriate resolution with written findings for denial. On May 14, 2024, the Planning Commission continued the matter to the meeting of May 28, 2024, at which time, they adopted Resolution No. 1632, denying the project. The resolution includes the findings that could not be made, and therefore, resulted in denial of the project. The findings included: 1) The proposed development would adversely affect the land use plans of the City; 2) The development will be detrimental to public health, safety, and welfare, due to the amount of vehicular traffic; 3) The project is not appropriate at the proposed location; 4) The public streets that serve the project site are not properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use, particularly the type and quantity of trucks and tractor-trailer traffic (115 semi-truck trips per day and a total of 1,387 passenger car equivalent trips) that is to be generated by a large warehouse/logistics facility; 5) The overall height, form, and mass of the warehouse building will not be consistent or compatible with surrounding nearby commercial structures on all sides, which are one-story and two-story buildings.

Nicole Torstvet, representing Prologis and Meghan Macias, the Applicant's traffic consultant, presented an overview of the project and highlighted several revisions that were made to accommodate to the needs and concerns of the surrounding neighbors. It was pointed that some revisions were purely voluntary and not a part of the conditions of approval.

As public comment, twenty people urged the City Council to deny the appeal and uphold the Planning Commission decision. Speakers included, Gregory Weisberg, Michael Paisner, Elizabeth McDonald, Lorraine

Enriquez, Germaine Miles, Cindy Blatchley, John Corey Oliver, Joshua Hall, Dale Broome, Linda Hamilton, Julia Lenhardt, Bryan Whitehead of University of Redlands, Tholia Davila, Stephen Rogers, Jennifer Maravillas, Stephanie, Ana Gonzales, Sam Wong, Margot Bordne and Toni Momberger. They cited several reasons to uphold the Planning Commission and deny the appeal, stating the project would increase air pollution, increase traffic, and was not compatible with the neighborhood.

Eight people spoke in support of the project and requested the Council uphold the Appeal. It was noted that denying this project would not eliminate the current warehouse use and would not make the area safer or the air cleaner than before. Speakers included Bill Blankenship, Jon Shardlow, Eddie Campos, Richard Reaves, Head of Redlands Christian Schools Brian Bell, Nathaniel Keith and Mario Segura of Laborers' International Union of North America, and Darrel Olson. Twenty-two written comments were received in opposition to the warehouse project, urging the Council to deny the appeal, while two written comment letters requested the Council support the project and uphold the appeal.

The Applicant provided a rebuttal to public comment, addressing greenhouse gas emissions and a review of the traffic study. Mayor Pro Tem Barich closed the public hearing.

Council Members raised questions and concerns with staff and discussed the project at length. Before them were three options to consider: 1) Deny the appeal by adopting Resolution No. 8633; 2) Uphold the appeal; 3) Uphold the appeal and request changes to the project design.

On motion of Council Member Davis, seconded by Council Member Guzman-Lowery, the City Council, by roll call vote, failed to adopt Resolution No. 8633 denying the Appeal and upholding the Planning Commission's denial of Conditional Use Permit No. 1182, Commission Review & Approval No. 948, Lot Merger No. 06, and the Socio-Economic Cost/Benefit Study prepared for the proposed project.

Vote: 2 – 2 Tied (NO ACTION)
NAY: Mayor Pro Tem Barich, Council Member Saucedo
Other: Mayor Tejeda (RECUSE)

On motion of Council Member Saucedo, seconded by Mayor Pro Tem Barich, the City Council, by roll call vote, failed to uphold the appeal and request changes to the project design.

Vote: 2 – 2 Tied (NO ACTION)
NAY: Council Member Davis, Council Member Guzman-Lowery
Other: Mayor Tejeda (RECUSE)

NEW BUSINESS

Second Amendment City Attorney Employment Agreement

Assistant City Manager McConnell reviewed the Second Amendment to the City Attorney Employment Agreement between the City of Redlands and Yvette M. Abich Garcia, which proposes the following terms: 1) Base salary: Beginning with the pay period to be paid on January 15, 2025, annual base salary will increase to Three Hundred Thousand Dollars ($300,000); 2) Other terms as set forth in the current contract remain unchanged. As public comment, Stephen Rogers stressed the importance of following the rule of law. He questioned whether the City was setting up an environment that allowed people to overlook the Brown Act, and he thought City Attorney Garcia should not receive a raise. Mayor Tejeda praised the City Attorney's work, adding she has consistently displayed excellence, professionalism, and patience throughout her time at the City.

On motion of Council Member Jenna Guzman-Lowery, seconded by Mayor Pro Tempore Paul Barich, the City Council unanimously approved, by roll call vote, the Second Amendment to the City Attorney Employment Agreement between the City of Redlands and Yvette M. Abich Garcia, which includes the following terms: 1) Base salary: Beginning with the pay period to be paid on January 15, 2025, annual base salary will increase to Three Hundred Thousand Dollars ($300,000); 2) Other terms as set forth in the current contract remain unchanged.

Vote: 5 - 0 Passed

Ranch Market Third Amendment for Round 2 Resident Grocery Gift Card Program

Assistant City Manager McConnell summarized the provision of monthly grocery gift cards to facilitate Round 2 of the Resident Grocery Gift Card program. The Third Amendment to the Agreement with About Food, Inc., doing business as Redlands Ranch Market, will increase the total compensation of the Agreement by $1,200,000 to a total amount not to exceed $4,904,400 for the provision of monthly grocery gift cards to facilitate Round 2 of the Resident Grocery Gift Card program.

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the Third Amendment to the Agreement with About Food, Inc., doing business as Redlands Ranch Market, increasing the total compensation of the Agreement by $1,200,000 to a total amount not to exceed $4,904,400 for the provision of monthly grocery gift cards to facilitate Round 2 of the Resident Grocery Gift Card program.

Vote: 5 - 0 Passed

Property Management Services at Step Up in Redlands Project Home Key

Assistant City Manager Boatman explained the need for a Homeless Resource Services Agreement with Step Up on Second Street, Inc. for property management services at Step Up in Redlands Project Home Key for an amount not-to-exceed $425,000,

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, approval of the homeless resource services agreement is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved the homeless resource services agreement with Step Up on Second Street, Inc. for an amount not-to-exceed Four Hundred Twenty-Five Thousand Dollars ($425,000).

Vote: 5 - 0 Passed

Real Property Exchange Agreement with Property One

Assistant City Manager Boatman presented a Real Property Exchange Agreement with Property One, LLC for the exchange of Assessor's Parcel Numbers 0169-272-27-0000 and 0170-142-12-0000. The City owns certain real property located at or about the west side of Eureka Street, north of west Redlands Blvd, and south of Oriental Avenue. Property One, LLC owns certain real property located at or about the west side of Division Street, south of Sylvan Blvd and north of Interstate 10. The parcel is located and contiguous to Sylvan Park and therefore, has value to the city due to its proximity to the open space. The City and Property One desire to exchange titles to their respective properties. Furthermore, an appraisal was conducted and indicated that the properties are of essentially equal value.

On motion of Council Member Jenna Guzman-Lowery, seconded by Mayor Pro Tempore Paul Barich, the City Council unanimously determined, by roll call vote, that approval of the agreement is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved the Real Property Exchange Agreement with Property One, LLC for the exchange of Assessor's Parcel Numbers 0169-272-27-0000 and 0170-142-12-0000.

Vote: 5 - 0 Passed

Master Agreement Upgrade Utility Billing Customer Data Management Software

Management Services/Finance Director Garcia introduced a sole source purchase and Master Agreement with Systems & Software, Inc. for services to upgrade the utility billing and customer data management software for an amount of $737,261.

On motion of Council Member Jenna Guzman-Lowery, seconded by Mayor Pro Tempore Paul Barich, the City Council unanimously determined, by roll call vote, that approval of the Master Agreement with Systems & Software, Inc. is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; approved a sole source purchase and Master Agreement with Systems & Software, Inc. in an amount not to exceed $737,261 to upgrade utility billing and customer data management software from enQuesta Version 5R to enQuesta Version 6, including the Capricorn Portal, Software License, Subscription, Services, Support and Maintenance and Hosting Services Agreement; approved an additional appropriation of $737,261; and authorized the City Manager, or designee, to execute all related documents.

Vote: 5 - 0 Passed

Cooperative Piggyback Contract for Asphalt Patcher from PB Loader Corporation

Facilities and Community Services Director Crocker described the cooperative piggyback contract for the purchase of a 4-cubic yard asphalt patcher from PB Loader Corporation for an amount not to exceed $410,812.73. The proposed purchase of a new asphalt patch truck is intended to replace the current unit, which has experienced frequent mechanical issues, resulting in operational delays. The new truck is a self-contained unit equipped to carry all the necessary tools and materials for efficient pothole and asphalt repairs. The primary benefit of acquiring this new unit is a significant reduction in downtime, leading to improved response times and increased productivity for our maintenance crews. By consolidating all repair functions into a single, reliable truck, the City will be able to maintain its roadways more effectively, providing enhanced service and infrastructure reliability for the community.

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Mario Saucedo, the City Council unanimously approved, by roll call vote, the cooperative piggyback contract for the purchase of a 4-cubic yard asphalt patcher from PB Loader Corporation for an amount not to exceed $410,812.73.

Vote: 5 - 0 Passed

First Amendment Larry Jacinto Farming, Inc. Agreement for Grove Care

Facilities and Community Services Director Crocker highlighted the First Amendment to the Agreement with Larry Jacinto Farming, Inc. for grove care, maintenance, and harvest increasing the total compensation amount by an additional $399,975 for a total aggregate amount not-to-exceed $1,417,875. On September 6, 2022, the City and Larry Jacinto Farming, Inc. entered into a three-year agreement for Jacinto to provide specialized grove services in the City groves. The Agreement includes but is not limited to the following services: rodent/pest control, brown rot and frost control, hedging and topping, brush chopping, trip spray, ACP Treatment, and PCA reporting. Over the course of the agreement, the amount of services required to keep the groves viable for commercial farming has exceeded original estimates due to staffing shortages, additional tasks brought on by the Oriental Fruit Fly infestation, and other unforeseen circumstances. To ensure that the City groves are maintained and the health of the trees is sustained for the longevity of the preservation of the city groves, these additional services are necessary.

On motion of Council Member Mario Saucedo, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the First Amendment to the Agreement with Larry Jacinto Farming, Inc. for grove care, maintenance, and harvest increasing the total compensation amount by an additional $399,975 for a total aggregate amount not-to-exceed $1,417,875.

Vote: 5 - 0 Passed

Contract Award 2024 CIP Sewer Pipeline Replacement Project

Municipal Utilities and Engineering Director Harris detailed a Public Works Construction Contract with All Cities Engineering, Inc. for the 2024 CIP Sewer Pipeline Replacement Project for an amount not-to-exceed $1,367,514. The 2024 CIP Sewer Pipeline Replacement Project (Project) will rehabilitate wastewater collection pipelines at numerous locations throughout the City. The Project will employ cured-in-place pipe (CIPP) technology to reline approximately 5,844 linear feet of pipelines with diameters of eight-inch and ten-inch, and will replace approximately 2,444 linear feet of eight-inch and ten-inch diameter pipelines through conventional trenching methods. These pipelines have been selected for improvement based on maintenance history and closed-circuit television inspections. The Project will also remove and replace thirteen sewer manholes to reduce inflow and infiltration throughout the sewer collection system.

On motion of Council Member Jenna Guzman-Lowery, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of the contract and construction of the 2024 CIP Sewer Pipeline Replacement Project is exempt from environmental review in accordance with Section 15302 of the State's Guidelines implementing the California Environmental Quality Act; approved the 2024 CIP Sewer Pipeline Replacement Project plans and specifications; and awarded the Public Works Construction Contract to All Cities Engineering, Inc. for an amount non-to-exceed $1,367,514.

Vote: 5 - 0 Passed

Services Agreement Furnish and Install Real Time Control System at WWTP

Municipal Utilities and Engineering Director Harris reported on a Non-Professional Services Agreement with Hach Company to furnish and install a Claros Process Management Real Time Control system at the Wastewater Treatment Plant for a not-to-exceed amount of $295,000.
In 2013, the WWTP installed a Hach Real Time Control Unit to optimize the nitrification process based on load variations. This eleven-year old equipment has been useful and reliable, but is no longer supported by the Hach Company (Hach). Hach recently introduced the Claros Process Management (CPM) Real Time Control System as a replacement for their older equipment. This system measures ammonia loading and automatically adjusts the oxygen setpoint for proper denitrification, ensuring compliance with discharge parameters. Since 2013, significant community growth has increased the WWTP influent volume and contaminant variability, regulatory agency standards have become more rigid, and peak load events now occur more frequently. The use of automated process monitoring and control systems is necessary to maintain continuous WWTP regulatory compliance.

On motion of Council Member Jenna Guzman-Lowery, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of a Non-Professional Services Agreement with Hach Company is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved the Non-Professional Services Agreement with Hach Company to furnish and install a Claros Process Management Real Time Control system at the Wastewater Treatment Plant for a not-to-exceed amount of $295,000.

Vote: 5 - 0 Passed

Professional Services Agreement Engineering Support Hinckley Water Treatment Plant Sludge Press Project

Municipal Utilities and Engineering Director Harris reviewed a Sole Source Procurement Waiver and Professional Services Agreement with Dudek to provide engineering support services through the construction phase of the Hinckley Water Treatment Plant Sludge Press Project for an amount not-to-exceed $339,203. The Hinckley WTP produces approximately 12,000 gallons of wet sludge from the sedimentation basins and 14,000 gallons of wet sludge from the waste wash water recycle treatment plant each day. The current de-watering process is lengthy, labor-intensive, and requires the use of diesel-fueled heavy equipment to move the sludge as it dries. Typically, 2,400 cubic feet of dry sludge is produced each day. More advanced technologies exist that are capable of significantly expediting the wet sludge

de-watering process.

In April 2022, the City Council approved a Professional Services Agreement with Dudek to engineer piping, valving, pumping, and associated infrastructure necessary to improve the Hinckley WTP sludge de-watering process. This project required Dudek to analyze Hinckley WTP processes, prepare construction plans, and develop a construction specification package reducing operating costs.

As the construction phase of this project develops, engineering support services will be necessary to ensure the various unique elements of the project are executed successfully. These services include equipment submittal reviews and approvals, construction phase document preparation and bid support, and periodic on-site support as the project is constructed. To avoid engineering design conflicts and reduce liability for the City,

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of a Professional Services Agreement with Dudek for the Hinckley Water Treatment Plant Sludge Press Project is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; agreed to waive competitive procurement procedures to contract directly with Dudek to provide engineering support services for the construction phase of the Hinckley Water Treatment Plant Sludge Press Project; and approved the Professional Services Agreement with Dudek to provide engineering support through the construction phase of the Hinckley Water Treatment Plant Sludge Press Project for an amount not-to-exceed $339,203.

Vote: 5 - 0 Passed

COUNCIL MEMBER ANNOUNCEMENTS AND ACTIVITIES

Council Members agreed to forgo announcements and reports.

ADJOURNMENT

There being no further action required the meeting adjourned at 10:22 P.M. The next regular meeting of the City of Redlands City Council will be held on December 3, 2024.

City Council Meeting **I. 2.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the Local Appointments List for 2025 of all regular and ongoing commissions and boards of the City of Redlands (Mayor Tejeda)

MOTION:

I move to approve the Local Appointments List for 2025 as required by Government Code Section 54972.

DISCUSSION:

In accordance with Government Code Section 54972, each legislative body is required to prepare a list of all regular and ongoing commissions and boards which are appointed by the City Council. The list is to include all appointive terms which will expire during the next calendar year with the name of the incumbent appointee, the date of appointment, the date the term expires and the necessary qualifications for the position. To comply with Government Code Section 54972, staff has prepared the attached local appointments list for calendar year 2025.

SUBMITTED BY:
Janice McConnell, Assistant City Manager

REVIEWED BY:
Charles Duggan, City Manager
Christopher Boatman, Assistant City Manager

PREPARED BY:
Jennifer Macias, Management Analyst

Attachments

Local Appointments list 2025

CITY OF REDLANDS
BOARDS, COMMISSIONS AND
COMMITTEES LOCAL APPOINTMENTS LIST
FOR 2025
(Govt. Code § 54972)

AIRPORT ADVISORY BOARD

Board members shall serve without compensation and shall be residents of the City and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Amber Harrison	3/19/24	5/1/25
Val Dotchkov	3/19/24	5/1/25
Dennis Nodine	3/21/23	5/1/25

CITRUS PRESERVATION COMMISSION

Commission members shall serve without compensation and shall be neither officers nor employees of the City.

There are no terms expiring on this commission in 2025.

CULTURAL ARTS COMMISSION

Commission members shall serve without compensation and shall be residents of the City and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Jina Edwards	4/5/22	1/6/25
Margo Mullen	10/1/19	1/6/25

HISTORIC AND SCENIC PRESERVATION COMMISSION

Commission members shall serve without compensation and shall be residents of the City and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Rose-Marie Raumin	3/2/21	1/18/25
Greg Weissman	2/4/20	1/18/25
Justine Guirdy	2/2/21	1/18/25

HUMAN RELATIONS COMMISSION

Commission members shall serve without compensation and shall be residents of the City of Redlands and neither officers nor employees thereof. The student member of the Commission shall serve without compensation and shall be from the junior class of a Redlands Unified School District High School at the time of appointment to the Commission.

Name of Incumbent	Appt. Date	Date Term Expires
Student Commissioner	01/01/2025	12/31/2025
Roop Kishor Goyal	3/5/24	7/18/25
Gail Howard	5/15/21	5/18/25

LIBRARY BOARD

Name of Incumbent	Appt. Date	Date Term Expires
William Hardy Jr.	1/1/89	1/1/25

MUNICIPAL UTILITIES/PUBLIC WORKS COMMISSION

Commission members shall serve without compensation and shall be residents of the City of Redlands and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Robert Meals	7/19/22	11/16/25
Adekunle Ojo	1/16/18	11/16/25

MEASURE T OVERSIGHT COMMITTEE

Committee members shall serve without compensation, shall each be a resident of the city with the exception of the two (2) members representing the city's employee bargaining units, and shall be neither a member of any other standing commission, board or committee of the city nor an employee thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Ruth Cook	4/20/21	4/20/25
Edwards Ico	4/20/21	4/20/25
Toni Momberger	4/20/21	4/20/25
Scott Welsh	9/5/23	9/5/25

PARKS & RECREATION COMMISSION

Commission members shall serve without compensation and shall be residents of the City of Redlands and neither officers nor employees thereof. The student member of the Commission shall serve without compensation and shall be from the junior class of a Redlands Unified School District High School at the time of appointment to the Commission.

Name of Incumbent	Appt. Date	Date Term Expires
Student Commissioner	01/01/2025	12/31/2025
Scott Carlson	12/6/22	3/1/25
Joanne Lessard	11/2/21	3/15/25

PLANNING COMMISSION

The Commission members shall be residents of the City of Redlands and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Conrad Guzkowski	12/6/23	1/6/25

STREET TREE COMMITTEE

The Committee members shall serve without compensation and shall be residents of the City of Redlands and neither officers nor employees thereof.

Name of Incumbent	Appt. Date	Date Term Expires
Christine Sedmack	7/20/17	7/5/25
Paul Hodson	4/4/17	2/16/25
Jessica Barrios	3/16/21	2/16/25

TRAFFIC AND PARKING COMMISSION

Members of the Commission shall serve without compensation and shall be residents of the City of Redlands and neither officers nor employees thereof. The student member of the Commission shall serve without compensation and shall be from the junior class of a Redlands Unified School District High School at the time of appointment to the Commission.

Name of Incumbent	Appt. Date	Date Term Expires
Carl Davis	6/6/23	12/21/25
Cassie Macduff	12/21/21	12/21/25
Student Commissioner	01/01/2025	12/31/2025

City Council Meeting **I. 3.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Adopt Resolution No. 8642 to receive an annual report of City of Redlands surplus lands (Assistant City Manager Boatman)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to adopt Resolution No. 8642.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 8642 declaring certain City-owned properties classified as "not surplus" or "exempt property", and determine that adoption of the Resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State's Guidelines implementing the California Environmental Quality Act.

DISCUSSION:

Assembly Bill (AB) 1486 was approved by the State Legislature and signed by the Governor in the Fall of 2019. AB 1486 made various amendments to Government Code Sections 54220 *et seq*., concerning the process for disposition of surplus land by cities and other local agencies. These new laws became effective on January 1, 2020. As such, these new laws require the City to annually report on surplus land held by the City. The intent of this legislation, is to improve the process for providing notice of surplus land to facilitate the development of affordable housing around the State. The new law requires that any land "not necessary for the agency's use" be declared surplus.

Prior to the disposition of the land, "Agency's use" is defined in the new law as land that is used or planned to be used for the agency's work or operations,

such as a water treatment plant, park, detention basin, or other agency use. The state law definition of “Agency use” expressly excludes commercial or industrial uses, such as non-government retail, entertainment, or office development. If an agency disposes of land to finance such a project or activity, that disposition must go through the surplus land process under the new law.

Resolution No. 8642 includes Exhibit "A", a table of properties that are not surplus, and for which the agency has a use. Exhibit "B" includes a table of exempt properties with the criteria for exemption.

Adoption of Resolution No. 8642 is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (CEQA). This section states that a project is exempt from CEQA if it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The recommended action is consistent with this section as it only identifies certain property as not surplus and will not have a physical effect on the environment.

ALTERNATIVES:

The City Council may elect not to adopt the resolution or provide alternative direction to staff.

STRATEGIC PLAN:

Not Applicable

SUBMITTED BY:
Christopher Boatman, Assistant City Manager

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Tricia Swope, Manager, Facilities and Community Services Department

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Fiscal Impact

Discussion:
There is no fiscal impact related to approval of this Resolution.

Attachments

Resolution No. 8642

RESOLUTION NO. 8642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS DECLARING CERTAIN CITY-OWNED REAL PROPERTIES NOT SURPLUS PURSUANT TO GOVERNMENT CODE SECTION 54220, ET SEQ.

WHEREAS, the Surplus Property Land Act, Government Code Section 54220, et seq., defines surplus property as land owned by any local agency that is not necessary for the agency's use; and

WHEREAS, staff has completed a review of City-owned property and has identified certain sites that may not be necessary for the City's use as defined in state law; and

WHEREAS, the passage of this resolution will not cause a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment; this action is therefore exempt from further environmental review pursuant to Sections 15061(b)(3) of the California Environmental Quality Act guidelines; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands as follows:

Section 1. The City Council hereby determines that approval of this Resolution is exempt from further environmental review pursuant to Sections 15061(b)(3) of the California Environmental Quality Act guidelines as approval of this resolution will not cause a direct physical change to the environment, nor a reasonably foreseeable indirect physical change to the environment.

Section 2. The City Council hereby declares that those certain City-owned properties, and any rights, title, and interest therein, listed in Exhibit "A," attached hereto and incorporated by this reference, are necessary for the City's use and are declared not surplus.

Section 3. The City Council hereby declares that those certain City-owned properties, and any rights, title, and interest therein, listed in Exhibit "B," attached hereto and incorporated by this reference, are exempt from Articles II and III of Government Code Section 54220, et seq.

Section 4. This Resolution shall take effect take effect immediately upon its adoption.

ADOPTED, SIGNED AND APPROVED this 3rd day of December 2024

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at regular meeting thereof held on the 3rd day of December 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Jeanne Donaldson, City Clerk

EXHIBIT "A"

	APN	Address	Agency Use
1	016701104	8195 ALABAMA ST	Settling Pond
2	016701109	ALABAMA ST & SANTA ANA RIVER	Rock, Sand and Gravel Production
3	016705104	Between Church/Orange, San Bdno/PA	COMMUNITY PARK/FIELD
4	016708146	RIVERVIEW DR & CHURCH ST	Open Space
5	016710115	1660 TEXAS ST	Reservoir
6	016710116	TEXAS ST & SAN BERNARDINO AVE	Citrus
7	016715122	10 W PENNSYLVANIA AVE	Fire Station
8	016716106	1535 N CHURCH ST	Park
9	016716108	1521 N CHURCH ST	Park
10	016717101	1321 TEXAS ST	Reservoir/Park
11	016724215	1251 CLAY ST	Boys & Girls Club
12	016724217	1251 CLAY ST	Boys & Girls Club
13	016724316	111 W LUGONIA AVE	Community Center
14	016739107	EASEMENT - W. OF ALABAMA & E. OF CALIFORNIA	City Citrus Groves (By Landfill)
15	016739108	1950 NEVADA ST	Wastewater
16	016739111	1950 NEVADA ST	Wastewater/Landfill
17	016741201	RIVERVIEW DR & CLEMENTINE ST	Park
19	016742243	TEXAS ST & DOMESTIC AVE	Greenbelt
20	016751111	2401 W SAN BERNARDINO AVE	Citrus
21	016751112	2401 ALMOND AVE	Citrus
22	016784173	RIVERVIEW DR & KINGSBURY DR	Open Space
23	016786119	RIVERVIEW DR & GLOVER ST	Open Space
24	016786155	RIVERVIEW DR & BROOKSTONE ST	Open Space
25	016789126	140 W. RIVERVIEW DR	PARK
26	016803108	SESSUMS DR & WABASH AVE	Airport
27	016803110	SESSUMS DR & WABASH AVE	Airport
28	016803112	1551 SESSUMS DR	Airport
29	016803121	1790 N DEARBORN ST	Park
30	016803122	1790 N DEARBORN ST	Park
31	016804119	1625 SESSUMS DR	Airport
32	016804121	1745 SESSUMS DR	Airport
33	016804125	SESSUMS DR & WABASH AVE	Airport
34	016804145	1790 N DEARBORN ST	Park
35	016804146	1790 N DEARBORN ST	Park
36	016804149	1655 SESSUMS DR	Airport
37	016804153	1795 SESSUMS DR	Airport
38	016804160	1755 SESSUMS DR	Airport
39	016807102	1790 N DEARBORN ST	Park
40	016807172	SESSUMS & DEARBORN	Citrus

	APN	Address	Agency Use
41	016809102	1790 N DEARBORN ST	Park
42	016809105	1790 N DEARBORN ST	Park
43	016809109	1790 N DEARBORN ST	Park
44	016812102	SAN BERNARDINO AVE & JUDSON ST	Citrus
45	016816108	300 E LUGONIA AVE	Citrus
46	016831108	SESSUMS DR & WABASH AVE	Airport
47	016832111	CRAFTON AVE & ANZIO AVE	Water Treatment
48	016834102	1330 AMETHYST ST	Clubhouse
49	016834301	MILL CREEK RD & MENTONE AVE	Well Site
50	016835105	MILL CREEK RD & JULIAN DR W	Spreading Basin
51	016835107	MILL CREEK RD & PLUMMERS LN	Intake Structure for Tate
52	016835108	MILL CREEK RD & PLUMMERS LN	Intake Structure for Tate
53	016836201	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
54	016836202	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
55	016836203	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
56	016836205	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
57	016836301	34001 MILL CREEK RD	Existing/Future Utilities
58	016836302	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
59	016836303	MILL CREEK RD & BRYANT ST	Existing/Future Utilities
60	016873126	DEARBORN ST & FOOTHILL WAY	Citrus
61	016873127	DEARBORN ST & SAN BERNARDINO AVE	Citrus
62	016874179	DEARBORN ST & FOOTHILL WAY	Citrus
63	016874180	DEARBORN ST & FOOTHILL WAY	Citrus
64	016874181	CAPRI & GRANITE ST	Citrus
65	016875157	SAN BERNARDINO AVE & DEARBORN ST	Citrus
66	016875158	SAN BERNARDINO AVE & DEARBORN ST	Citrus
67	016875160	DEARBORN ST & FOOTHILL WAY	Citrus
68	016877151	CAPRI & GRANITE ST	Citrus
69	016879129	1320 REVELATION WAY	Citrus
70	016879130	LUGONIA AVE & REVELATION WAY	Citrus
71	016880139	VALLEY FALLS AVE & WABASH AVE	Citrus
72	016880140	1781 VALLEY FALLS AVE	Citrus
73	016889121	JUDSON ST & PIONEER AVE	Citrus
74	016889122	JUDSON ST & LUCAS LN	Park
75	016889123	JUDSON ST & LUCAS LN	Park
76	016889127	JUDSON ST & PIONEER AVE	Park
77	016890168	ADELINE AVE & SAN BERNARDINO AVE	Citrus
78	016890170	ADELINE AVE & PENNSYLVANIA AVE	Citrus
79	016890172	ADELINE AVE & PENNSYLVANIA AVE	Citrus
80	016891153	PENNSYLVANIA AVE & SHANNON AVE	Greenbelt
81	016891154	PENNSYLVANIA AVE & ADELINE AVE	Greenbelt
82	016891155	PENNSYLVANIA AVE EAST OF JUDSON ST	Citrus

	APN	Address	Agency Use
83	016892155	1443 GALWAY AVE	Park
84	016909113	1006 OXFORD DR	Quad
85	016930130	5TH ST & REDLANDS BLVD	Parking Lot
86	016932103	CHURCH ST & CENTRAL AVE	Public Facility
87	016935101	1270 W PARK AVE	City Yard
88	016935104	1267 W REDLANDS BLVD	Public Facility
89	016935105	1270 W PARK AVE	City Yard
90	016935106	1270 W PARK AVE	City Yard
91	016935107	KANSAS ST & REDLANDS BLVD	Public Facility
92	017008209	939 E HIGH AVE	Public Facility
93	017008301	UNIVERSITY ST & COLTON AVE	Park
94	017008303	UNIVERSITY ST & COLTON AVE	Park
95	017014207	525 N UNIVERSITY ST	Park
96	017014208	UNIVERSITY ST & COLTON AVE	Park
97	017014209	UNIVERSITY ST & COLTON AVE	Park
98	017014210	UNIVERSITY ST & COLTON AVE	Park
99	017018144	Church St & Stuart Ave	Public Facility
100	017023125	CHURCH ST & CENTRAL AVE	High School
101	017028116	1490 SYLVAN BLVD	Park
102	017028118	1450 SYLVAN BLVD	Park
103	017028120	1446 SYLVAN BLVD	Park
104	017030206	500 N DEARBORN ST	Reservoir
105	017030217	DEARBORN ST & SYLVAN BLVD	Reservoir
106	017030218	500 N DEARBORN ST	Reservoir
107	017031102	WABASH AVE & COLTON AVE	Park
108	017031104	WABASH AVE & INDEPENDENCE AVE	Park
109	017031106	WABASH AVE & COLTON AVE	Park
110	017031231	WABASH AVE & INDEPENDENCE AVE	Park
111	017037501	SYLVAN BLVD & LINCOLN ST	Flood Control
112	017046102	LARAMIE AVE & LINCOLN ST	Park
113	017046103	LARAMIE AVE & LINCOLN ST	Park
114	017046104	LARAMIE AVE & LINCOLN ST	Park
115	017102103	REDLANDS BLVD & NEW YORK ST	Park
116	017102109	NEW YORK ST & REDLANDS BLVD	Park
117	017102112	REDLANDS BLVD & TEXAS ST	Parking Lot
118	017106217	REDLANDS BLVD & 5TH ST	Parking Lot
119	017108801	525 E CITRUS AVE	Fire Station
120	017113216	300 E STATE ST	Public Facility
121	017124101	PARKWOOD DR & GLENWOOD DR	Park
122	017124201	PARKWOOD DR & GLENWOOD DR	Park
123	017124301	PARKWOOD DR & GLENWOOD DR	Park
124	017124406	GRANT ST & GLENWOOD DR	Redlands Bowl

	APN	Address	Agency Use
125	017124407	GRANT ST & GLENWOOD DR	Redlands Bowl
126	017124430	168 S EUREKA ST	Public Facility
127	017126101	30 CAJON ST	Police Annex
128	017127111	35 CAJON ST	Civic Center
129	017127113	35 CAJON ST	<Null>
130	017129101	125 W VINE ST	Library
131	017129120	173 S EUREKA ST	Clubhouse
132	017209118	OLIVE AVE & MELBURY PL	Citrus
133	017209119	OLIVE AVE & MELBURY PL	Citrus
134	017209120	OLIVE AVE & MELBURY PL	Citrus
135	017401402	1352 PROSPECT DR	Park
136	017401403	1352 PROSPECT DR	Park
137	017401404	HIGHLAND AVE & CAJON ST	Citrus
138	017401405	HIGHLAND AVE & CAJON ST	Citrus
139	017401406	1352 PROSPECT DR	Park
140	017402304	PROSPECT ST & FOUNTAIN AVE	Citrus
141	017406208	REDLANDS BLVD & FORD ST	Well Site
142	017407111	FRANKLIN AVE & CAJON ST	Park
143	017414125	PARKFORD DR & MARSHALL ST	Park
144	017414201	PARKFORD DR & MARSHALL ST	Park
145	017422141	5TH ST & MARION RD	Citrus
146	017425203	SUNSET DR & SOUTH AVE	Reservoir
147	017425206	SUNSET DR & FELISA CT	Reservoir
148	017428124	851 WABASH AVE	Open Space
149	017428126	WABASH AVE & PANORAMA DR	Open Space
150	017428128	WABASH AVE & PANORAMA DR	Open Space
151	017465135	5TH AVE & WABASH AVE	Greenbelt
152	017501135	SMILEY HEIGHTS DR & CALLE DE LAS PALMAS	Reservoir
153	017501162	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
154	017501176	447 SAN TIMOTEO CANYON RD	Open Space
155	017501177	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
156	017512211	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
157	017513101	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
158	017513114	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
159	017513118	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
160	017513119	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
161	017513120	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
162	017513121	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
163	017513124	SAN TIMOTEO CANYON RD & FERN AVE	Open Space
164	017514208	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
165	017514210	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
166	017514434	1540 ALESSANDRO RD	Cemetery

	APN	Address	Agency Use
167	017514435	1540 ALESSANDRO RD	Cemetery
168	017524103	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
169	017525111	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
170	017526103	1540 ALESSANDRO RD	Cemetery
171	017526107	1540 ALESSANDRO RD	Cemetery
172	017526204	ALESSANDRO RD & W SUNSET DR	Cemetery
173	017537122	ARROYO CREST & SMILEY HEIGHTS DR	Reservoir
174	017603309	MARGARITA DR & MARILYN LN	Reservoir
175	017603310	MARGARITA DR & MARILYN LN	Reservoir
176	017603311	MARGARITA DR & MARILYN LN	Reservoir
177	017607418	1716 GARDEN ST	Fire Station
178	017613401	MARIPOSA DR & W SUNSET DR	Park
179	017613402	MARIPOSA DR & W SUNSET DR	Park
180	017613405	MARIPOSA DR & W SUNSET DR	Park
181	017613406	MARIPOSA DR & W SUNSET DR	Park
182	017613407	MARIPOSA DR & W SUNSET DR	Park
183	017613408	MARIPOSA DR & W SUNSET DR	Park
184	017613502	1741 CHAPPARAL RD	Park
185	017615112	MARIPOSA DR & W SUNSET DR	Park
186	017619212	COUNTRY CLUB DR & VERDE VISTA DR	Reservoir
187	028123227	DAVIDSON ST & CURTIS ST	Well Site
188	028123228	DAVIDSON ST & CURTIS ST	Well Site
189	029117206	RIVERVIEW DR & ORANGE ST	Well Site
190	029117207	RIVERVIEW DR & ALTA ST	Citrus
191	029117212	RIVERVIEW DR & CAVE ST	Well Site
192	029117213	RIVERVIEW DR & GLOVER ST	Well Site
193	029118113	RIVERVIEW DR & RIVERBEND RD	Well Site
194	029120103	SESSUMS DR & WABASH AVE	Airport
195	029120104	SESSUMS DR & WABASH AVE	Airport
196	029120105	SESSUMS DR & WABASH AVE	Airport
197	029120106	SESSUMS DR & WABASH AVE	Airport
198	029120107	SESSUMS DR & WABASH AVE	Airport
199	029120111	SESSUMS DR & WABASH AVE	Airport
200	029120117	SESSUMS DR & WABASH AVE	Airport
201	029203435	BRYN MAWR AVE & 10 FREEWAY	Citrus
202	029203436	BRYN MAWR AVE & 10 FREEWAY	Citrus
203	029203437	CALIFORNIA ST & 10 FREEWAY	Citrus
204	029204136	1950 NEVADA ST	Wastewater
205	029204137	1950 NEVADA ST	Wastewater
206	029204139	ALABAMA ST & SANTA ANA RIVER	Landfill
207	029204401	27050 PALMETTO AVE	Landfill
208	029204402	27050 PALMETTO AVE	Landfill

	APN	Address	Agency Use
209	029204403	27050 PALMETTO AVE	Landfill
210	029204404	1951 NEVADA ST	Landfill
211	029204407	27050 PALMETTO AVE	Landfill
212	029204408	2151 NEVADA ST	Citrus
213	029204415	27050 PALMETTO AVE	Landfill
214	029204416	NEVADA ST & PALMETTO AVE	Landfill
215	029206432	CALIFORNIA ST & 10 FREEWAY	Citrus
216	029207102	ALABAMA ST & SANTA ANA RIVER	Settling Pond
217	029207103	ALABAMA ST & SANTA ANA RIVER	Settling Pond
218	029207104	ALABAMA ST & SANTA ANA RIVER	Settling Pond
219	029207134	ALABAMA ST & SANTA ANA RIVER	Percolating Ponds for WWTP
220	029215716	1625 W REDLANDS BLVD	Public Facility
221	029216608	11126 IOWA ST	Park
222	029218402	KANSAS ST & REDLANDS BLVD	Public Facility
223	029218405	1301 W REDLANDS BLVD	Public Facility
224	029218418	1341 W REDLANDS BLVD	Public Facility
225	029303138	1ST ST & WHITTIER AVE	Well Site
226	029303138	1ST ST & WHITTIER AVE	Well Site
227	029313301	BROOKSIDE AVE & TERRACINA BLVD	Park
228	029409160	1900 ALESSANDRO RD	Open Space
229	029409161	SAN TIMOTEO CANYON RD & ALESSANDRO RD	Open Space
230	029409162	1908 ALESSANDRO RD	Open Space
231	029412131	CREEKSIDE DR & HORSE TRAIL DR	Open Space
232	029711105	SESSUMS DR & WABASH AVE	Airport
233	029711107	SESSUMS DR & WABASH AVE	Airport
234	029815137	AGATE AVE & SALERNO AVE	Reservoir
235	029833134	1369 FAIRVIEW LN	Reservoir
236	029921206	WABASH AVE & PANORAMA DR	Vehicle Access
237	029929115	VALENCIA DR & KING ST	Reservoir
238	029932163	CAMPUS DR & SAND CANYON RD	Reservoir
239	029942141	WABASH AVE & CITRUS AVE	Greenbelt
240	029943135	MONTECITO LN & WABASH AVE	Greenbelt
241	029943137	MONTECITO LN & WABASH AVE	Greenbelt
242	029943138	MONTECITO LN & WABASH AVE	Greenbelt
243	030023124	SOUTH OF OAKMONT PARK	Open Space Emerald Necklace
244	030023131	SOUTH OF OAKMONT PARK	Open Space Emerald Necklace
245	030023136	LIVE OAK CANYON RD	Open Space Emerald Necklace
246	030023138	31110 LIVE OAK CANYON RD	Open Space Emerald Necklace
247	030023161	31215 SUTHERLAND DR	Park
248	030024115	31200 LIVE OAK CANYON RD	Open Space Emerald Necklace
249	030024124	LIVE OAK CANYON RD	Open Space Emerald Necklace
250	030024125	31313 LIVE OAK CANYON RD	Open Space Emerald Necklace

	APN	Address	Agency Use
251	030024136	EAST OF OAKMONT PARK	Open Space
252	030045108	13198 HELEN CT	Reservoir
253	030045113	HELEN DR & BRUDER LN	Vacant
254	030045114	HELEN DR & BRUDER LN	Vacant
255	030045124	HELEN DR & BRUDER LN	Vacant
256	030045125	HELEN DR & BRUDER LN	Vacant
257	030046121	COUNTRY CLUB DR & VERDE VISTA DR	Reservoir
258	030119119	31839 HIGHVIEW DR	Open Space
259	030208206	33663 NEWPORT AVE	Well Site
260	030217106	3040 MILL CREEK RD	Reservoir
261	030218101	33501 MILL CREEK RD	Open Space
262	030218102	33251 MILL CREEK RD	Open Space
263	121201172	RIVERVIEW DR & CHURCH ST	Open Space
264	121202163	RIVERVIEW DR & MADISON ST	Open Space
265	121203101	RIVERVIEW DR & RIVERBEND RD	Citrus
266	121203102	RIVERVIEW DR & RIVERBEND DR	Citrus
267	121220129	PENNSYLVANIA AVE & JUDSON ST	Well Site
268	121221101	SAN BERNARDINO AVE & JUDSON ST	Citrus
269	121244102	RIVERVIEW DR & CHURCH ST	Well Site
270	121245162	PIONEER AVE & JUDSON ST	Citrus
271	121245163	SAN BERNARDINO AVE & JUDSON ST	Greenbelt
272	121245165	HARRISON LN & LUCAS LN	Greenbelt
273	121245168	PIONEER AVE & JUDSON ST	Flood Control

EXHIBIT "B"

EXEMPT PROPERTY

Criteria for Exemption

1. Is less than 21,780 square feet and not contiguous to land owned by a state or local agency that is used for open space or low- and moderate-income housing purposes

	APN	Address	Agency Use	Less than 21,780 Ft	Contiq
1	016706123	DOMESTIC AVE & TEXAS ST	Utility	Yes	No
2	016716107	CHURCH ST & SAN BERNARDINO AVE	Park	Yes	No
3	016724215	1251 CLAY ST	Boys & Girls Club	Yes	No
4	016724216	1251 CLAY ST	Boys & Girls Club	Yes	No
5	016724217	1251 CLAY ST	Boys & Girls Club	Yes	No
6	016725313	1257 HERALD ST	Next to right-of-way	Yes	No
7	016742243	TEXAS ST & DOMESTIC AVE	Greenbelt	Yes	No
8	016742244	CLEMENTINE DR & DOMESTIC AVE	Greenbelt	Yes	No
9	016742245	DESERT LIME CT & DOMESTIC AVE	Greenbelt	Yes	No
10	016742246	DOMESTIC AVE & CITRON CT	Greenbelt	Yes	No
11	016743241	PIONEER AVE & CLEMINTINE DR	Greenbelt	Yes	No
12	016743242	PIONEER AVE & CLEMINTINE DR	Greenbelt	Yes	No
13	016750104	SAN BERNARDINO AVE & MTN VIEW AVE	Utility	Yes	No
14	016757106	CALIFORNIA ST & SAN BERNARDINO AVE	Well Site	Yes	No
15	016786119	RIVERVIEW DR & GLOVER ST	Open Space	Yes	No
16	016807101	SAN BERNARDINO ST & DEARBORN AVE	Well Site	Yes	No
17	016807173	SAN BERNARDINO AVE & LUCAS LN	Greenbelt	Yes	No
18	016807174	LUCAS LN & SAN BERNARDINO AVE	Greenbelt	Yes	No
19	016807175	LUCAS LN & SAN BERNARDINO AVE	Greenbelt	Yes	No
20	016807190	SAN BERNARDINO AVE & LUCAS LN	Greenbelt	Yes	No
21	016809101	DEARBORN ST & SAN BERNARDINO AVE	Well Site	Yes	No
22	016809107	FLORIDA ST & GREENSPOT RD	Utility	Yes	No
23	016832107	FLORIDA ST & GREENSPOT RD	Next to right-of-way	Yes	No
24	016832108	FLORIDA ST & GREENSPOT RD	Next to right-of-way	Yes	No
25	016835104	NEWPORT AVE & EMERALD ST	Utility	Yes	No
26	016836205	MILL CREEK RD & BRYANT ST	Existing/Future Utilities	Yes	No
27	016837108	1500 CRAFTON AVE	Well Site	Yes	No
28	016873126	DEARBORN ST & FOOTHILL WAY	Citrus	Yes	No
29	016874179	DEARBORN ST & FOOTHILL WAY	Citrus	Yes	No

	APN	Address	Agency Use	Less than 21,780 Ft	Contiq
30	016875159	1334 N DEARBORN ST	Citrus	Yes	No
31	016875160	DEARBORN ST & FOOTHILL WAY	Citrus	Yes	No
32	016880139	VALLEY FALLS AVE & WABASH AVE	Citrus	Yes	No
33	016889123	JUDSON ST & LUCAS LN	Park	Yes	No
34	016889124	LUCAS LN & JUSTIN CT	Greenbelt	Yes	No
35	016889125	LUCAS LN & JUSTIN CT	Greenbelt	Yes	No
36	016889126	LUCAS LN & TAYLOR CT	Greenbelt	Yes	No
37	016890169	ADELINE AVE & SAN BERNARDINO AVE	Citrus	Yes	No
38	016890173	ADELINE AVE & PENNSYLVANIA AVE	Citrus	Yes	No
39	016890174	ADELINE AVE & ELLIOTT CT	Greenbelt	Yes	No
40	016890175	ADELINE AVE & ELLIOTT CT	Greenbelt	Yes	No
41	016890176	ADELINE AVE & SHANE CT	Greenbelt	Yes	No
42	016890177	ADELINE AVE & KRISTION CT	Greenbelt	Yes	No
43	016891154	PENNSYLVANIA AVE & ADELINE AVE	Greenbelt	Yes	No
44	016892154	PENNSYLVANIA & ADELINE AVE	Greenbelt	Yes	No
45	016892155	1443 GALWAY AVE	Park	Yes	No
46	016909113	1006 OXFORD DR	Quad	Yes	No
47	016927227	REDLANDS BLVD & EUREKA ST	Parking Lot	Yes	No
48	016930120	ORANGE ST & REDLANDS BLVD	Parking Lot	Yes	No
49	016930130	5TH ST & REDLANDS BLVD	Parking Lot	Yes	No
50	016930133	5TH & REDLANDS BLVD	Parking Lot	Yes	No
51	016936208	845 ALABAMA ST	Well Site	Yes	No
52	016939103	TEXAS ST & STUART AVE	Public Utility	Yes	No
53	016939103	REDLANDS BLVD & TENNESSEE ST	Right-of-Way	Yes	No
54	017018144	CHURCH ST & STUART AVE	Public Facility	Yes	No
55	017023121	CENTRAL AVE & CHURCH ST	High School	Yes	No
56	017023125	CHURCH ST & CENTRAL AVE	High School	Yes	No
57	017028118	1450 SYLVAN BLVD	Park	Yes	No
58	017028120	1446 SYLVAN BLVD	Park	Yes	No
59	017030218	500 N DEARBORN ST	Reservoir	Yes	No
60	017031102	WABASH AVE & COLTON AVE	Park	Yes	No
61	017034230	SYLVAN BLVD & LINCOLN ST	Greenbelt	Yes	No
62	017037501	SYLVAN BLVD & LINCOLN ST	Flood Control	Yes	No
63	017046102	LARAMIE AVE & LINCOLN ST	Park	Yes	No
64	017046103	LARAMIE AVE & LINCOLN ST	Park	Yes	No
65	017046104	LARAMIE AVE & LINCOLN ST	Park	Yes	No
66	017102111	REDLANDS BLVD & TEXAS ST	Park	Yes	No
67	017102112	REDLANDS BLVD & TEXAS ST	Parking Lot	Yes	No
68	017106207	STATE ST & 5TH ST	Park	Yes	No

	APN	Address	Agency Use	Less than 21,780 Ft	Contiq
69	017108611	725 E STATE ST	Next to right-of-way	Yes	No
70	017108801	525 E CITRUS AVE	Fire Station	Yes	No
71	017108802	525 E CITRUS AVE	Fire Station	Yes	No
72	017108913	21 N CHURCH ST	Next to right-of-way	Yes	No
73	017112119	50 ORANGE ST	Park	Yes	No
74	017117133	STATE ST & TEXAS ST	Well Site	Yes	No
75	017118126	NEW YORK ST & PINE AVE	Well Site	Yes	No
76	017118139	NEW YORK ST & PINE AVE	Well Site	Yes	No
77	017123221	OLIVE AVE & BUENA VISTA ST	Storm Drain	Yes	No
78	017123224	OLIVE AVE & BUENA VISTA ST	Storm Drain	Yes	No
79	017123319	PARKWOOD DR & OLIVE AVE	Park	Yes	No
80	017124407	GRANT ST & GLENWOOD DR	Redlands Bowl	Yes	No
81	017124408	21 GRANT ST	Senior Center	Yes	No
82	017124409	21 GRANT ST	Senior Center	Yes	No
83	017124410	15 GRANT ST	Parking Lot	Yes	No
84	017124428	EUREKA ST & VINE ST	Parking Lot	Yes	No
85	017124429	GRANT ST & GLENWOOD DR	Redlands Bowl	Yes	No
86	017124430	168 S EUREKA ST	Public Facility	Yes	No
87	017126114	10 CAJON ST	Greenbelt	Yes	No
88	017127201	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
89	017127202	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
90	017127203	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
91	017127204	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
92	017127205	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
93	017127206	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
94	017127207	CITRUS AVE & 6TH ST	Parking Lot	Yes	No
95	017131212	OLIVE AVE & BUENA VISTA ST	Storm Drain	Yes	No
96	017134110	213 MYRTLE ST	Parking Lot	Yes	No
97	017134111	203 MYRTLE ST	Parking Lot	Yes	No
98	017134112	312 E OLIVE ST	Parking Lot	Yes	No
99	017135211	FERN AVE & BUENA VISTA ST	Storm Drain	Yes	No
100	017244141	123 TERRACINA BLVD	Well Site	Yes	No
101	017302110	FERN AVE & BUENA VISTA ST	Storm Drain	Yes	No
102	017302211	CYPRESS AVE & BUENA VISTA ST	Storm Drain	Yes	No
103	017314120	CYPRESS AVE & BUENA VISTA ST	Storm Drain	Yes	No
104	017401403	1352 PROSPECT DR	Park	Yes	No
105	017414112	PARKFORD DR & MARSHALL ST	Park	Yes	No
106	017414201	PARKFORD DR & MARSHALL ST	Park	Yes	No
107	017414203	PARKFORD DR & MARSHALL ST	Park	Yes	No
108	017428119	WABASH AVE & PANORAMA DR	Next to right-of-way	Yes	No

	APN	Address	Agency Use	Less than 21,780 Ft	Contiq
109	017428120	WABASH AVE & PANORAMA DR	Next to right-of-way	Yes	No
110	017428124	851 WABASH AVE	Open Space	Yes	No
111	017428128	WABASH AVE & PANORAMA DR	Open Space	Yes	Yes
112	017501152	SMILEY HEIGHTS DR & CALLE DE LAS PALMAS	Reservoir	Yes	No
113	017514435	1540 ALESSANDRO RD	Cemetery	Yes	No
114	017545117	1540 ALESSANDRO RD	Cemetery	Yes	No
115	017603106	FORD ST & EUCALYPTUS DR	Well Site	Yes	No
116	017603309	MARGARITA DR & MARILYN LN	Reservoir	Yes	No
117	017603310	MARGARITA DR & MARILYN LN	Reservoir	Yes	No
118	017603311	MARGARITA DR & MARILYN LN	Reservoir	Yes	No
119	017613406	MARIPOSA DR & W SUNSET DR	Park	Yes	No
120	017614210	W SUNSET DR & VALLE VISTA DR	Greenbelt	Yes	No
121	017615112	MARIPOSA DR & W SUNSET DR	Park	Yes	No
122	028123227	DAVIDSON ST & CURTIS ST	Well Site	Yes	No
123	028123228	DAVIDSON ST & CURTIS ST	Well Site	Yes	No
124	029203207	BRYN MAWR AVE & LUGONIA AVE	Well Site	Yes	No
125	029218402	KANSAS ST & REDLANDS BLVD	Public Facility	Yes	No
126	029218405	1301 W REDLANDS BLVD	Public Facility	Yes	No
127	029218418	1341 W REDLANDS BLVD	Public Facility	Yes	No
128	029302206	WHITTIER AVE & 1ST ST	Well Site	Yes	No
129	029304103	LAWTON AVE & WHITTIER BLVD	Well Site	Yes	No
130	029304108	WHITTIER AVE & LAWTON AVE	Well Site	Yes	No
131	029426214	CREEKSIDE DR & CANYON VIEW LN	Open Space	Yes	No
132	029814213	BERYL AVE & BRIGHTON AVE	Vehicle Access	Yes	No
133	029818108	AGATE AVE & MENTONE BLVD	Well Site	Yes	No
134	029829102	GARNET ST & MILL CREEK RD	Well Site	Yes	No
135	029829206	GARNET ST & MILL CREEK RD	Well Site	Yes	No
136	029831112	NAPLES AVE & ROSE ST	Well Site	Yes	No
137	029841142	CRAFTON AVE & MENTONE BLVD	Well Site	Yes	No
138	029841143	CRAFTON AVE & MENTONE BLVD	Well Site	Yes	No
139	029921206	WABASH AVE & PANORAMA DR	Vehicle Access	Yes	No
140	029932163	CAMPUS DR & SAND CANYON RD	Reservoir	Yes	No
141	029932164	CAMPUS DR & SAND CANYON RD	Utility	Yes	No
142	029932165	CRAFTON HILLS RIDGE CIR	Reservoir	Yes	No
143	029942142	CITRUS AVE & JACINTO RANCHES LN	Greenbelt	Yes	No
144	029943136	WABASH AVE & MONTECITO LN	Common Recreation	Yes	No
145	029943136	MONTECITO LN & WABASH AVE	Greenbelt	Yes	No
146	029943137	MONTECITO LN & WABASH AVE	Greenbelt	Yes	No
147	121220129	PENNSYLVANIA AVE & JUDSON ST	Well Site	Yes	No

	APN	Address	Agency Use	Less than 21,780 Ft	Contiq
148	121221102	JUDSON ST & PENNSYLVANIA AVE	Well Site	Yes	No
149	121242104	LUGONIA AVE & JUDSON ST	Vehicle Access	Yes	No
150	121245164	SAN BERNARDINO AVE & HARRISON LN	Greenbelt	Yes	No
151	121245166	LUCAS LN & HARRISON LN	Greenbelt	Yes	No
152	121245167	LUCAS LN & HAMILTON CT	Greenbelt	Yes	No

City Council Meeting **I. 4.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the Second Amendment to the Professional Services Agreement with CASC Engineering and Consulting, Inc., increasing the Agreement by $50,000 to an aggregate amount not-to-exceed $125,000 to allow for the continued performance of professional services for field survey and survey mapping/improvement plan review services for the City and determine that approval of this agreement amendment is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Development Services Director Desatnik)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. I move that City Council determine that approval of this agreement amendment is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and

2. I further move that City Council approve the Second Amendment to the Professional Services Agreement with CASC Engineering and Consulting, Inc. increasing the aggregate amount of the Agreement to $125,000.

RECOMMENDATION:

Staff recommends that City Council approve the Second Amendment to the Professional Services Agreement with CASC Engineering and Consulting, Inc. (CASC), increasing the amount of the agreement by $50,000 from $75,000 for an aggregate not-to-exceed amount of $125,000, to allow for the continued performance of professional services for field survey and survey mapping/improvement plan review services to for the City. These services are vital to division operations and allow for seamless delivery of services in the

Development Services Department Land Use Engineering Division.

DISCUSSION:

On October 19, 2021 (Agenda Item No. I.13.), City Council approved an agreement with CASC for an amount not to exceed $75,000 to provide field survey and survey mapping/improvement plan review services for the City through the Municipal Utilities and Engineering Department (MUED).

On July 1, 2022, the Land Use Engineering division of the MUED was moved under Development Services which had a remaining balance of $57,415 of the original agreement amount of $75,000 which was issued under Purchase Order 22400307.

On July 5, 2023 (Agenda Item No. J.10.), City Council approved the First Amendment to the Agreement with CASC changing the name of the City's representative, extending the term of the original agreement from October 19, 2023, to October 19, 2024, and providing for an optional one-year extension which is in effect until October 19, 2025.

CASC provides Professional Land Surveying and supplemental plan review services, which may include filed surveying for Capital Improvement Projects, development of easement legal descriptions and exhibits, technical review of land improvement plans, parcel maps, tract maps, and other documents for accuracy. A competitive process was completed in July 2021 to procure these services. These services are vital to the day-to-day operations of the Land Use Engineering Division to provide for seamless delivery of services during peak times of demand for the services provided by CASC.

The proposed action is exempt from the requirements of the California Environmental Quality Act's (CEQA) guidelines pursuant to Section 15061(b)(3) as the amendment of an existing agreement would be covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and there is negligible expansion of existing facilities.

ALTERNATIVES:

City Council may elect not to amend the existing agreement and provide staff with an alternative recommendation. However, not approving these actions would result in a halt in the processing of future services provided by CASC Engineering and Consulting, Inc.

STRATEGIC PLAN:
Not applicable.

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramavitz-Daniel, Procurement Manager

PREPARED BY:
Tricia Munoz, Development Services Management Analyst

Fiscal Impact

Fiscal Year:	2024-2025
Revenue Generating:	N
Appropriation Required Y/N:	N
Amount:	$50,000
Budgeted Y/N:	Y
Account No.:	101163-6106

Discussion:

There is no additional impact to the General Fund as sufficient budget was included in the Development Services Department Engineering (101163-6106) 2024-2025 Budget. Approval of this action will increase the total not-to-exceed amount of the Agreement to $125,000 and Purchase Order 22400307 by $50,000 from $54,715.00 to $104,715.00. $20,285 was previously expended on Purchase Order 22210990 under MUED.

Attachments

Second Amendment CASC
Extension of Time Letter
First Amendment
Original Agreement
Purchase Order Change Order

SECOND AMENDMENT TO AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This second amendment ("Second Amendment") to the agreement for the provision of professional services for the provision of field survey and survey mapping/improvement plan review services ("Agreement"), dated October 19, 2021, by and between the City of Redlands, a municipal corporation and a general law city ("City"), and CASC Engineering and Consulting, Inc., a California Corporation ("Consultant"), is made and entered into this 3rd day of December 2024.

RECITALS

WHEREAS, the Parties entered into a Professional Services Agreement ("Agreement") on October 19, 2021, for the provision of field survey and survey mapping/improvement plan review services;

WHEREAS, the Parties entered into a First Amendment to the Agreement ("First Amendment") on July 5, 2023; and

WHEREAS, it is the desire of the Parties to amend their existing Agreement, specifically to make a change to the total not-to-exceed amount of the Agreement.

NOW, THEREFORE, for good and valuable consideration in the receipt of which is hereby acknowledged City and Consultant agree as follows:

AGREEMENT

Section 1. Article 5 of the Agreement, entitled "Payments to Consultant," is hereby amended to read as follows:

"5.1 Total compensation for Consultant's performance of the Services shall not exceed the amount of One Hundred Twenty-Five Thousand Dollars ($125,000). City shall pay Consultant on a time and materials basis up to the not-to-exceed amount in accordance with Exhibit "B," titled "Hourly Rate Schedule," which is attached hereto and incorporated herein as reference.

Section 2. Exhibit "B" of the Agreement, entitled "Hourly Rate Schedule," is hereby amended as shown in Attachment "1," attached to this Second Amendment.

Section 3. All other provisions of the Agreement and First Amendment shall remain unchanged by this Second Amendment and in effect.

Section 4. All recitals above are true and correct and are hereby incorporated herein by this reference.

Section 5. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Second Amendment, to be effective as of December 3, 2024.

CITY OF REDLANDS

_____
Eddie Tejeda, Mayor

CASC ENGINEERING AND CONSULTING, INC.

By: _____
Richard J. Sidor, President/CEO

ATTEST:

_____
Jeanne Donaldson, City Clerk

Attachment 1

EXHIBIT "B"
HOURLY RATE SCHEDULE

CASC Engineering and Consulting

1470 E. Cooley Drive
Colton, CA 92324
Office: 909.783.0101
Fax: 909.783.0108

2024 CASC ENGINEERING AND CONSULTING RATE SCHEDULE

Civil Engineering	
President/Principal Engineer	$285
Sr. Director	$250
Director	$235
Senior Project Manager	$205
Senior Engineer	$195
Project Manager	$185
Assistant Project Manager	$170
Project Engineer	$165
Senior Designer	$160
Design Engineer II	$155
Design Engineer I	$145
Designer	$135
Project Administrator/Analyst	$130
CADD Drafter	$125
Environmental Engineering	
Director	$235
Program Manager	$230
Sr. Project Manager	$195
Project Manager	$185
Scientist	$165
Senior Environmental Analyst	$170
Environmental Analyst II	$175
Environmental Analyst I	$160
Staff Analyst II	$135
Staff Analyst I	$125
Landscape Architecture	
Licensed Landscape Architect	$180
Senior Landscape Designer	$155
Associate Landscape Designer	$130
Construction Management	
Resident Engineer	$235
Field Inspector	$150

Planning and Environmental Resources	
Planning Director	$235
Senior Project Manager	$195
GIS Manager	$190
Biologist	$190
Project Manager	$185
Senior Biologist	$175
Senior Planner	$150
Associate Planner II	$135
Associate Planner I	$130
Assistant Planner	$115
GIS Specialist	$120
Biologist/Construction Monitor	$115
Surveying and Mapping	
Licensed Surveyor/ Director	$235
Senior Survey Project Manager	$185
Senior Survey Analyst	$160
Calculator	$150
Survey Analyst	$120
Field Survey Crews	
Three Person Survey/GPS Crew	$285
Two Person Survey/GPS Crew	$255
One Person Survey/GPS Crew	$240
Three Person Prevailing Wage Crew	$385
Two Person Prevailing Wage Crew	$285
Unmanned Aerial Services	
Director	$245
Licensed UAS Pilot	$210
Project Manager	$175
Video Editor	$165
Visual Observer/Flight Coordinator	$125
Clerical	
Administrative/Accounting Support	$105

REIMBURSABLE EXPENSES:

The following expenses will be billed at cost plus 15% unless otherwise noted:

Outside Services: Includes fees paid to sub-consultants, consultants, analytical laboratories, and other providers of services required for execution of the project.

Permits, Applications, and Fees: Includes fees for Notices of Intent (NOI), Notices of Termination (NOT), application fees, submittal fees, permit fees, and other fees required as part of the project and not paid directly by Client.

Reproduction Services: Includes blueprinting, copying, printing, and plotting. In-house plots will be billed at $6.00 per sheet for each client set and for a final in-house review set. B&W / Color copies: $0.08 / $0.90 for 8.5 X 11 and $0.20 / $1.20 for 11 X 17.

Rental Fees: Includes rental fees paid by the firm, including required vehicles, equipment, and tools required to complete the work.

Commercial Delivery Services: Including Express Mail, Federal Express, UPS and independent courier services.

In-House Pick-Up and Delivery Services: When provided by the firm, these services will be billed at $50.00 per hour plus current IRS mileage reimbursement rates per mile round trip, with no additional markup.

Travel Expenses: Includes travel expenses incidental to performance of the work, including airfare, parking, tolls, taxi, lodging, etc. Vehicle mileage will be billed at a rate of current IRS mileage reimbursement rate per mile with no additional markup. Travel time for professional and administrative staff will be billed per the hourly fee rate schedule with no additional markup and survey crews will be billed at ***$60 per hour, per 2-man crew***.

Per Diem: Per diem for meals for overnight stays will be billed at Caltrans current state rates.

NOTES:

Prevailing Wage: Projects and/or portions thereof designated by Client to be subject to Prevailing Wage shall be billed at the Prevailing Wage rate, plus a multiplier of approximately 3.4 for overhead and profit. The Prevailing Wage rate shall be based upon the Wage Rate Determination issued by California's Director of Industrial Relations for the locality and employee classification at the time the work is performed. Please contact CASC for specific project prevailing wage rates.

Waiver of Subrogation: When a Waiver of Subrogation for Workman's Compensation Insurance is required by the Client, the Client will be required to pay the additional insurance premium. The approximate amount for the waiver is $250 per year.

Litigation Support and Expert Witness shall be at 2.0 times the above noted hourly rates.

Annual Increase in rate: CASC will increase their rates annually, usually at the beginning of a calendar year. A new fee rate schedule will be provided.

Client Initial _____

Revised 12/01/23

DEVELOPMENT SERVICES
DEPARTMENT

City of
REDLANDS
Incorporated 1888
35 Cajon St., Ste. 20/P.O. Box 3005
Redlands, CA 92373
909-798-7555 ext. 2
tmunoz@cityofredlands.org

BRIAN DESATNIK
Development Services Director

September 18, 2024

Richard J. Sidor, President/CEO
CASC Engineering and Consulting, Inc.
1470 E. Cooley Drive
Colton, CA 92324

Ms. Sidor,

The City of Redlands wishes to extend your agreement dated October 19, 2024, between the City of Redlands and CASC Engineering and Consulting, Inc., for the provision professional services associated with providing field survey, survey mapping and improvement plan review. This extension is allowed in Article 4–Performance of Services, Section 4.2 of the agreement; and will extend the term of the Agreement upon the same terms and conditions. Commencing on October 20, 2024, and terminating on October 19, 2025.

Please sign below acknowledging the one additional year extension of the initial agreement and to:

Attn: Tricia Munoz, Management Analyst
City of Redlands
35 Cajon St., Ste. 20/PO Box 3005
Redlands, CA 92373

If you have any questions, you may contact Tricia Munoz at 909.335.4755 x 9 or by email tmunoz@cityofredlands.org.

Sincerely,

Brian Desatnik
Development Services Director

The one additional year extended term of the original agreement is acknowledged by:

Signature: _____ Date: 10/7/24

Name: RICHARD J. SIDOR Title: PRESIDENT

REDLANDS "A CITY THAT WORKS"

FIRST AMENDMENT TO AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This first amendment ("First Amendment") to the agreement for the provision of professional services for the provision of field survey and survey mapping/improvement plan review services ("Agreement"), dated October 19, 2021, by and between the City of Redlands, a municipal corporation and a general law city ("City"), and CASC Engineering and Consulting, Inc., a California Corporation ("Consultant"), is made and entered into this 5th day of July 2023.

RECITALS

WHEREAS, the Parties entered into a Professional Services Agreement ("Agreement") on October 19, 2021, for the development of an Inclusionary Housing Program;

WHEREAS, the Parties entered into a First Amendment to the Agreement ("First Amendment") on July 5, 2023; and

WHEREAS, it is the desire of the Parties to amend their existing Agreement, specifically to make a change exgtending the deadline for the performance of the services by the Consultant.

NOW, THEREFORE, for good and valuable consideration in the receipt of which is hereby acknowledged City and Consultant agree as follows:

AGREEMENT

Section 1. Article 3 of the Agreement, entitled "Responsibilities of City," is hereby amended to read as follows:

"3.1 City designates Brian Desatnik, Development Services Director, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of services.

Section 2. Article 4 of the Agreement, entitled "Performance of Services," is hereby amended to read as follows:

"4.2 The term of this agreement shall be extened to October 19, 2024, and the City shall have the option to extend the term of the Agreement by one (1) additional year, on the same terms and conditions, by providing written notice to the Contractor at least thirty (30) days prior to the expiration of the Agreement unless the services are terminated earlier as provided for herein."

Section 3. All other provisions of the Agreement shall remain unchanged by this First Amendment and in effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment, to be effective as of July 5, 2023.

CITY OF REDLANDS

Eddie Tejeda, Mayor

CASC ENGINEERING AND CONSULTING, INC.

By: _____
Richard J. Sidor, President/CEO

ATTEST:

Jeanne Donaldson, City Clerk

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for the provision of field survey and survey mapping/improvement plan review services ("Agreement") is made and entered in this 19th day of October, 2021 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and CASC Engineering and Consulting, Inc., a California corporation ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide field survey and survey mapping/ improvement plan review services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates John R. Harris, Municipal Utilities and Engineering Department Director, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 Consultant shall perform and complete the Services "on-call," in a prompt and diligent manner.

4.2 The term of this Agreement shall be for a period of two (2) years commencing as of its Effective Date, and terminating on October 19, 2023, unless terminated earlier as provided for herein.

4.3 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 Total compensation for Consultant's performance of the Services shall not exceed the amount of Seventy Five Thousand Dollars ($75,000). City shall pay Consultant on a time and materials basis up to the not to exceed amount in accordance with Exhibit "B," titled "Hourly Rate Schedule," which is attached hereto and incorporated herein by reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:	CONSULTANT:
City Clerk	Richard J. Sidor, President/CEO
City of Redlands	CASC Engineering and Consulting, Inc.
35 Cajon Street	1470 E. Cooley Drive
P.O. Box 3005 (mailing)	Colton, CA 92324
Redlands, CA 92373	r_sidor@cascin.com
jdonaldson@cityofredlands.org	Phone: (909) 783-0101
Phone: (909) 798-7531	Fax: (909) 783-0108

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant. Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies

shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

D. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Consultant's Services. Consultant further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Consultant are for its account only, and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant

shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS

By: _____
Paul T. Barich, Mayor

CASC ENGINEERING AND CONSULTING, INC.

By: _____
Richard J. Sidor, President/CEO

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A"
SCOPE OF SERVICES

The following Scope of Work details the tasks that the Consultant shall complete with respect to providing the Services.

Task 1 – Field Survey Services for Capital Improvement Projects

- Topographic survey work – Perform field topographic surveying based on alignment of infrastructure or any project area defined by the City. In addition to topographic data, the survey should also include the location of all other elements usual and customary for a topographic survey including, but not limited to, monumentation and property lines, trees, vegetation, utilities, structures, water courses, fences, driveways, roadways, signs, sidewalks, lights, power poles, drainage structures, and all other visible site improvements;
- Sufficient elevations to develop 1-foot contours;
- Record data boundary lines of the site, verifying that they are consistent with the current assessor's parcel maps; and
- Data shall be delivered to the City in AutoCAD format in latest edition.

Task 2 – Survey Mapping/Improvement Plan Review Services

- Review of maps, easements and other survey documents for technical accuracy and compliance with generally accepted standards of surveying methodology;
- Provide pick-up from, and delivery to, the City of Redlands Municipal Utilities and Engineering office of plans and documents to be reviewed;
- Perform all review services and return plans or documents within 10 calendar days of notification by the City that plans or documents are available for pick-up;
- Sign and stamp all surveying by a Surveyor licensed to practice surveying in the State of California or by a civil engineer registered in the State of California prior to 1982 that is licensed to sign and stamp survey documents that require signature with said signatory functioning as the Surveyor for the City of Redlands on documents that require a City Surveyor;
- Provide map review comments to the City, along with a comment set to be returned to the submitting engineer/surveyor;
- Answer miscellaneous technical questions from City staff concerning surveying, mapping, legal descriptions, deeds and Right-of-Way documentation; and
- Review of engineering plans and drawings for technical accuracy and compliance with generally accepted standards of engineering design on an as needed basis to supplement Staff review. Review of engineering plans will only be a minor portion of this aspect of the agreement and is intended as a supplement City staff.

EXHIBIT "B"

HOURLY RATE SCHEDULE
Effective through December 31, 2023

Civil and Environmental Engineering/Consulting	
President/Principal Engineer	$260
Sr. Director	$230
Director	$215
Program Manager/ Technical Specialist	$205
Senior Project Manager/ Senior Engineer IV/Senior Scientist IV	$190
Project Manager III/Senior Engineer III/ Senior Scientist III	$175
Project Manager II/Senior Engineer II/ Senior Scientist II	$165
Project Manager I/Senior Engineer I/ Senior Scientist I	$160
Assistant Project Manager/ Senior Environmental Analyst	$155
Project Engineer/ Environmental Analyst III/ Scientist III	$150
Senior Designer II/ Environmental Analyst II/ Scientist II	$145
Senior Designer I /Environmental Analyst I/ Scientist I	$140
Design Engineer II	$130
Design Engineer I	$123
Designer II/ Staff Analyst II	$118
Designer I/ Staff Analyst I	$113
CADD Drafter/Project Analyst III	$99
Staff Assistant II/Project Analyst II	$93
Staff Assistant I/Project Analyst I	$88

Planning and Environmental	
Planning Director	$205
Senior Project Manager	$177
Senior Biologist	$170
Project Manager II	$165
Project Manager I	$160
Senior Planner II/Biologist II	$135
Senior Planner I/Biologist I	$123
Associate Planner II/GIS Specialist II	$113
Associate Planner I/GIS Specialist I	$103
Construction Monitor	$91-113

Clerical	
Project Coordinator/Clerical III	$92
Project Coordinator/Clerical II	$87
Project Coordinator/Clerical I	$82

Landscape Architecture	
Licensed Landscape Architect	$170
Senior Landscape Designer	$145
Associate Landscape Designer	$122
Assistant Landscape Designer	$103

Construction Management	
Resident Engineer	$160
Field Inspector III	$135
Field Inspector II	$120
Field Inspector I	$110

Surveying and Mapping	
Licensed Surveyor/ Director	$205
Senior Survey Project Manager	$170
Senior Survey Analyst	$145
Senior Calculator	$140
Calculator II	$123
Calculator I	$113
Survey Analyst II	$103
Survey Analyst I	$93
Technical Aide	$88

Field Survey Crews	
Three Person Survey/GPS Crew	$255
Two Person Survey/GPS Crew	$219
One Person Survey/GPS Crew	$205

REIMBURSABLE EXPENSES:

The following expenses will be billed at cost plus 15% unless otherwise noted:

Outside Services: Includes fees paid to sub-consultants, consultants, analytical laboratories, and other providers of services required for execution of the project.

Permits, Applications, and Fees: Includes fees for Notices of Intent (NOI), Notices of Termination (NOT), application fees, submittal fees, permit fees, and other fees required as part of the project and not paid directly by Client.

Reproduction Services: Includes blueprinting, copying, printing and plotting. In-house plots will be billed at $6.00 per sheet for each client set and for a final in-house review set. B&W / Color copies: $0.08 / $0.90 for 8.5 X 11 and $0.20 / $1.20 for 11 X 17.

Rental Fees: Includes rental fees paid by the firm, including required vehicles, equipment, and tools required to complete the work.

Commercial Delivery Services: Including Express Mail, Federal Express, UPS and independent courier services.

In-House Pick-Up and Delivery Services: When provided by the firm, these services will be billed at $50.00 per hour plus current IRS mileage reimbursement rates per mile round trip, with no additional markup.

Travel Expenses: Includes travel expenses incidental to performance of the work, including airfare, parking, tolls, taxi, lodging, and etc. Vehicle mileage will be billed at a rate of current IRS mileage reimbursement rate per mile with no additional markup. Travel time for professional and administrative staff will be billed per the hourly fee rate schedule with no additional markup and survey crews will be billed at ***$60 per hour, per 2-man crew.***

Per Diem: Per diem for meals for overnight stays will be billed at Caltrans current state rates.

NOTES:

Prevailing Wage: Projects and/or portions thereof designated by Client to be subject to Prevailing Wage shall be billed at the regular staff rate or the Prevailing Wage rate, whichever is higher plus a multiplier of approximately 2.3 to 2.8 for overhead and profit. The Prevailing Wage rate shall be based upon the Wage Rate Determination issued by California's Director of Industrial Relations for the locality and employee classification at the time the work is performed. Please contact CASC for specific project prevailing wage rates.

Waiver of Subrogation: When a Waiver of Subrogation for Workman's Compensation Insurance is required by the Client, the Client will be required to pay the additional insurance premium. The approximate amount for the waiver is $250 per year.

Litigation Support and Expert Witness shall be at 2.0 times the above noted hourly rates.

EXHIBIT "C"
WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

✓ I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____ I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

CASC ENGINEERING AND CONSULTING, INC.

By: _____ Date: 10/14/21
Richard J. Sidor, President/CEO

PURCHASE ORDER

Fiscal Year 2024

THIS PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, AND SHIPPING PAPERS.

Purchase Order Number **22400307-002**

Purchase Order Date **07/13/2023**

Department **MUNICIPAL UTIL & ENGINEERING**

Required By **10/21/2021**

Bill To FINBIL

CITY OF REDLANDS
PO BOX 3005
REDLANDS, CA 92373
EMAIL: accountspayable@cityofredlands.org
Emailing invoice and referencing PO No. is required and will expedite payment

Ship To DSD

Development Services Dept
35 Cajon St
Suite 20
Redlands, CA 92373

Vendor [redacted]

CASC ENGINEERING AND CONSULTING INC
1470 E COOLEY DRIVE
COLTON, CA 92324

CHANGE ORDER

VENDOR PHONE NUMBER	VENDOR FAX NUMBER	VENDOR NUMBER	REQUISITION NUMBER	BUYER NAME	DELIVERY REFERENCE
855-383-0101		[redacted]	12400343	Tricia Munoz	Tricia Munoz

NOTES

FIELD SURVEY SERVICES & MAPPING/IMPROVEMENT PLAN

PURCHASE ORDER TERM:
OCTOBER 19, 2021 - OCTOBER 19, 2025.

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PURCHASE ORDER AS PER CITY COUNCIL APPROVAL AND AGREEMENT DATED OCTOBER 19, 2021, AS PER CITY COUNCIL APPROVAL AND FIRST AMENDMENT TO THE AGREEMENT DATED JULY 5, 2023, AND PER LETTER OF EXTENSION DATED SEPTEMBER 18, 2024.

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NOT TO EXCEED DOLLAR AMOUNT PER PO TERM. THIS PO WILL BE CLOSED WHEN THE TOTAL AMOUNT IS EXHAUSTED.

.

PURCHASE ORDER WILL BE VALID ONLY WITH A CURRENT APPROVED MINIMUM LIABILITY COVERAGE ON FILE WITH RISK MANAGEMENT.

.

THIS PURCHASE ORDER IS CORRELATED TO PURCHASE ORDER 22210990 AND REPRESENTS A PARTIAL AMOUNT FROM THE TOTAL AMOUNT INDICATED IN THE REFERENCED AGREEMENT.

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ITEM #	DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
1	AS NEEDED FIELD SURVEY AND SURVEY MAPPING/IMPROVEMENT PLAN REVIEW SERVICES FOR THE CITY OF REDLANDS DEVELOPMENT SERVICES DEPARTMENT. Ship Email:VMEDINA@CITYOFREDLANDS.ORG	1.0000	EA	$54,715.0000	$54,715.00

PURCHASING DIVISION - 1270 W. PARK AVE. REDLANDS, CA 92373 - Email: Purchasing@cityofredlands.org

Total Ext. Price $54,715.00

Purchase Order Total $54,715.00

Deena Abramovich-Daniel
PROCUREMENT MANAGER

PLEASE SEE ATTACHED PURCHASE ORDER TERMS AND CONDITIONS

CITY OF REDLANDS
PURCHASE ORDER TERMS AND CONDITIONS
unless otherwise specified in an executed agreement, the following shall apply

1. INVOICES: Each purchase order is to be invoiced separately and all invoices shall be submitted to the billing address as shown on the front of the Purchase Order. All invoices, shipping documents, correspondence, and-related papers must have the purchase order number and consignee shown clearly in their face.
2. PACKAGING AND DRAYAGE: Unless so specified on the Purchase Order and evidenced by a copy of the freight bill attached to the invoice, there shall be no charge to the City for either packaging and/or drayage
3. INSPECTION: All materials and workmanship provided under the terms of the Purchase Order are subject to inspection and test by the City to ensure compliance with the requirements and specifications contained therein. In the event that the goods or services delivered are defective, or are not in conformity with the Purchase Order, the City shall have the right to either reject said goods or services, or require that they be corrected or otherwise brought into conformity with the terms set forth in the Purchase Order.
4. RESPONSIBILITIES: Unless otherwise specified in the Purchase Order, the supplier/contractor shall be responsible for all items covered in said Purchase Order until delivered at the designated delivery point and thereafter accepted by the City. Supplier/contractor shall bear all risks as the goods and services provided until they are finally accepted by the City. Upon the City's notice to supplier/contractor of its rejection of the goods or services provided or the need for the correction thereof. All such defective goods or services shall be removed from City premises, and any and all expenses incurred in the removal and/or correction of such defective goods or services shall be borne entirely by the supplier/contractor.
5. ACCEPTANCE: The City's final acceptance of the goods or services provided under the Purchase Order shall be conclusive except in those instances where a latent defect or fraud is subsequently discovered, or when a supplier/contractor has committed such gross mistakes that they are tantamount to a fraud. The City's failure to inspect and either accept or reject the goods or services delivered shall not relieve the supplier/contractor for the responsibility for strict compliance with the terms and specifications of the Purchase Order.
6. CHANGES: This Purchase Order may, at any time, be changed with regard to the materials or services to be furnished, the quantity ordered, the unit price, discount, delivery point or arrangements, terms or any other matters affecting a valid order. However, in order to be effective, any such change or amendment causes an increase or decrease in the cost of performance hereunder, an equitable adjustment shall be made to reflect the increase or the decrease in the cost thereof. Any such adjustment shall be subject to the written approval of the Purchasing Agent. No variation in the quality, quantity, or coat of any item called for by this Purchase Order Shall be acceptable by the City except in pursuance of a written Change Order approved by the Purchasing Agent.
7. TERMINATION: This Purchase Order may be terminated, in whole or in part, at any time, by written notice to the supplier/contractor. Such termination shall be effective with respect to the quantity, manner, and time specified in such notice. The City shall be liable at the stipulated price only for such materials and/or services as have been delivered and/or rendered and accepted as of the effective date of said written notice. The City shall not be liable for any excess cost arising out of such termination, and failure of the supplier/contractor to cease delivery and/or work upon receipt of such termination notice shall not occasion a claim for extra costs.
8. TIME IS OF THE ESSENCE: In the event that the supplier/contractor fails to perform this Purchase Order within the time specified, the Purchasing Agent may, by written notice, order the supplier/contractor to cease further deliveries and may hold the supplier/contractor liable for any damages caused to the City by reason of such delay. If no time is specified, it is expected that the supplier/contractor shall begin performance within a reasonable time after placement of the order. The City may extend periods of performance if the facts as to the cause of the delay, in sole opinion of the Purchasing Agent, justify such an extension.
9. LIABILTIY: The supplier/contractor shall defend, indemnify and hold harmless the City, its elected officials, officers, employees, and agents from all claims, losses, damages, costs, expenses and suits, in law or in equity, because of personal injury, property damage, or alleged or actual patent infringements, based on the performance of this Purchase Order or asserted against it. Further, supplier/contractor warrants that the City shall not be responsible for any damages that may be claimed by reason or death injury of the person of the supplier/contractor's officer, agents, employees, invitees or licensees or for damage to any property of the supplier/contractor or any other damage that may arise or result at anytime because of personal injury or damage to property sustained by any other person or persons, which may have been caused or contributed by proximately or otherwise by reason of, or in course of, carrying out this Purchase Order.
10. DISPUTES: All disputes concerning questions of fact which may arise under this Purchase Order under this Purchase Order, and not disposed of by mutual agreement and/or consent, shall be decided by the sole discretion of the Purchasing Agent. All disputes concerning questions of law, which may arise under this Purchase Order, shall be decided under applicable laws of the State of California.
11. PAYMENTS: Payments shall be made upon submission of an itemized invoice, presented in duplicate of the prices stipulated in the Purchase Order and within 30 days of becoming due for supplies delivered and accepted or services rendered and accepted, less deductions if any. When requested by the supplier/contractor, payment on partial deliveries may be made whenever, in the sole discretion of the Purchasing Agent, the surrounding circumstances warrant such partial payment. In the event and, if for any reason, an overpayment is made; the City requires prompt refund of said overpayment by way of supplier/contactor's properly referenced check.
12. LICENSOR: All supplier/contractors who perform work within the City, must have on file at the Redlands City Revenue Office, a current and valid city business license.
13. CONFORMITY WITH SAFETY ORDERS: The goods and/or services covered by this Purchase Order or contract must conform to the safety order of OSHA, CAL-OSHA, and/or NIOSHA and any and all applicable material safety data sheets (MSDS).
14. PREVAILING WAGES: When applicable, the City is subject to the State of California prevailing wage laws as set forth in California Labor Code Section 1770 et seq. The contractor is responsible for determining the appropriate Department of Industrial Relations (DIR) classification for the various employees and subcontractors used for a particular project or service. The rates for each classification are posted on the DIR website at http://www.dir.ca.gov/DIRdatabases.html. All contractors performing work for the City are responsible for abiding by all applicable prevailing wage laws, and must furnish the City with Certified Payroll Records upon request.

City Council Meeting **I. 5.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Adopt Resolution No. 8648 to authorize a one-year time Extension of Time to the expiration date of Commission Review & Approval No. 949 for the construction of a 48,079 square-foot light industrial building with ancillary office space on a 2.56-acre parcel located at the northeast corner of New Jersey Street and West Park Avenue (APN: 0292-153-20-0000) in the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan (Development Services Director Desatnik)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to adopt Resolution No. 8648 and approve a one-year Extension of Time for Commission Review & Approval No. 949.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 8648 to approve a one-year Extension of Time for Commission Review & Approval No. 949.

DISCUSSION:

The approved project includes the construction of a concrete tilt-up light industrial building with storage and office areas (see Attachments A and B). The gross floor area is 48,079 square-feet including up to 4,000 square-feet of office areas. The development would include a total of 85 vehicle parking spaces and four truck dock doors. The building and project site is arranged in such a manner that it could be subdivided to accommodate two tenants with approximately equal halves of the building and property. Potential businesses that could occupy the building include any of the permitted uses allowed within

the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan (categories of uses such as manufacturing, service commercial, research & development, retail sales, wholesale trade, distribution or warehousing, and offices). The development application also included Street Vacation No. 190 for a small portion of the project's frontage along New Jersey Street (right-of-way two feet wide), which has not yet been approved or completed. The project site is located at the northeast corner of New Jersey Street and West Park Avenue, 300 feet south of Industrial Park Avenue (APN: 0292-153-20-0000). See Attachment C for the Planning Commission Staff Report.

The Planning Commission approved Commission Review & Approval No. 949 on December 13, 2022, and the Conditions of Approval are included in Resolution No. 1605 (Attachment D). The approval of the entitlements will expire on December 13, 2024, unless a grading or building permit has been issued to commence construction of the project, or an extension of time is granted. At this time, the developer does not have any construction permits under review in plan check and is in the process of securing financing for the project.

Approval of the time extension will make the new expiration date for this project December 13, 2025. No changes to the project are proposed, and the original Conditions of Approval remain applicable for the project. The applicant has indicated the approval of a one-year time extension will provide additional time to find an investor and begin the process of submitting building and grading plans for plan check.

In accordance with RMC Section 18.12.130, a Commission Review & Approval permit shall expire two (2) years from the date of approval unless the holder of the permit obtains a permit and begins construction or obtains an extension of time. The City Council may grant a one-year extension of time, not to exceed a total number of three (3) extensions. This is the applicant's first request for a time extension.

ALTERNATIVES:

The City Council may deny the request, which would result in the expiration of Commission Review & Approval No. 949. This would require the applicant to resubmit an entirely new development application.

STRATEGIC PLAN:

Not applicable.

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Christopher Boatman, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Brian Foote, City Planner/Planning Manager

Fiscal Impact

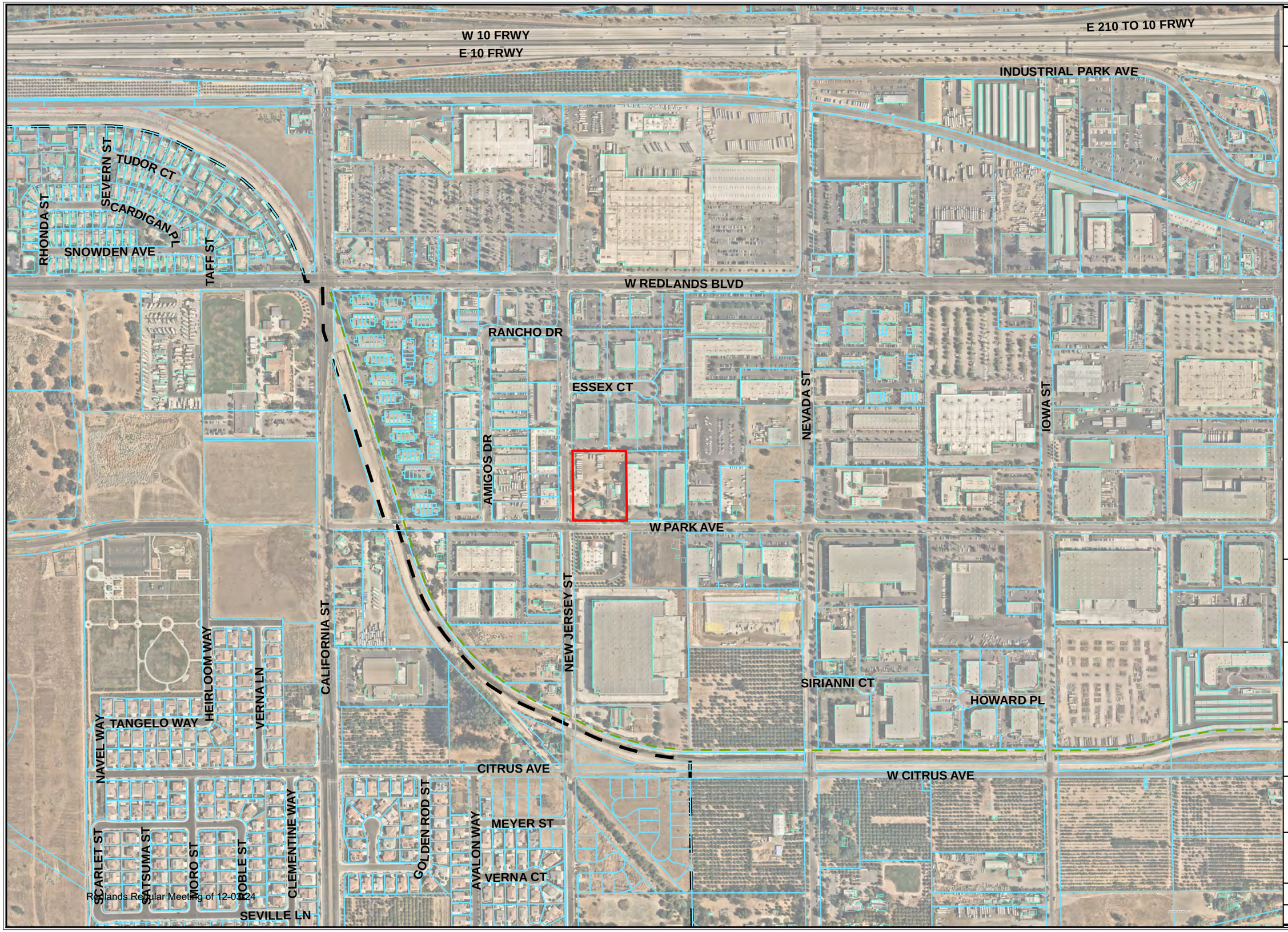
Fiscal Year:	24-25
Revenue Generating:	No
Appropriation Required Y/N:	No

Discussion:

No fiscal impact. The applicant paid the applicable application filing fee.

Attachments

Attachment A: Location Map & Aerial Photo
Attachment B: Approved Project Plans
Attachment C: Planning Commission Staff Report of 12/13/2022
Attachment D: Planning Commission Resolution No. 1605
Attachment E: Resolution No. 8648 (Extension of Time)



Location Map

CRA No. 949 (Extension of Time #1)

This map was produced by the City of Redlands, Geographic Information System.
The City of Redlands assumes no warranty or legal responsibility for the information contained on this map.
The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.

N
W E
S

Scale

0 390 780
Feet

City of Redlands
Department of Innovation & Technology
Geographic Information Systems

City of REDLANDS "A City That Works"

OneStop.mxd

Aerial Photo

CRA No. 949 (Extension of Time #1)

This map was produced by the City of Redlands, Geographic Information System.
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The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.

N
W E
S

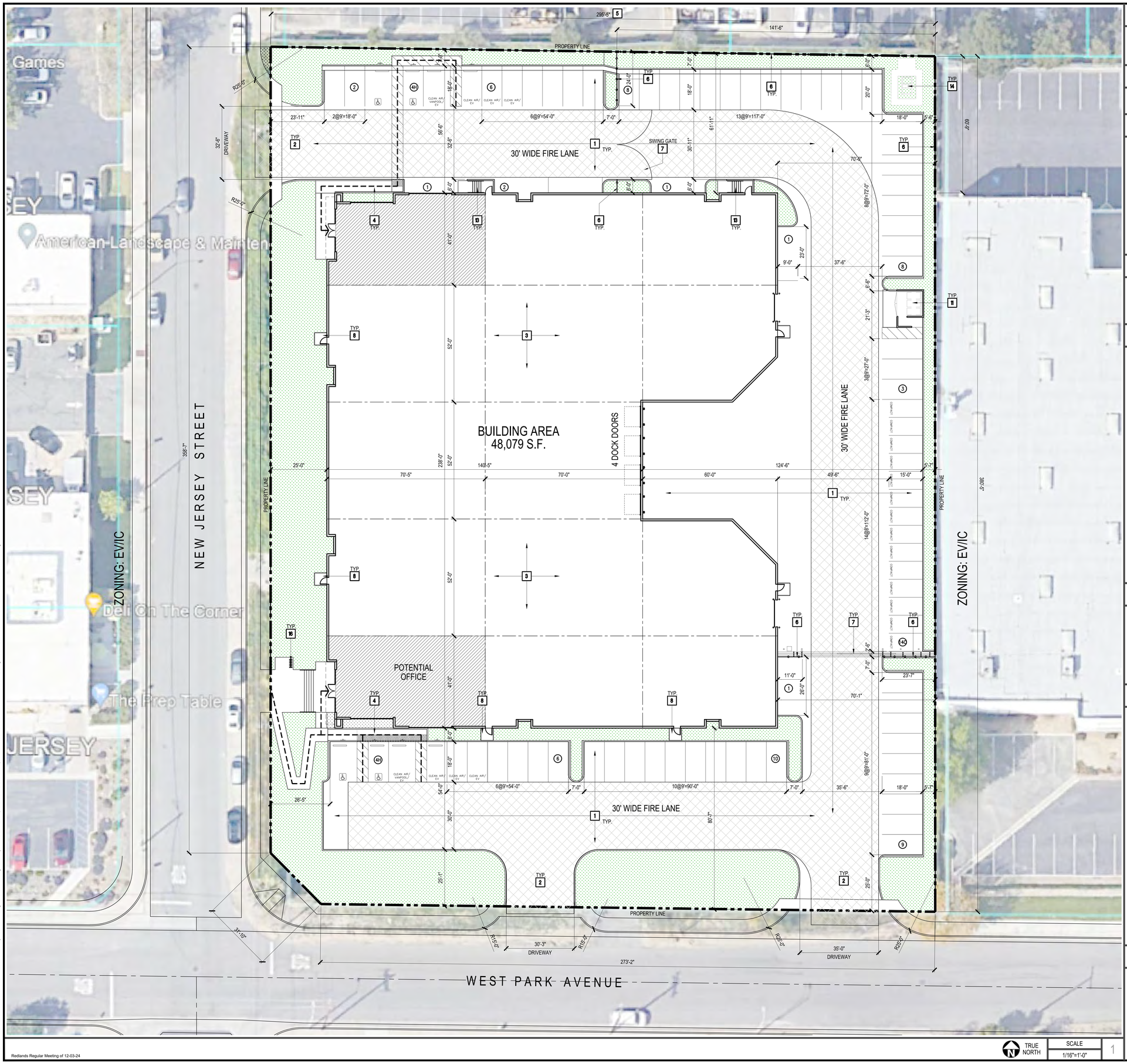
Scale
0 50 100
Feet

City of Redlands
Department of Innovation & Technology
Geographic Information Systems

City of REDLANDS "A City That Works"

November 26, 2022

OneStop.mxd



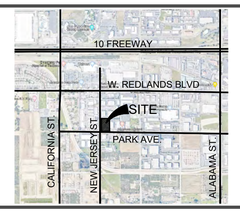
APPLICANT/OWNER

UCR GROUP
PO BOX 9716 REDLANDS CA 92374
909-492-1374
EMAIL: TSTODDARD@THEUCRGROUP.COM
ATTN: TOM STODDARD

PROJECT ADDRESS / APN

1980 PARK AVENUE
REDLANDS CA 92373
APN: 0292-153-20

VICINITY MAP



PROJECT DESCRIPTION

NEW CONSTRUCTION FOR (1) SPECULATIVE 48,079 SF TYPE III-B, S-1/B OCCUPANCY WAREHOUSE WITH ESFR FIRE SPRINKLER SYSTEM. PROPOSED SITE IMPROVEMENTS CONSIST OF TRASH ENCLOSURE, SITE LIGHTING STANDARDS, WROUGHT IRON FENCE AND HARDSCAPE/LANDSCAPE IMPROVEMENTS PER CITY STANDARDS.

PROJECT DATA

UCR- REDLANDS

SITE AREA			112,224	SF
			2.58	Acres
BUILDING AREA				
1ST FLOOR	WAREHOUSE		40,079	SF
	OFFICE		4,000	SF
1ST TOTAL			44,079	SF
2ND FLOOR	OFFICE		1,500	SF
	WAREHOUSE		2,500	SF
TOTAL			**48,079**	SF
PROJECT FACT				
	F.A.R			0.43
	CLEAR HEIGHT			32'
	CONTRUCTION TYPE			IIIB
ZONING				
ZONE ORDINANCE				Light Industrial
MAX BUILDING HEIGHT				50'
SET BACK		BUILDING		LANDSCAPE
	FRONT	25'		25'
	SIDE	0'		0'
	REAR	0'		0'
TOTAL PARKING/HARDSCAPE		49,631 SF		
LANDSCAPE REQ. @ PRKNG		3,474 SF		7%
LANDSCAPE PROV. @ PRKNG		5,738 SF		11%
TOTAL LANDSCAPE REQ		16,834 SF		15%
TOTAL LANDSCAPE PROVIDED		18,514 SF		16%

PARKING REQUIREMENT

AUTO PARKING		
SIZE		9'X19'
OFFICE:	1/250 SF	22
WAREHOUSE	1ST 20K @1/500 SF	40
WAREHOUSE	2ND 20K @ 1/1000 SF	23
TOTAL		85

PROJECT PROVIDED
PARKING PROVIDED

AUTO PARKING		
STANDARD	9'X19'	62
COMPACT	8'X15'	19
ADA		4
TOTAL		85

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINES UNLESS NOTED OTHERWISE.
2. ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH A SMART AUTOMATIC IRRIGATION SYSTEM.
3. SEE CIVIL DRAWINGS FOR ADDITIONAL INFORMATION REGARDING SITE DRAINAGE, TOPOGRAPHY AND UTILITIES.
4. FOR PAVING SECTIONS, CONCRETE CURBS, SWALES AND GUTTERS SEE CIVIL DRAWINGS.
5. PROPERTY LINE ARE REFERENCE ONLY. REFER TO CIVIL DRAWINGS FOR HORIZONTAL CONTROL.
6. LANDSCAPE AREAS SHALL BE DELINEATED WITH A MIN. 6" CONCRETE CURB.

KEYNOTES

1. SITE PAVING SEE CIVIL
2. DECORATIVE PAVEMENT AT ENTRY - COLORED CONCRETE W/ SAW CUT PATTERN
3. PRIMARY BUILDING
4. PEDESTRIAN CONCRETE WALKWAY WITH MEDIUM BROOM FINISH
5. RETAINING WALL PER CIVIL
6. WROUGHT IRON FENCE 8 FT
7. 8'H BLACK PAINTED VEHICULAR ROLLING GATE WITH KNOX PAD LOCK. MANUALLY OPERATED. PROVIDE CONDUITS FOR FUTURE OPERATOR
8. 5'-6" X 6' X 4" THICK CONCRETE LANDING PAD AT ALL EXTERIOR MANDOORS WITH MEDIUM BROOM FINISH.
9. FUTURE MONUMENT SIGN WITH ELEC. CONDUITS
10. EMPLOYEE BREAK AREA, TENANT FURNISHED UNLESS NOTED OTHERWISE
11. TRASH ENCLOSURE
12. NOT USED
13. EXTERIOR CONCRETE STAIR
14. APPROXIMATE LOCATION OF ELEC. TRANSFORMER WITH BOLLARD PROTECTION AND LANDSCAPE SCREENING
15. NOT USED.
16. SHORT TERM - BICYCLE RACK 8% OF PARKING STALL
17. DESIGNATED SMOKING AREA - 25' AWAY FROM ANY ENTRY

LEGEND

- STANDARD PARKING STALL 9' X 19'
- CLEAN AIR, VANPOOL / EV 9' X19'
- ADA PARKING VAN 12' X 19' OR STANDARD 9' X 19' WITH 5' CLR AISLE
- PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL. MAX 5% SLOPE AND MAX 2% CROSS SLOPE WITH 48" MIN. CLEAR, UNLESS NOTED OTHERWISE WITH ADA ACCESSIBLE RAMP
- LANDSCAPE, SEE LANDSCAPE DRAWINGS

TRUE NORTH | SCALE 1/16"=1'-0" | 1

LHA
4590 MacArthur Blvd Suite 500
Newport Beach, CA 92660

4590 MACARTHUR BLVD. SUITE 500
IRVINE CALIFORNIA 92660
PROJECT MANAGER: STEVE HONG
714 - 822 - 1171, STEVE@LHARCHS.COM

LICENSED ARCHITECT — STEVE K. HONG — NO. C-33677 REN 12-31-25 — STATE OF CALIFORNIA

THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT. THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWING ARE PROPRIETARY AND CANNOT BE COPIED, DUPLICATED OR COMMERCIALLY EXPLOITED, IN WHOLE OR IN PART. THE DRAWINGS AND SPECIFICATIONS SHALL NOT BE USED BY THE OWNER ON OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT, OR FOR COMPLETION OF THIS PROJECT BY OTHERS. THE OWNER AGREES TO HOLD HARMLESS, INDEMNIFY AND DEFEND THE ARCHITECT AGAINST ALL DAMAGES, CLAIMS AND LOSSES, INCLUDING DEFENSE COSTS, ARISING OUT OF ANY REUSE OF THE PLANS AND SPECIFICAIIONS WITHOUT THE WRITTEN AUTHORIZATION OF THE ARCHITECT OF RECORD.

CONSULTANTS

CIVIL ENGINEER
LAND ENGINEERING CONSULTANTS INC.
PO BOX 541, 650 AVENUE K
CALIMESA CA 92320
909-795-8882
EMAIL: STEVE@LECINCORPORATED.COM
ATTN: STEVE RITCHEY

LANDSCAPE ARCHITECT
HUNTER LANDSCAPE
711 FEE ANA STREET
PLACENTIA, CA 92870
714-986-2400 EMAIL: TOMH@HUNTERLANDSCAPE.NET
ATTN: TOM HAYES

PARK AVENUE

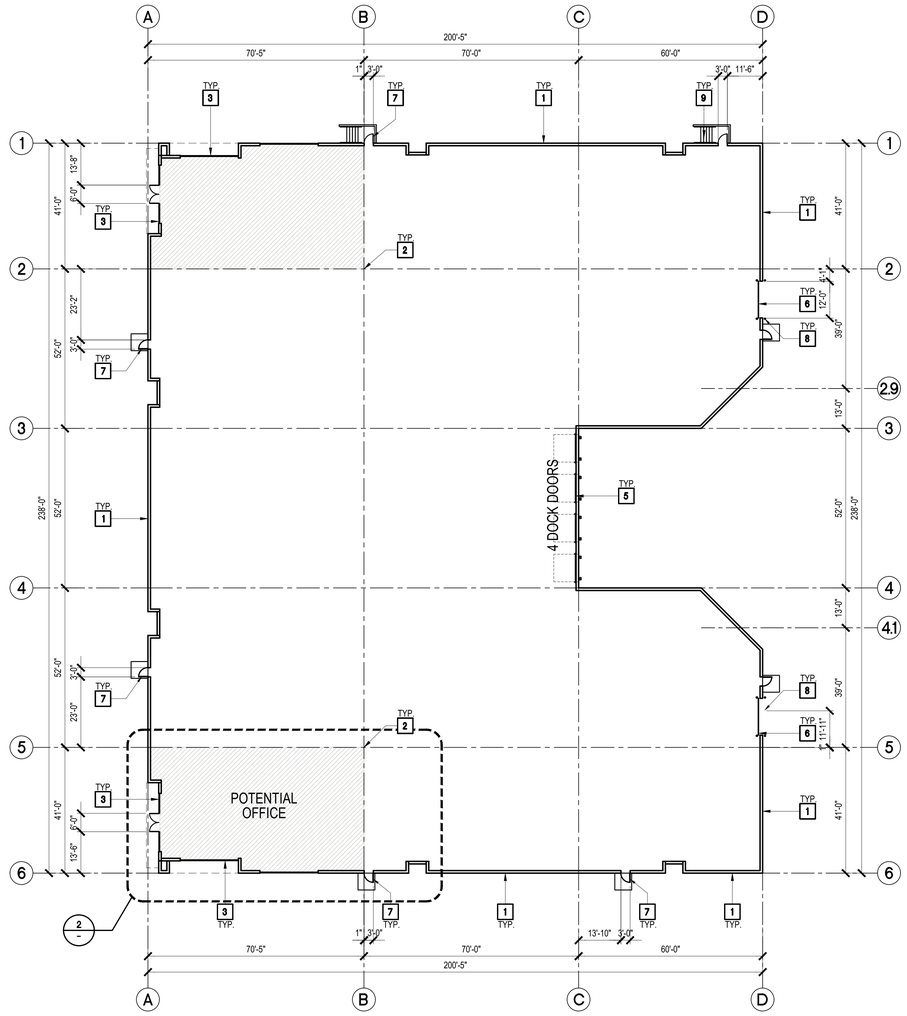
1980 PARK AVENUE
REDLANDS CALIFORNIA 92373

UCR GROUP
PO BOX 9716
REDLANDS CA 92374

No.	ISSUANCE	DATE

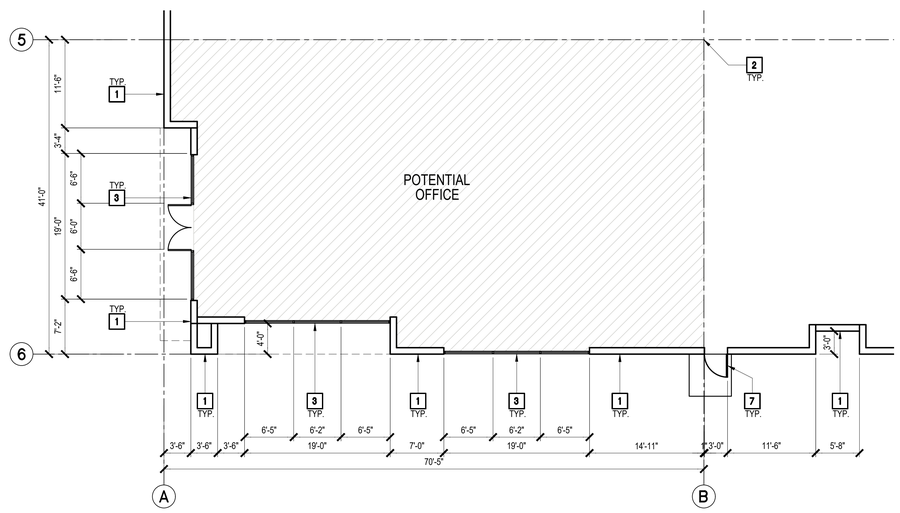
JOB No. 22-021
DRAWN STEVE HONG | CHECKED STEVE HONG
SHEET TITLE
ARCHITECTURAL SITE PLAN
OVERALL SITE PLAN
SHEET NUMBER
DRC-A1.01
67 of 675

Plot Date: 5/24/2022 10:03:47 AM Last Save By: steve Login: Steve Hong L:\Projects\UCR Group\22-021 UCR Group, Redlands 1980 Park Avenue\03 - Design\05 - Construction Documents\DRC-A1.01.dwg



OVERALL FLOOR PLAN

TRUE NORTH | SCALE 1" = 20' | 1



ENLARGED FLOOR PLAN

TRUE NORTH | SCALE 1/8" = 1' | 2

GENERAL NOTES

1. REFER TO CIVIL DRAWINGS FOR SLAB ON GRADE FINISH FLOOR ELEVATION ANY DIRECTION OF SLOPE IF ANY.
2. SLOPE POUR STRIP ¾" TO EXTERIOR AT ALL MAN DOORS AND DOCK DOORS. SEE STRUCTURAL DRAWINGS FOR POUR STRIP LOCATIONS.
3. ALL DIMENSIONS ARE TO FACE OF CONCRETE PANEL WALL, GRID LINE OR FACE OF STUD UNLESS NOTED OTHERWISE.
4. REFER TO CIVIL DRAWINGS FOR POINT CONNECTION TO OFF-SITE UTILITIES AND CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
5. CONTRACTOR TO PROTECT AND KEEP FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DIAPERED INCLUDING CARS AND TRUCKS TO PREVENT OIL SPILLS.
6. CONCRETE SLAB TO HAVE STEEL FLOAT TROWEL BURNISHED FINISH.
7. ALL FLOOR SLAB NAIL OR BRACE FRAME HOLES SHALL BE FILLED WITH APPROVED 2 PART EPOXY COMPOUND TO MATCH CONCRETE COLOR.
8. PROVIDE MM-EP-90 AT CONTROL/EXPANSION JOINTS AT THE SPEEDBAY ONLY.

PAINT NOTES

1. INTERIOR CONCRETE WALL: SINGLE COAT OF ACRYLIC PAINT ON INTERIOR WALLS. SHERWIN WILLIAMS, "SNOWBOUND" SW 7004 - FLAT SHEEN.
2. ALL STRUCTURAL STEEL MEMBER INCLUDING COLUMNS, LEDGERS, JOISTS, GIRDERS SHALL RECEIVE LIGHT GRAY SHOP PRIMER. ANY FIELD WELDS SHALL BE TOUCHED UP TO MATCH SHOP PRIMER.
3. STRUCTURAL COLUMNS SHALL, SHALL RECEIVE A COAT OF OSHA YELLOW SAFETY WARNING COLOR, PAINT UP TO 12' ABOVE FINISH FLOOR.
4. ARCHITECTURAL COATINGS REQUIRE USE OF HVLP SPRAYING EQUIPMENT OR MINIMUM TRANSFER RATE OF AT LEAST 50% OR MANUAL APPLICATION TECHNIQUE.
5. PAINT SHALL BE OF "SUPER COMPLIANT" LOW VOC PER SCAQMD RULE 1113.

KEYNOTES

1. CONCRETE TILT UP PANEL.
2. STRUCTURAL STEEL BUILDING COLUMN
3. STOREFRONT SYSTEM AND GLAZING SEE ELEVATION FOR SPECIFICATION
4. CONCRETE RAMP WITH 42" H CONC. TILT UP GUARD WALL OR BUILDING WALL
5. 9'X10' X 24 GA OVER HEAD ROLL UP DOOR, COUNTER BALANCED WITH 24" X 6" VISION PANEL. STANDARD GRADE WITH WHITE FACTORY FINISH
6. 12'X14' X 24 GA OVER HEAD ROLL UP DOOR, COUNTER BALANCED WITH 24" X 6"VISION PANEL STANDARD GRADE WITH WHITE FACTORY FINISH.
7. 3'X7' HOLLOW METAL DOOR AND FRAME.
8. PROTECTIVE BOLLARD
9. CONCRETE STAIR
10. LONG TERM INTERIOR BICYCLE RACK
11. ROOF ACCESS LADDER
12. ELECTRICAL ROOM

LHA
4590 MacArthur Blvd Suite 500
Newport Beach, CA 92660

4590 MACARTHUR BLVD. SUITE 500
IRVINE CALIFORNIA 92660
PROJECT MANAGER: STEVE HONG
714 - 822 - 1171, STEVE@LHARCHS.COM

LICENSED ARCHITECT
STEVE K. HONG
NO. C-33677
REN. 12-31-25
STATE OF CALIFORNIA

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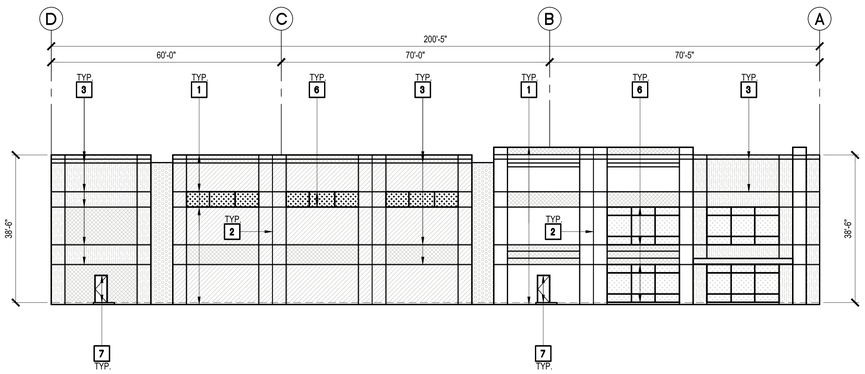
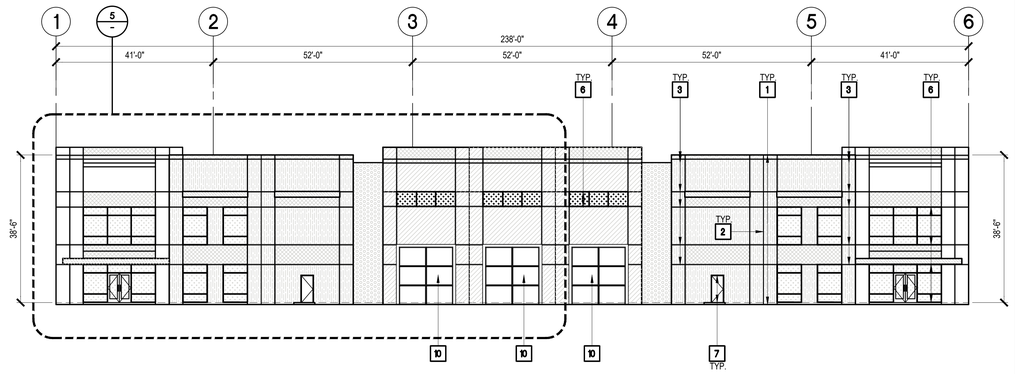
SHEET TITLE
ARCHITECTURAL FLOOR PLAN
OVERALL FLOOR PLAN

SHEET NUMBER
DRC-A2.01

Plot Date: 5/19/2022 3:00:29 PM Last Save By: Steve Login: Steve Hong L:\Projects\UCR Group\22-021 UCR Group, Redlands 1980 Park Avenue\03 - Design\05 - Construction Documents\DRC-A2.01.dwg



NORTH ELEVATION | SCALE 1/16" = 1' | 1



WEST ELEVATION | SCALE 1/16" = 1' | 2

SOUTH ELEVATION | SCALE 1/16" = 1' | 3

EAST ELEVATION | SCALE 1/16" = 1' | 4

ENLARGED WEST ELEVATION | SCALE 1/8" = 1' | 5

GENERAL NOTES

1. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
2. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
3. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST WIND EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
4. CONTRACTOR SHALL FULL PAINT ONE CONCRETE PANEL WITH SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINT REMAINDER OF BUILDING.
5. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
6. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH BY PROVIDING A MINIMUM ¾" DIAMETER HOLE ON THE CORNER.
7. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
8. FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED ON.
9. WATER BLAST EXTERIOR FACE OF BUILDING WALLS PRIOR TO PAINT.
10. ALL CONCRETE PANEL JOINTS SHALL BE CLEARED OF DEBRIS BY PRESSURING WASHING THE CAVITY AND GRIND ANY SHARP EDGES PRIOR TO APPLY PANEL CAULK JOINT.
11. ALL EXTERIOR DOORS AND LOUVERS SHALL BE FABRICATED AND WEATHER STRIPPED TO WITHSTAND WIND EXPOSURE "C"
12. CONTRACTOR TO PROVIDE MOCK UP PAINT FOR OWNER AND ARCHITECT'S APPROVAL PRIOR TO COMMENCING THE WORK.

KEYNOTES

1. CONCRETE TILT UP WALL, SEE PAINT AND FINISH LEGEND BELOW
2. CONCRETE PANEL JOINT
3. PAINTED CONCRETE REVEAL.
4. 9' X 10' OVER HEAD DOCK HIGH DOOR
5. 12' X 14' OVER HEAD GRADE LEVEL DOOR
6. ALUMINUM STOREFRONT GLAZING SYSTEM. SEE GLAZING LEGEND
7. 3'X7' HOLLOW METAL DOOR AND FRAME.
8. 4'X8' PAINTED METAL LOUVER
9. ROOF DRAIN
10. VINE WALL MESH. OMEGA ECO MESH

GLAZING LEGEND

TEMPERED VISION GLASS

TEMPERED CONCRETE BACKED SPANDREL GLASS

OFFICE / POTENTIAL OFFICE AREAS:
VITROGLAZING, VISTACOOL (2) PACIFICA + SOLARBAN 60 (3)
VLT: 26, SHGC: 0.17, U VALUE: 0.29
1" INSULATED UNIT WITH ¼" AIRSPACE AND (2) ¼" UNITS

WAREHOUSE GLAZING AREA:
SINGLE PANE ¼" VITROGLAZING VISTALCOOL PACIFICA.

COLOR / FINISH LEGEND

SHERWIN WILLIAMS PURE WHITE SW 7005

SHERWIN WILLIAMS OLYMPUS WHITE SW 6253

SHERWIN WILLIAMS GRAY SCREEN SW 7071

SHERWIN WILLIAMS CYBER SPACE SW 7075

SHERWIN WILLIAMS CITY SCAPE SW 7067

CANOPY: REYNOBOND COLORWELD 500 XL NIGHTFALL METALLIC

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ARCHITECTURAL ELEVATIONS
ELEVATIONS

SHEET NUMBER
DRC-A3.01

Plot Date: 5/19/2022 3:01:30 PM Last Save By: Steve Login: Steve Hong L:\Projects\UCR Group\22-021 UCR Group, Redlands 1980 Park Avenue\03 - Design\05 - Construction Documents\DRC-A3.01.dwg

NORTH ELEVATION

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

COLORED ELEVATION DESIGN

UCR PARK AVENUE,
REDLANDS, CA

LHA

1 PAINTED CONCRETE
SHERWIN-WILLIAMS
SW 7005
PURE WHITE

2 PAINTED CONCRETE
SHERWIN-WILLIAMS
SW 6253
OLYMPUS WHITE

3 PAINTED CONCRETE
SHERWIN-WILLIAMS
SW 7071
GRAY SCREEN

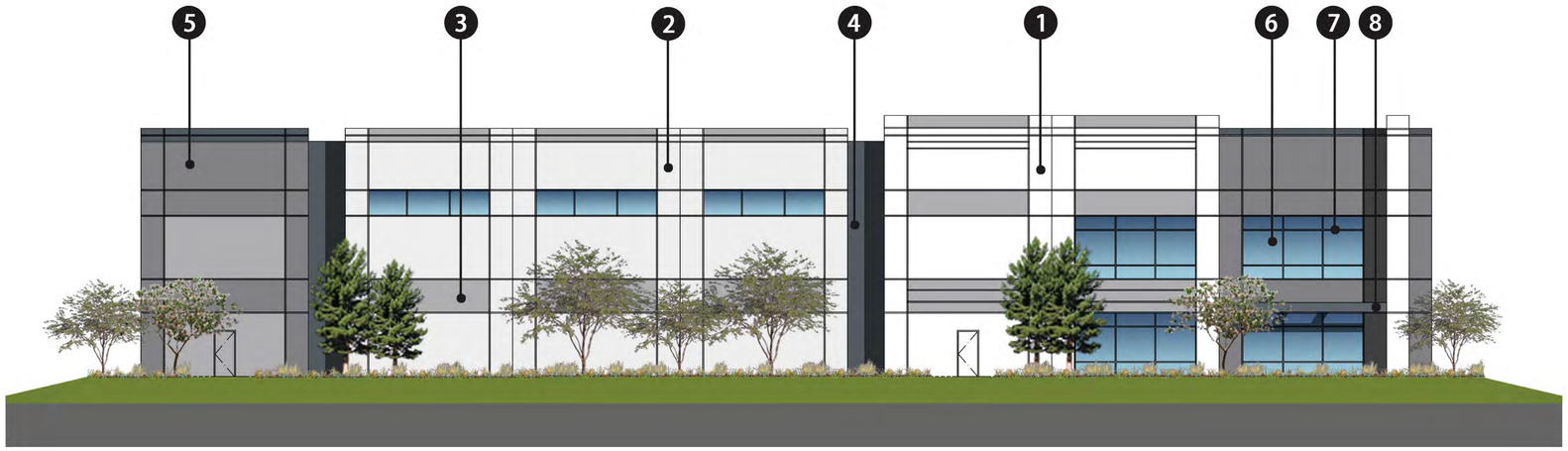
4 PAINTED CONCRETE
SHERWIN-WILLIAMS
SW 7076
CYBERSPACE

5 PAINTED CONCRETE
SHERWIN-WILLIAMS
SW 7067
CITYSPACE

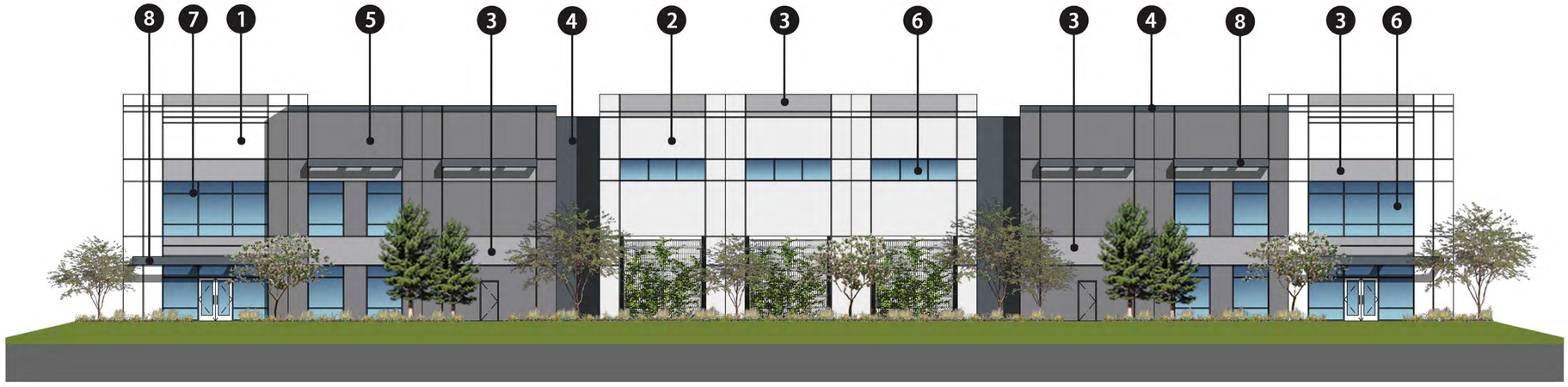
6 BLUE REFLECTIVE
GLAZING

7 CLEAR ANODIZED
MULLIONS

8 ACM TRIM:
REYNBOND
COLORWAELD 500XL
NIGHTFALL METALLIC



NORTH ELEVATION

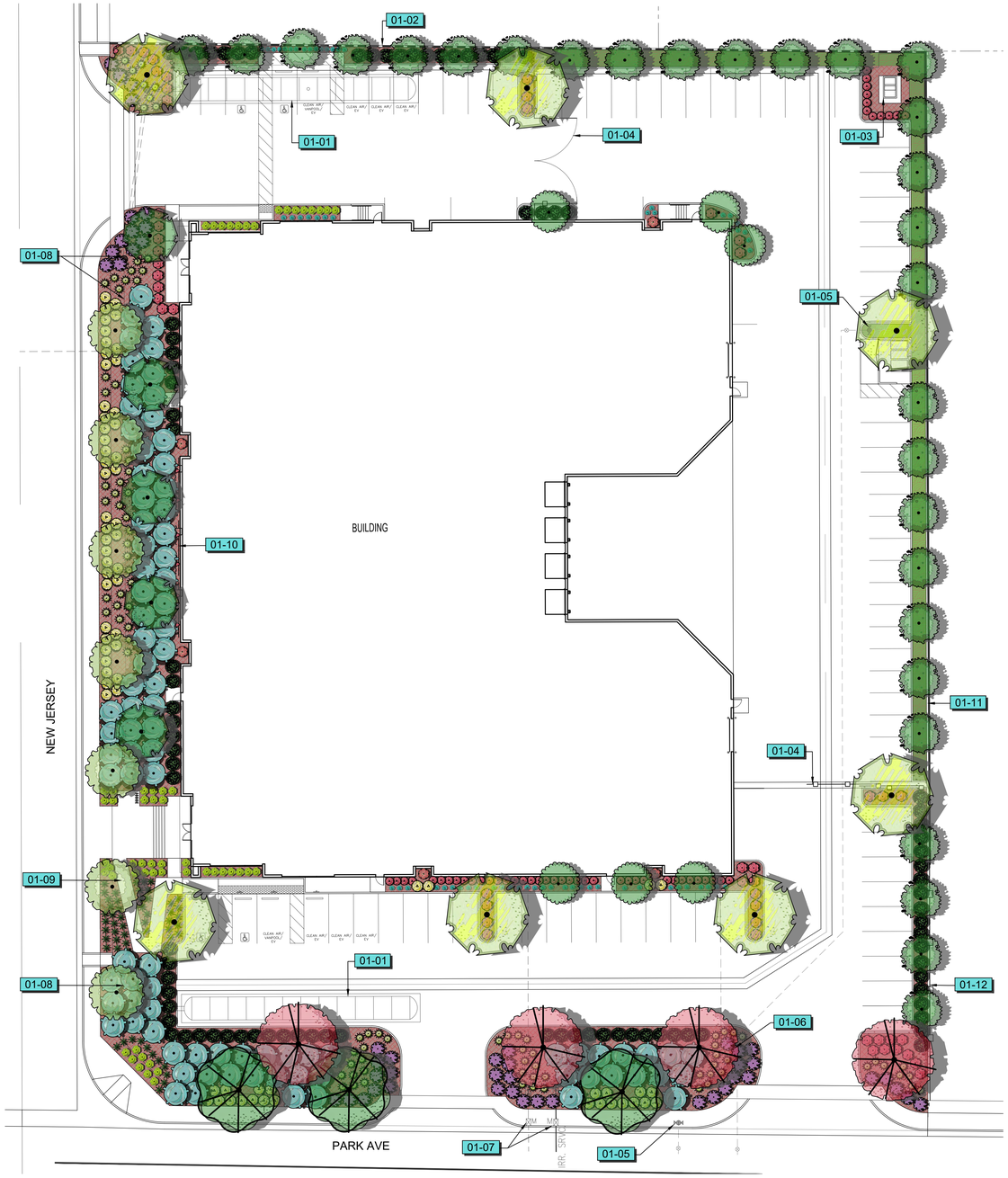


WEST ELEVATION

COLORED ELEVATION DESIGN

UCR PARK AVENUE,
REDLANDS, CA

LHA



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	29	CALLISTEMON VIMINALIS	WEEPING BOTTLEBRUSH	15 GAL	LOW
	7	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER LOCUST	36" BOX	LOW
	5	MELALEUCA LINARIIFOLIA	FLAXLEAF PAPERBARK MULTI-TRUNK	36" BOX	LOW
	4	PISTACIA CHINENSIS 'KEITH DAVEY'	KEITH DAVEY CHINESE PISTACHE	24" BOX	LOW
	6	PODOCARPUS HENKELII	LONG LEAFED YELLOW WOOD COLUMN	24" BOX	MOD
STREET TREES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WUCOLS**
	3	ARBUTUS UNEDO	STRAWBERRY TREE SHRUB	15 GAL	LOW
	7	GINKGO BILOBA 'PRINCETON SENTRY'	PRINCETON SENTRY GINGKO	15 GAL	MOD
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WULCOS**
	50	CALLISTEMON V. 'BETTER JOHN'	DWARF BOTTLEBRUSH	5 GAL.	LOW
	5	CALLISTEMON VIMINALIS 'CV01' TM	SLIM WEEPING BOTTLEBRUSH	5 GAL.	LOW
	56	CISTUS X HYBRIDUS 'DUNNECIS'	LITTLE MISS SUNSHINE WHITE ROCKROSE	5 GAL.	LOW
	89	LEUCOPHYLLUM LANGMANIAE 'LYNN'S LEGACY'	LYNN'S LEGACY LANGMAN'S SAGE	5 GAL.	LOW
	49	NANDINA DOMESTICA 'MOYERS RED'	MOYERS RED HEAVENLY BAMBOO	5 GAL.	LOW
GRASSES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WULCOS**
	63	DIANELLA REVOLUTA 'DR5000' TM	LITTLE REV FLAX LILY	1 GAL.	LOW
	54	LOMANDRA LONGIFOLIA 'BREEZE' TM	BREEZE MAT RUSH	1 GAL.	LOW
	93	MUHLENBERGIA CAPILLARIS 'REGAL MIST' TM	REGAL MIST PINK MUHLY GRASS	1 GAL.	LOW
SHRUB COVER	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WULCOS**
	91	ACACIA REDOLENS 'LOW BOY'	LOW BOY BANK CATCLAW	1 GAL.	LOW
	49	LANTANA MONTEVIDENSIS 'LAVENDER'	LAVENDER LANTANA	1 GAL.	LOW
	70	LANTANA X 'NEW GOLD' LOW GROWING VARIETY-GC TYPE	NEW GOLD LANTANA	1 GAL.	LOW
VINE/ESPALIER	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WULCOS**
	6	CAMPSIS RADICANS 'ATOMIC RED'	TRUMPET VINE	5 GAL.	LOW
GROUND COVERS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**WUCOLS**
	2,204 SF	LONICERA JAPONICA 'HALLIANA'	HALLS HONEYSUCKLE FLOWERING VINE	FLAT	LOW
	19,199 SF	WOOD MULCH REDWOOD GORILLA HAIR		3" DEEP	

SITE LANDSCAPING TABULATIONS

TOTAL PARKING LOT LANDSCAPED AREA PERCENTAGE= SEE TABLE THIS SHEET; PER ARCHITECT

TOTAL ON-SITE TREES=	51
PERCENTAGE OF 15 GALLON (ON-SITE) TREES=	56% (29 TREES)
PERCENTAGE OF 24" BOX (ON-SITE) TREES=	20% (10 TREES)
PERCENTAGE OF 36" BOX (ON-SITE) TREES=	24% (12 TREES)
PERCENTAGE OF EVERGREEN (ON-SITE) TREES=	78% (40 TREES)
PERCENTAGE OF DECIDUOUS (ON-SITE) TREES=	22% (11 TREES)
STREET TREES= 10	

UCR- REDLANDS

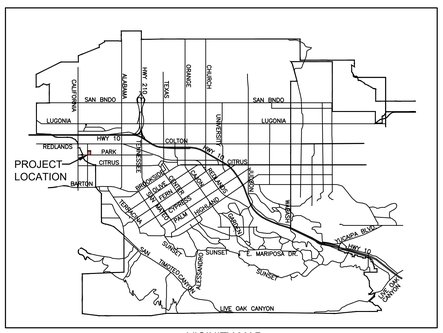
SITE AREA		112,224	SF
		2.58	Acres
BUILDING AREA			
1ST FLOOR	WAREHOUSE	40,079	SF
	OFFICE	4,000	SF
1ST TOTAL		44,079	SF
2ND FLOOR	OFFICE	1,500	SF
	WAREHOUSE	2,500	SF
TOTAL		**48,079**	SF
PROJECT FACT			
	F.A.R		0.43
	CLEAR HEIGHT		32'
	CONTRUCTION TYPE		IIIB
ZONING			
ZONE ORDINANCE			Light Industrial
MAX BUILDING HEIGHT			50'
SET BACK		BUILDING	LANDSCAPE
	FRONT	25'	25'
	SIDE	0'	0'
	REAR	0'	0'
TOTAL PARKING/HARDSCAPE		49,631 SF	
LANDSCAPE REQ. @ PRKNG		3,676 SF	7%
LANDSCAPE PROV. @ PRKNG		5,738 SF	11%
TOTAL LANDSCAPE REQ		16,834 SF	15%
TOTAL LANDSCAPE PROVIDED		18,514 SF	16%
PARKING REQUIREMENT			
	AUTO PARKING		
	SIZE		9'X19'
	OFFICE:	1/250 SF	22
	WAREHOUSE	1ST 20K @1/500 SF	40
	WAREHOUSE	2ND 20K @ 1/1000 SF	23
	TOTAL		85
PROJECT PROVIDED			
PARKING PROVIDED			
	AUTO PARKING		
	STARNDARD	9'X19'	62
	COMPACT	8'X15'	19
	ADA		4
	TOTAL		85

MAINTENANCE RESPONSIBILITY NOTE:

THE OWNER WILL BE RESPONSIBLE FOR ALL MAINTENANCE AND WATER MANAGEMENT WITHIN THEIR PROPERTY.

WATER CONSERVATION STATEMENT:

STB LANDSCAPE ARCHITECT'S, Inc. HAS FOLLOWED AND MET ALL WATER CONSERVATION REQUIREMENTS SET FORTH IN BOTH THE CITY AND STATE ORDINANCES. STB HAS ACHIEVED THESE GOALS THROUGH THE USE OF HIGHLY EFFICIENT DRIPLINES, DRIP EMITTERS AND TREE BUBBLERS TO ALL PLANTED AREAS, COMBINED WITH A "SMART" E.T. BASED CONTROLLER AND RAIN SHUT-OFF DEVICE. THE CONTROLLER WILL RECEIVE E.T. INFORMATION THAT WILL ALLOW THE CONTROLLER TO UP-DATE R.C.V. RUN TIMES ON A DAILY BASIS THEREBY REDUCING THE NEED FOR MANUALLY ADJUSTING THE CONTROLLER FOR WEEKLY OR SEASONAL WEATHER CHANGES



VICINITY MAP
NTS

REFERENCE NOTES SCHEDULE

01 GENERAL DESCRIPTION

SYMBOL	DESCRIPTION
01-01	PROPOSED UNDERGROUND WQMP PER ENGINEER
01-02	PROPOSED 6' BLOCK WALL PER ENGINEER
01-03	PROPOSED ELEC TRANSFORMER PER ENGINEER
01-04	PROPOSED GATES PER ARCHITECT
01-05	PROPOSED F.H. PER ENGINNER
01-06	PROPOSED FIRE DDCV AND PIV/FDC PER ENGINEER
01-07	PROPOSED WATER METERS PER ENGINEER
01-08	PROPOSED DRAINAGE PER ENGINEER
01-09	PROPOSED ADA RAMP PER ARCHITECT
01-10	VINE TRELLIS PER ARCHITECT-TYPICAL
01-11	EXISTING ADJACENT BUILDING WALL
01-12	EXISTING C.L. FENCE-PROTECT IN PLACE

MAWA AND ETWU CALCULATIONS

California Water Efficient Landscape Worksheet

Reference Evapotranspiration (ET$_o$)		66.2	Project Type		Non-Residential		0.45
Hydrozone # / Planting Description*	Plant Factor (PF)	Irrigation Method*	Irrigation Efficiency (IE)*	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU)*
Regular Landscape Areas							
TREES/ SHRUBS	0.3	Drip	0.81	0.37	20965	7765	318699
TREES	0.4	Drip	0.81	0.49	384	190	7783
VINES	0.4	Drip	0.81	0.49	54	27	1095
		Drip	0.75	0.00	0	0	0
		Drip	0.81	0.00	0	0	0
				Totals	21403	7981	327577
Special Landscape Areas							
				1		0	0
				Totals	0	0	0
						ETWU Total	327577
				Maximum Allowed Water Allowance (MAWA)*			395309

ETAF Calculations

Regular Landscape Areas

Total ETAF x Area	7981
Total Area	21403
Average ETAF	0.37

All Landscape Areas

Total ETAF x Area	7981
Total Area	21403
Average ETAF	0.37

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

* Hydrozone # / Planting Description e.g.
1.) Front lawn
2.) Low water use planting
3.) Medium water use planting

0.45	Non-Residential
0.55	Residential
0.81	Drip
0.75	Overhead

Tree	wetted area= 16 s.f. / tree
Shrub	Wetted area= 9 s.f. / shrub

PRELIMINARY-NOT FOR CONSTRUCTION

NORTH

20 0 20 40 60

Scale 1" = 20'

UNDERGROUND SERVICE ALERT
CALL: TOLL FREE
811
TWO WORKING DAYS BEFORE YOU DIG

REGISTERED LANDSCAPE ARCHITECT SHAWN T. BURGIN 10/22 5/25/22 2725 STATE OF CALIFORNIA

STB LANDSCAPE ARCHITECTS, INC
LANDSCAPE ARCHITECTURE IRRIGATION CONSULTANTS WATER FEATURE DESIGN
15 SOUTH FIFTH STREET
REDLANDS, CALIFORNIA 92373
PH (909) 798-7565 FAX (909) 798-7572
CA LIC. NO. 27725 NV LIC. NO. 489

CONCEPTUAL LANDSCAPE PLAN

UCR PARK AVENUE INDUSTRIAL WAREHOUSE

1980 W. PARK AVENUE
REDLANDS, CA 92373

REVISIONS

DRAWN BY	CAD
DESIGNED BY	CR
CHECKED BY	STB
DATE	5/25/22
JOB NO.	22-30PRE
SCALE	1"=20'
SHEET	CLP-1
	OF 1 SHEETS

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City of Redlands
REQUEST FOR PLANNING COMMISSION ACTION

Planning Commission **Agenda Item NO. 4. C.**

Meeting Date: 12/13/2022

APPLICANT:

UCR Group, LLC
(PROJECT PLANNER: CATHERINE LIN, PRINCIPAL PLANNER)

PUBLIC HEARING to consider the following development applications for a vacant 2.56-acre lot located at 1980 West Park Avenue, at the northeast corner of West Park Avenue and New Jersey Street (APN: 0292-153-20-0000), in the Commercial Industrial (EV/IC) district of the East Valley Corridor Specific Plan.

1. Consideration of a **Socio-Economic Cost/Benefit Study** prepared for the proposed project in accordance with Measure U.

2. Consideration of **Commission Review and Approval No. 949** – A request to construct a new warehouse building totaling 48,079 square feet to include 42,579 square foot of warehouse space and 5,500 square foot of office space, and related site improvements including parking lot, driveways, landscape, lighting, walls, and utility connections. The proposed project qualifies for exemption from environmental review in accordance with Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines.

3. Consideration of **Street Vacation No. 190** – A request to vacate excess public right-of-way that is 2 feet wide and approximately 361.45 feet in length, along the western property line of the subject property along New Jersey Street. The street vacation proposal qualifies for exemption from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

SYNOPSIS

1. General Plan Designation:	Commercial/Industrial
2. Existing Zoning:	Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan
3. Surrounding Zoning:	EV/IC District to the north, south, east, and west
4. Existing Land Use:	There are presently two residential homes, a detached garage, and RV storage on the property.
5. Surrounding Land Use:	North: Multi-tenant office and light industrial uses South: Office and warehouse uses West: Office and light industrial uses East: Office and light industrial uses
6. Area/Topography:	The parcel is generally flat in topography.
7. Environmental Determination:	Exempt from CEQA Guidelines pursuant to Section 15332 (In-Fill Development Projects)

8. Socio-Economic/Cost Benefit Study:	A Socio-Economic Cost/Benefit Study was prepared, and the project has a positive ratio of +14.71.	
9. Planning Commission Submittal Dates:	(A) Date Submitted: (B) Date Accepted As Complete: (C) Planning Commission Meeting:	May 26, 2022 October 14, 2022 December 13, 2022

PROPOSAL

The applicant proposes to construct a new warehouse building totaling 48,079 square feet, to include 41,579 square feet of warehouse space and 5,500 square feet of office space, on a 2.56 acre property located at 1980 W. Park Avenue (APN: 0292-153-20) (see Attachment A – Location Map and Aerial Photo). Also, the developer requests to vacate excess public right-of-way 2 feet in width and 361.45 feet in length, along the western frontage of the property. The development includes necessary on-site improvements including parking, landscaping, sidewalk, parkway, streetlights, curb and gutter (see Attachment B - Site Plan).

BACKGROUND

The property and surrounding sites were used for citrus production until the 1980s. According to historic aerial photographs, the citrus groves on the site were removed by 1994, and the site has been utilized as a residential use since. Adjacent properties to the north, south, and east have been developed as warehouse uses, while the adjacent property to the west was developed as an office complex. The project site is located within the East Valley Commercial Industrial (EV/IC) District.

ANALYSIS

A) General Plan

The project site has a land use designation as Commercial/Industrial on the General Plan Land Use Map, which is intended for a compatible mix of commercial, manufacturing, and light industrial uses (see Attachment C – General Plan Land Use Map). The 2035 General Plan states that this land use category includes flex commercial space as well as business parks, and supports uses such as commercial retail, services, and manufacturing. The proposed speculative warehouse building would be consistent with the Commercial/Industrial land use designation. The proposed use is consistent with the applicable goals and polices of the General Plan as listed below.

4-P.10: Ensure that that scale and character of new development is appropriate for surrounding terrain and the character of existing development.

4-P.19: Provide lands to accommodate a wide range of light industrial uses including research and development, manufacturing, agricultural processing, and logistics near transportation corridors in areas where low- to moderate-intensity operations would be sufficiently buffered.

4-P.20: Provide for the concentration of office, industrial, and commercial uses in appropriate locations near transportation corridors to encourage the development of employment centers and reduce the potential for land use conflicts with sensitive uses.

B) East Valley Corridor Specific Plan

The site is located within the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan, which is intended to serve a regional area with a wide variety of wholesale, warehouse, light manufacturing, retail and service uses (see Attachment D – Zone Map). The proposed warehouse building will be consistent with the intent of the EV/IC District. The proposed project will meet all applicable development standards of the EV/IC District (see Attachment E – Table of EV/IC Zoning Standards), as summarized in Table 1.

Table 1 - Summary of Development Standards for the EVIC/District

Development Standard	*Requirement*	*Proposed*	*Complies*
Lot Area	12,000 sq. ft.	111,513 sq. ft.	Yes
Lot Width	100 ft.	380 ft.	Yes
Lot Depth	150 ft.	295 ft.	Yes
Floor Area Ratio	0.8 max.	0.43	Yes
Building Height	50 ft.	38.5 ft.	Yes
Front Setback	25 ft.	25'- New Jersey St. 25' - W. Park Ave	Yes
Side Setback	0 ft.	Side (North): 6 ft.	Yes
Rear Setback	0 ft.	Rear (South): 5.5 ft.	Yes
Lot Coverage	50% max.	39%	Yes
Site Landscaping	15% min.	16%	Yes
Parking Lot Landscaping	Min. 7% of total area	15%	Yes

C) Commission Review and Approval

Proposed Use: The proposed development is a new warehouse totaling 48,079 square feet. The intended tenant of the proposed warehouse also has facilities in nearby warehouses, and the proposed warehouse will support the company's expansion. In terms of business hours, two work shifts are anticipated. The first shift is anticipated to run from 7:00 a.m. to 5:00 p.m., while the second shift is anticipated to run from 4:00 p.m. to midnight. The anticipated employment of the facility is anticipated to range between 87 to 100 full-time employees.

Elevations and Building Design: The architectural design incorporates pop-ups and recessed elements, as well as roof parapets at varying heights. The building will incorporate a color palette consisting of three shades of grey and white colors at the indented concrete panels to create visual interest and variation. In addition, the applicant is proposing to use blue reflective glazing for the windows, as well as for both floors at the street corner and at the entrance to the parking lot to allow light into the building, and to create a sense of opening. Furthermore, painted metal louver will be installed along the west elevation facing New Jersey Street, as well as at the street corner of W. Park Avenue and New Jersey Street. Finally, the design also incorporates trellis to accommodate vines. See Attachment B-3 - Elevations & Renderings.

Parking and Circulation: The proposed project will provide 85 spaces and complies with the requirement for 85 spaces. The parking stall dimensions proposed for the standard parking spaces are 9 feet in width by 18 feet in depth with a 1-foot clear area for overhang. As indicated in Table 2, the project complies with the minimum parking requirements.

Table 2. Parking Requirement

Parking Requirement	*Spaces Required*	*Spaces Provided*
Office: 1 space/250 square feet of gross floor area	22 spaces	22 spaces
Warehouse: 1 space/500 square feet of gross floor area up to 20,000 square feet	40 spaces	40 spaces
Warehouse: 1 space/1,000 square feet of gross floor area over 20,000 square feet	23 spaces	23 spaces
TOTAL	85 spaces	85 spaces

Proposed parking spaces are either to be located behind the building, or are sufficiently setback from the streets. A total of four dock doors are proposed along the rear/west elevation of the building (i.e., not visible from public right-of-way) for truck deliveries.

Walls & Fences: In order to maintain an open front yard setback consistent with surrounding properties, the applicant is not proposing any fencing within the front yard areas facing Park Avenue and New Jersey Street. Along the northerly property line (an adjacent warehouse use), a six-foot high block wall will be constructed to secure the property. Along the westerly property line (adjacent to another existing warehouse use), the applicant is proposing to keep the existing six-foot high chain link fence in place.

Landscaping: The proposed plant palette consists of a combination of trees, shrubs, accent plants, and ground cover (see Attachment B-4 – Landscape Plans). The minimum landscaping requirement is 15% for industrial uses, and the proposed project provides 16% (or 18,514 square feet) of landscaping. In addition, a minimum of 7% of landscaping is required for the parking area, and the project provides 11% (or 5,738 square feet).

The trees that were selected were reviewed and approved by the Facilities & Community Services Department. The selected species include Weeping Bottlebrush, Shademaster Locust, Flaxleaf Paperbark, Keith Davey Chinese Pistache, and Long Leafed Yellow Wood Column. Furthermore, 82% of the trees proposed to be planted within the parking lot area are evergreen trees, therefore meeting the requirement of at least 50% evergreen trees for the parking lot area.

D) Architectural Review Criteria

It is intended that design submittals be compatible with the character of adjacent and surrounding developments, and that they be of comparable composition, materials, textures and colors. Conformance is evaluated based on the following seven criteria. The proposal will also comply with the applicable architectural design guidelines for commercial buildings (see Attachment F – Table of Architectural Design Guidelines).

1. Site layout, orientation, location of structures and relationship to one another, as well as open spaces and topography.

The proposed site layout, building orientation, location of structures and relationship to one another are physically suitable in size and shape to support the development. The site will be accessed via three two-way driveways – one facing New Jersey Street and two facing W. Park Avenue. The site layout and driveway design meets all applicable development standards of the

EVCSP.

2. Harmonious relationship of building with existing and proposed adjoining developments.

The project site is surrounded by light industrial development to the north, south, and east, as well as an office complex to the west. The proposed building and use are compatible with the context of the area which is primarily composed of light industrial uses.

3. Maximum height, area, setbacks and overall mass of building, as well as other structures such as walls, screens, towers or signs, and effective concealment of all mechanical equipment.

The proposed project meets all applicable development standards of the Commercial Industrial (EV/IC) District of the EVCSP including floor-area ratio, setbacks, building height, and lot coverage. The proposed building will have an overall height of approximately 38.5 feet and any proposed roof-mounted mechanical equipment will be screened from the public right-of-way through the incorporation of parapet walls. In addition, the loading dock area will be screened through the placement of the building from the public right-of-way.

4. Harmony of construction materials and colors in relation to all exterior elevations.

The proposed architectural design of the building is consistent with the surrounding development in terms of material, color, and scale. The design of the building provides variation in parapet height, pop outs, as well as use of glass materials along all four elevations of the building particularly the street corner. A white and grey-scale color palette was selected consisting of six shades of gradient from white to nightfall metallic grey. In addition, metal louvers are proposed along the west elevation facing New Jersey Street to create visual interest. The applicant is also proposing to install multiple trellises for growing vines. The proposed building material and selected colors are in harmony with each other. And relates well with the proposed architecture.

5. Location and type of planting, with due regard for the preservation of specimen trees upon a site.

Landscaping is proposed along the front yard setback area facing W. Park Avenue and New Jersey Street, as well as within the proposed parking lot area. The proposed landscaping consists of groundcovers, shrubs, vines, and trees. A total of 51 trees are proposed to be planted. The proposal meets the landscaping requirements of the East Valley Corridor Specific Plan in terms of the landscaping requirement within parking areas and the requirements for street trees. Industrial uses that are located within the EVCSP are required to provide a minimum of 15% of landscaping. The project provides 18,514 square feet (or 16%) of landscaping.

6. Design and appropriateness of signs in relation to the architectural style of the building.

No signs are proposed as part of this application. The East Valley Corridor Specific Plan indicates that signs within the EV/IC District would utilize the sign standards for the C-4. Highway Commercial District. Any future wall signs would be reviewed administratively and would require a sign permit. In addition, any future monument signs would be processed with a Commission Sign Review and would require separate approval by the Planning Commission.

7. Glazing or image reflective surfaces (specular reflectance) shall be limited to a maximum reflectance value of twenty five percent (25%). "Specular reflectance" means any mirror like reflection, as contrasted to diffused reflection from such surfaces as concrete or vegetation.

The project proposes the use of blue reflective glazing. To ensure compliance with the EV/IC District development standards, a condition of approval has been added to the project that glazing or image reflective surfaces (specular reflectance) shall be limited to a maximum reflectance of 25%.

E) Street Vacation

The developer is requesting that the City vacate a portion of excess right-of-way along the project's frontage along the westerly side along New Jersey Street (see Attachment G – Street Vacation Exhibit). The proposal will vacate two feet (2'0") of right-of-way, approximately 361 linear feet in length, on the east side of New Jersey Street. California Government Code Section 65402(a) requires that prior to considering a vacation or abandonment of public right-of-way, the planning agency (Planning Commission) shall review the matter and render its report as to the vacation being in conformity with the City's General Plan.

The vacation will allow the applicant to maintain the required 25-foot front yard setback, and maintain the excess public street right-of-way as landscaping improvement for the proposed warehouse. The Municipal Utilities & Engineering Department has reviewed the street vacation and dedication plans for consistency, and has expressed no concerns regarding the street vacation.

General Plan Conformity: The 2035 General Plan, Chapter 5 (Figure 5-5: Roadway Classification), designates New Jersey Street as a local road. In accordance with Figure 5-6 (Illustrative Street Sections), local streets shall have a minimum half-width of 33 feet and a full width of 64 feet for the public right-of-way. Figure 5-6 also indicates that the street sections are illustrative only, and that minor variations and deviations from dimensions are permitted and would therefore not require a General Plan Amendment. The proposal is consistent with the following General Plan policies.

Policy 5.P-11: Implement standards for pavement design and roadway and intersection striping so streets are accessible by all users and all modes, and safety is improved.

Policy 5-A.52: Allow the City Engineer to require additional right-of-way and pavement width for local and collector roads in the Commercial, Commercial/Industrial, Light Industrial, and Public/Institutional land use designations based on existing street sections, traffic volumes, and truck traffic.

F) Socio-Economic Cost/Benefit Study

A Socio-Economic Cost/Benefit Study was prepared for this project (see Attachment H-1) per Measure U. According to the Cost/Benefit Model used by the City, the project is expected to result in annual non-residential revenues of $18.98 per square-foot to the City upon project implementation, and annual ongoing costs of $1.29 per square foot. The surplus is $17.69 per square foot, for a cost/benefit ratio of +14.71. The complete Cost/Benefit Model results are attached herein (see Attachment H-2).

ENVIRONMENTAL REVIEW

The project qualifies for categorical exemption from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines. Section 15332 pertains to infill development sites and the proposal meets all the conditions for the exemption, as discussed below.

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations 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.

The proposal meets all criteria above to utilize Section 15332 for infill development projects. The project complies with the General Plan land use designation as “Commercial/Industrial” as well as the EV/IC zoning designation and applicable development standards. The subject lot is located is 2.56 acres in size and surrounded by urban uses. The site is surrounded by other industrial developments and has no value as habitat for endangered, rare or threatened species. The proposed warehouse use is consistent with the General Plan and zoning, and there is no information or evidence that the project is likely to result in any significant effects relating to traffic, noise, air quality, or water quality. The project site, as well as parcels in the surrounding area, currently receive utilities and public services from the City. In conclusion, the proposed project meets all of the criteria for categorical exemption from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines.

FINDINGS

Commission Review and Approval

1. The site for the intended use is adequate in size and shape to accommodate the use, and all of the required yards, setbacks, walls or fences, landscaping and other features will adjust the use to those existing or permitted future uses of land in the neighborhood.

The project site will be developed with a concrete tilt-up warehouse building, and the proposed use is permitted in the zoning district. The project meets the applicable development standards of the Commercial Industrial (EV/IC) District including setbacks, lot coverage, and floor area ratio. The proposed use will be compatible with the surrounding uses that are located in the vicinity of the project site, which primarily consist of light industrial uses.

2. The site for the proposed use relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.

The site has access to local streets and highways which are designed to carry the type and quantity of traffic that will be generated by the proposed use. The site will have access via three two-way driveways (one facing New Jersey Street and two facing W. Park Avenue). Access to the project site vicinity can be provided via nearby major arterials including Redlands Boulevard, California Street, and Alabama Street.

3. The conditions set forth in the approval and those shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.

The conditions of approval for the project will protect the public health, safety, and general welfare. The project site will be developed in accordance with standard engineering design requirements as well as standard building code and fire code requirements. The project has been conditioned to comply with the applicable provisions of the Redlands Municipal Code and the provisions of the East Valley Corridor Specific Plan.

Request to Waive Undergrounding Utilities (RMC 17.17.020)

4. The subdivision is within an area where existing utilities have not been undergrounded and that deferral will be allowed because underground is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements.

The applicant is requesting to waive the requirement to underground one overhead fiber optic pole along West Park Avenue. The project site is in an area where existing utilities have not been undergrounded, as utilities poles on both sides of West Park Avenue to the west of the project site have not been undergrounded, and only partial undergrounding of utilities have been completed for the segment of West Park Avenue to the east of the project site. In addition, this segment of New Jersey Street has similar condition as West Park Avenue where most of the utilities poles have not been undergrounded. Therefore, this finding may be made.

5. Overhead utilities will have no significant visual impact.

The visual character and quality of West Park Avenue along the project's frontage and the surrounding area will not be detrimentally affected by deferring the undergrounding of utility lines. The applicant is required to pay the estimated cost of undergrounding along the project frontages. Fees collected in lieu of undergrounding are to be used by the City to fund undergrounding of utilities in the future. Deferring the undergrounding is not expected to result in any significant visual impacts since the aforementioned utility lines will remain as-is surrounding the subject property, and the project will not contribute to any additional visual impact. Therefore, this finding may be made.

RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 1605 and approve Commission Review & Approval No. 949 and the Socio-Economic Cost/Benefit Study prepared for the project. Further, staff recommends that the Planning Commission adopt Resolution No. 1606 to determine that Street Vacation No. 190 is in conformance with the City's General Plan.

MOTIONS

If the Planning Commission concurs with Staff's recommendation, the following motions have been provided:

"I move that the Planning Commission adopt Resolution No. 1605 to approve the Socio-Economic Cost/Benefit Study for the project and approve Commission Review & Approval No. 949, based on the findings contained in the staff report, and subject to the attached Conditions of Approval."

"I move that the Planning Commission adopt Resolution No. 1606 and determine that Street Vacation No. 190 is in conformance with the City's General Plan."

Attachments

Attachment A: Location Map & Aerial Photo
Attachment B-1: Site Plan
Attachment B-2: Floor Plan
Attachment B-3: Elevation & Color Renderings
Attachment B-4: Landscape Plan
Attachment C: General Plan Land Use Map
Attachment D: Zone Map
Attachment E: Table of EV/IC Zoning Standards
Attachment F: Table of Architectural Guidelines
Attachment G: Street Vacation legal description & exhibit
Attachment H-1: Socio-Economic Cost/Benefit Study
Attachment H-2: Socio-Economic Cost/Benefit Model
Attachment I-1: Resolution No. 1605 (Commission Review & Approval)
Attachment I-2: Engineering Conditions of Approval
Attachment J: Resolution No. 1606 (Street Vacation)

RESOLUTION NO. 1605

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDLANDS APPROVING COMMISSION REVIEW & APPROVAL NO. 949 AND ADOPTING THE ASSOCIATED SOCIO-ECONOMIC COST/BENEFIT STUDY TO CONSTRUCT A 48,079 SQUARE-FOOT AND WAREHOUSE BUILDING ON 2.56 ACRES. THE PROJECT SITE IS LOCATED AT THE NORTHEAST CORNER OF WEST PARK AVENUE AND NEW JERSEY STREET (APN: 0292-153-20-0000), WITHIN THE COMMERCIAL INDUSTRIAL (EV/IC) DISTRICT OF THE EAST VALLEY CORRIDOR SPECIFIC PLAN.

WHEREAS, UCR Group, LLC, has submitted an application for Commission Review and Approval No. 949 to construct a 48,079 square foot warehouse building with ancillary office space on a 2.56-acre vacant parcel located at the north east corner of New Jersey Street and West Park Avenue (APN: 0292-153-20-0000) in the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan; and

WHEREAS, on December 2, 2022, notice of the Planning Commission's public hearing for consideration of approval of a Socio-Economic Cost/Benefit Study and related Commission Review and Approval No. 949 was published in the Redlands Daily Facts; and

WHEREAS, on December 13, 2022, the Planning Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) provides an exemption for in-fill development projects and the proposal meets all criteria for exemption; and

WHEREAS, following the hearing for Commission Review & Approval No. 949, the Planning Commission determined that approval of the requested Commission Review & Approval is in the best interests of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF REDLANDS AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The proposed project is exempt from environmental review in accordance with Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act, and meets all criteria for the exemption.

SECTION 2. SOCIO-ECONOMIC COST/BENEFIT STUDY. The Socio-Economic Cost/Benefit Study prepared by City staff found that the proposed project would not create any significant unmitigable physical blight or overburden public services in the community, and is hereby adopted.

SECTION 3: FINDINGS FOR APPROVAL OF COMMISSION REVIEW AND APPROVAL NO. 949. The Planning Commission hereby approves Commission Review & Approval No. 949 and approves waiving of undergrounding utilities based upon the following

findings, and subject to the Conditions of Approval attached hereto as Exhibit "A" and "Exhibit "B";

1. *The site for the intended use is adequate in size and shape to accommodate the use, and all of the required yards, setbacks, walls or fences, landscaping and other features will adjust the use to those existing or permitted future uses of land in the neighborhood.*

The project site will be developed with a concrete tilt-up warehouse building, and the proposed use is permitted in the zoning district. The project meets the applicable development standards of the Commercial Industrial (EV/IC) District including setbacks, lot coverage, and floor area ratio. The proposed use will be compatible with the surrounding uses that are located in the vicinity of the project site, which primarily consist of light industrial uses.

2. *The site for the proposed use relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The site has access to local streets and highways which are designed to carry the type and quantity of traffic that will be generated by the proposed use. The site will have access via three two-way driveways – one facing New Jersey Street and two facing W. Park Avenue. Access to the project site vicinity can be provided via nearby major arterials including Redlands Boulevard, California Street, and Alabama Street.

3. *The conditions set forth in the approval and those shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.*

The conditions of approval for the project will protect the public health, safety, and general welfare. The project site will be developed in accordance with standard engineering design requirements as well as standard building code and fire code requirements. The project has been conditioned to comply with the applicable provisions of the Redlands Municipal Code and the provisions of the East Valley Corridor Specific Plan.

SECTION 4. FINDINGS FOR REQUEST TO WAIVE UNDERGROUNDING UTILITIES (RMC 17.17.020).

4. The subdivision is within an area where existing utilities have not been undergrounded and that deferral will be allowed because underground is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements.

The applicant is requesting to waive the requirement to underground one overhead fiber optic pole along West Park Avenue. The project site is in an area where existing utilities have not been undergrounded, as utilities poles on both sides of West Park Avenue to the west of the project site have not been undergrounded, and only partial undergrounding of

utilities have been completed for the segment of West Park Avenue to the east of the project site. In addition, this segment of New Jersey Street has similar condition as West Park Avenue where most of the utilities poles have not been undergrounded. Therefore, this finding may be made.

5. Overhead utilities will have no significant visual impact.

The visual character and quality of West Park Avenue along the project's frontage and the surrounding area will not be detrimentally affected by deferring the undergrounding of utility lines. The applicant is required to pay the estimated cost of undergrounding along the project frontages. Fees collected in lieu of undergrounding are to be used by the City to fund undergrounding of utilities in the future. Deferring the undergrounding is not expected to result in any significant visual impacts since the aforementioned utility lines will remain as-is surrounding the subject property, and the project will not contribute to any additional visual impact. Therefore, this finding may be made.

ADOPTED, SIGNED AND APPROVED this 13th day of December. 2022.

Steven Frasher, Chair
Planning Commission

ATTEST:

Linda McCasland, Secretary to the Planning Commission

I, Linda McCasland, Secretary to the Planning Commission of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the Planning Commission at a regular meeting thereof held on the 13th day of December, 2022, by the following vote:

AYES: 6
NOES: 1
ABSENT: 0
ABSTAIN: 0

Linda McCasland
Secretary to the Planning Commission

EXHIBIT A
CONDITIONS OF APPROVAL
COMMISSION REVIEW & APPROVAL NO. 949

1. This approval is for Commission Review & Approval No. 949 to construct a 48,079 square foot concrete tilt-up warehousing building and related on-site improvements including parking lot, landscaping, and lighting on a 2.56-acre parcel. The project site is a vacant parcel located at the northeast corner of West Park Avenue and New Jersey Street, in the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan (APN: 0292-153-20-0000).

2. Unless construction has commenced pursuant to the issuance of a building permit, or a time extension is granted in accordance with the Redlands Municipal Code, this approval shall expire two (2) years from the date of Planning Commission approval (will expire December 13, 2024).

3. This permit is granted for the plans dated November 28, 2022 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions. The Development Services Director is authorized to approve minor modifications to the approved project plans or any of the conditions of approval if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.

4. The property owner and applicant and their successors and assigns, shall defend, by paying for the defense costs of the City of Redlands (for counsel retained by the City), indemnify and hold harmless the City of Redlands, and its elected officials, officers, employees, and agents, from and against any and all claims, actions, and proceedings (collectively "Claims") to attack, set aside, void or annul the approval of this Conditional Use Permit by the City, or Claims brought against the City due to acts or omissions in any way connected to the applicant's project that is the subject of this permit. This indemnification shall include, but not be limited to, damages, fees, costs, liabilities, and expenses incurred in such actions or proceedings, including damages for the injury to property or persons, including death of a person, and any award of costs or attorneys' fees. In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of this permit, or is commenced for any other reason against the City for acts or omissions relating to the applicant's project, within fourteen (14) City business days following notice of such action from the City, the applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City (the "Security") in a form satisfactory to the City, and in the amount of $300,000, to ensure applicant's performance of its defense and indemnity obligations under this condition. The Security amount shall not limit the total indemnity obligation of the applicant pursuant to this condition. The failure of the applicant to provide the Security shall be deemed an express acknowledgement and agreement by the applicant that the City shall have the authority and right, without objection by the applicant, to revoke all entitlements granted for the project pursuant to this permit. The City shall have no liability to the applicant for the exercise of City's right to revoke this permit.

5. Pursuant to Government Code Section 66020(d), certain fees, dedications, reservations or exactions imposed by the City as a condition of approval of this project are subject to a statutory ninety (90) day protest period. Please be advised that the ninety (90) day protest period for those fees, dedications, reservations and exactions which are subject to Government Code Section 66020(a) has commenced to run on the date this project was approved by the City.

6. The issuance of any permits shall comply with all applicable provisions of the Redlands Municipal Code and the East Valley Corridor Specific Plan (Specific Plan No. 40).

7. The issuance of any permits shall comply with all applicable provisions of the Redlands Municipal Code, California Fire Code, and the California Building Code in effect at the time of permit issuance.

8. All plans submitted to the City shall reflect the Planning Commission approval and any other changes required by the Commission and/or staff. This condition applies to the site plan, landscape plans, building elevations and materials, and all other illustrations, text, or plans submitted to the City in connection with this project.

9. The applicant shall not make any modifications or changes during construction that are in conflict or contrary to the project's approved site design, grading plan, landscaping plan, or building elevations without first consulting with the Development Services Director or designee.

10. A copy of the approved Conditions of Approval shall be included on the cover page(s) of the construction plans submitted to the Building Division.

11. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.

12. All fences and walls shall comply with the applicable East Valley Corridor Specific Plan requirements. A Minor Exception Permit will be required for any fences and/or walls that exceed the stated height limits of the EVCSP.

13. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type to be used in construction.

14. All on-site utilities shall be placed underground except power poles for lines over 66 KV. Plans shall be submitted that detail the undergrounding of all on-site utilities, subject to review and approval by the Development Services Director, prior to issuance of building permits.

15. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within pathways, streetscapes, and open spaces proposed

throughout the development. An electrical engineer shall prepare the site lighting and/or photometric plan. The illumination within the parking lot shall be a minimum of 0.5-foot candle and illumination along all property lines of the project site shall not exceed 0.5-foot candle. Walkway lighting shall have a maximum height of 12 feet and all parking lot lighting shall have a maximum height of 30 feet.

16. Plans submitted for plan check shall include an exterior lighting plan, including fixture and pole designs, for review and approval by the Development Services Director or designee. All lighting shall be shielded, and no light or glare shall impact the surrounding properties per the foot candle standards provided in No. 15 above.

17. Prior to issuance of building permits, Developer shall demonstrate that light standards will not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.

18. All landscaped areas noted on the site plan shall be permanently maintained with healthy planting material, and whenever necessary shall be replanted with suitable vegetation.

19. Landscape and Irrigation Plans shall provide water use calculations on the submitted plans, and Developer shall demonstrate compliance with the Model Water Efficient Landscape Ordinance (Redlands Code Chapter 15.54, Water Efficient Landscape Requirements) prior to permit issuance. The plans shall be prepared by a California-licensed landscape architect.

20. The Final Landscape Plans shall incorporate the following:

    a. The landscape plan shall comply with all requirements for landscaping in parking lots pursuant EV4.0255 of the East Valley Corridor Specific Plan.

    b. The landscape plan shall be detailed and show the specific distribution, size, and amount of each species of trees, shrubs, and groundcover.

    c. All plant material shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within approximately three (3) years, depending on tree species.

    d. Trees with a trunk height of not less than six feet (6') shall be installed in the planters at end of an automobile parking aisle, at three (3) space intervals throughout the automobile parking area, and at twenty-foot (20') intervals along the periphery of the automobile parking area. Within automobile parking areas, trees may be clustered in groups to achieve a more natural setting provided the total number of trees meets the previous planting requirements.

    e. At least fifty percent (50%) of the trees shall be an evergreen variety and shall be evenly distributed throughout the parking lot(s) landscaped areas.

f. At least fifty percent (50%) of the trees shall be fifteen (15) gallon in size, twenty five percent (25%) shall be twenty-four-inch (24") box size, and twenty five percent (25%) shall be thirty-six-inch (36") box in size. All trees shall meet the following minimum caliper sizes. If the caliper size cannot be met at the container size, then the developer shall increase the container size to meet the required caliper.

15-gallon:	3/4" to 1"
24-inch box:	1-1/4" to 1-3/4"
36-inch box:	2-1/2" to 2-3/4"

g. All trees identified on the landscape plan are to be maintained and the trimming or maintenance of them shall serve the purpose to bring them into a full canopy type configuration. If applicant/developer fails to maintain and trim said trees to allow for full canopy type configuration, applicant/developer shall be in violation of its conditions of approval and subject to enforcement as allowed by law.

h. All landscape planters that are ten feet (10') or less in width shall utilize measures such as root barriers or other deep watering system to minimize heaving of parking area pavement and curbs by tree roots.

i. An automatic irrigation system shall be utilized to irrigate the site's approved landscape design.

j. Where automobile bumpers overhang landscaped planters, two feet (2') of clear areas unobstructed by trees or shrubs shall be provided for overhang.

k. A solid hedge row to be maintained at a minimum height of 3 feet, upon maturity, shall be planted along the New Jersey Street frontage, where adjacent to the public right-of-way to screen the front parking lot. Developer may also install a landscaped berm to achieve screening.

21. The landscape architect responsible for the design of the project's landscape plan shall review and certify, prior to a request by the applicant for a final occupancy inspection, that the installed landscaping meets the specifications of the approved landscape plan, except as modified in the conditions of approval.

22. Transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping. Multiple electrical meters and panels shall be fully enclosed and incorporated into the overall architectural design of the building(s). Backflow preventers shall be enclosed with landscaping that will provide complete screening upon maturity. The location and method of enclosure or screening of this equipment shall be shown on the construction plans and landscape plans prior to building permit issuance. Location of said equipment shall be coordinated with appropriate utility company (e.g., Southern California Gas Company or Southern California Edison Company). The applicant shall submit plans showing details of screening subject to

review and approval by the Development Services Director, prior to issuance of building permits.

23. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Sign locations and illumination are subject to review and approval by the Planning Division under separate permit.

24. Glazing or image reflective surfaces (specular reflectance), such as the glazing on windows, shall be limited to a maximum reflectance value of twenty five percent (25%). "Specular reflectance" means any mirror like reflection, as contrasted to diffused reflection from such surfaces as concrete or vegetation.

25. Prior to the issuance of building permits, the applicant shall submit plans detailing that roof screening is of adequate height to screen any roof-top equipment from public view on all sides, subject to review and approval by the Development Services Director. Screening of air conditioning units and other equipment on the buildings shall be incorporated into or compatible with the architectural design of the buildings. All equipment shall be screened from public view of adjacent roadways and freeways.

26. Prior to the issuance of building permits, ground mounted equipment shall be screened from public view on all sides subject to review and approval by the Development Services Director.

27. The project site shall be kept in a weed and dust free condition throughout all periods of development.

28. No cut or fill slopes of any type shall be steeper than 3:1, with smooth vertical transitions.

29. In the event of an accidental discovery or recognition of any human remains or funerary objects, Public Resource Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

    a. There shall be no further excavation or disturbance of the site or any nearby area (within a 100-foot buffer of the find), as reasonably suspected to overlie adjacent human remains, until the City of Redlands Police Department and San Bernardino County Coroner are contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 11 5097.98, or

    b. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated

grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project area in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
- The descendent identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

30. Prior to issuance of a building permit, the applicant shall be required to obtain approval of a construction site safety plan by the Redlands Police Department providing adequate security measures such as lights, video cameras, vehicle transponders, locks, alarms, trained security personnel, fencing etc. The nature of the measures will depend on the specific requirements of the site and may vary with the different stages of construction. The applicant shall be responsible for the compliance of all sub-contractors working on the site.

31. In accordance with Section 18.224.020(A) of the Redlands Municipal Code, the applicant shall construct bicycle racks or secured lockers at a rate of one per thirty (30) parking spaces with a minimum of a three (3) space bicycle rack.

32. Prior to the issuance of a grading permit, the applicant shall obtain approval from the Historic and Scenic Preservation Commission for demolition of the residential and garage structures over 50 years of age.

Building & Safety Division

33. When the Entitlement Review is approved submit complete construction drawings including structural calculations, energy calculations and soils report to Building and Safety for plan review in accordance with the current edition of the California Building and Fire Codes including all local ordinances and standards which are effective at the time of Plan Check Submittal.

34. The new structure is required to be equipped with automatic fire sprinklers per the CBC/CFC, NFPA 13 and the current Redlands Municipal Code.

35. Accessible EVC parking spaces for future EVCS as per the California Green Code is required.

36. Disabled access for the site and buildings must be in accordance with the State of California and ADA regulations.

Other Departments

37. Conditions of Approval from the following City Departments/Divisions are applicable to the project, and are hereby incorporated by reference:

    a. Land Use Engineering (Exhibit B)

Brian Desatnik
Development Services Director

EXHIBIT B
Land Use Engineering
Division Conditions of
Approval

(Attached)

REDLANDS DEVELOPMENT SERVICES DEPARTMENT
LAND USE ENGINEERING
DEVELOPMENT REQUIREMENTS
COMMISSION REVIEW AND APPROVAL NO. 949

Date of P.C. Meeting:	**December 13, 2022**
Applicant:	**UCR Group, LLC**
Location:	**1980 West Park Avenue**
Project Description:	**Construct an Approximately 48,079 Square Foot Manufacturing Building**

The applicant shall comply with the following engineering requirements to allow for the orderly development of the surrounding area and for public health and safety.

All requirements for development shall be consistent with requirements set forth in the East Valley Corridor Specific Plan; applicable sections of Redlands Municipal Code; latest edition of "Redlands Standard Specifications and Detail Drawings for Design and Construction of Public Improvements"; latest edition of American Public Works Association "Standard Plans for Public Works" and "Standard Specifications for Public Works Construction – Greenbook"; latest edition of "Redlands Water Systems Standard Specifications"; latest edition of "Redlands Sanitary Sewer Systems Standard Specifications"; and current Redlands policies and guidelines relative to development projects.

A. The following items are required prior to issuance of the GRADING PERMIT.

1. Pay plan check fee as established per resolution. The amount will be determined at plan check submittal.

2. Plans required to be submitted include:
   a. Precise Grading Plan. Grading plans shall be coordinated with the existing and proposed off-site improvements. (RMC 15.04)
   b. SWPPP/Erosion Control Plan. Erosion/Sediment Control Plan shall be submitted for review and approval. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review. SWPPP Best Management Practices (BMPs) to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in effect for the entire duration of project construction to its completion and acceptance by the City. (RMC 13.54)
   c. Water Quality Management Plan. Submit preliminary/final Water Quality Management Plan (WQMP) for review and approval. WQMP shall consist of post construction Best Management Practices (BMPs) prepared in accordance with the requirements and guidelines of the San Bernardino County Stormwater Program. The requirements of the WQMP shall remain in effect throughout the life of the project. (California State Order No. R8-2010-0036)

All plans used as reference for design shall be listed on title sheet of all plans with reference numbers. All plans shall be submitted on 24" x 36" size sheets. Six (6) copies of each are required. After final review, grading and SWPPP plans shall be submitted on 24" x 36" size, min. 4 mil, mylar sheets for City's approval.

3. Submission of plan sets shall be complete and include all required engineering designs and drawings listed in No. 2 above. All plans submitted shall be substantially complete, and no plan check queue place-holder plans will be accepted. An incomplete plan submittal will not be accepted for plan check.

4. All support documentation shall be submitted with the plans to be checked. Submission shall include:
   a. Hydrology Report and Hydrologic Calculations; (RMC 18.12.080)
   b. Geotechnical Report; (RMC 15.04)
   c. Easement Documents. (RMC 18.12.080)

5. The post-construction stormwater discharge rate (Q) from a 100 year storm event shall not be greater than the pre-construction stormwater discharge rate (Q).

6. A final WQMP that is in substantial conformance with the preliminary WQMP and in full conformance with the WQMP Guidance Document shall be submitted and approved prior to the approval of precise grading plans.

7. Cash cleanup deposit shall be submitted ($1,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request. (RMC 12.16.290)

8. Truck route permit is required for all construction vehicles 5 tons and over gross vehicular weight (e.g. concrete trucks) using streets other than established truck routes. (RMC 10.54)

   NOTE: Cash cleanup deposit and truck route permit submitted during the grading process could be transferred to be used during building construction or off-site improvement construction if it is within the time limit specified in the truck route permit, otherwise a new truck route permit must be issued.

9. For all development requiring coverage under the state of California General Storm Water Permit, in effect at the time of permit issuance, and whom have filed with the State Board a Notice of Intent (NOI), a copy of the Waste Discharge Identification Number (WDID) and NOI shall be submitted for review and file. Call (866) 563-3107.(RMC 13.54)

10. The Final WQMP shall also include a site trash plan detailing the installation, operation, and maintenance of a Full Capture System (FCS) for loose trash. The intent of the FCS is to capture loose trash preventing the trash from entering the site storm drains and basins. BMPs or devices used as FCS devices shall require acceptance by the City Engineer. Full Capture Systems are defined as treatment

controls (either a single device or a series of devices) capable of trapping all particles 5 mm or greater. In addition, the FCS shall trap trash from the greater of:

a. A flow not less than the peak flow rate, Q, resulting from a one-year, one-hour, storm. Precipitation intensity shall be determined using the NOAA ATLAS 14 Point Precipitation Frequency Estimates web site; or
b. A flow rate equal to the on-site storm water conveyance system including pipes, channels, and swales.

B. The following items are required prior to RECORDATION OF TRACT/PARCEL MAP.

No map is required for this application.

C. The following items are required prior to issuance of the BUILDING PERMIT

1. Pay plan check fee as established per resolution. The amount is to be determined at plan check submittal.

2. Plans required to be submitted shall include:
   a. Street Improvement;
   b. Street Light Installation – Provide street lighting plan which show approved locations of service pedestal(s), conduits, street lights, appurtenances, and any necessary detail by Southern California Edison Company; and
   c. Recycled Water Main Installation.

   All plans used as reference for design shall be listed on title sheet of all plans with reference numbers. All plans shall be submitted on 24" x 36" size sheets. Three (3) copies of each are required. After final review, plans shall be submitted on 24" x 36" size, min. 4 mil, mylar sheets for City's approval.

3. Submission of plan sets shall be complete and include all required engineering designs and drawings listed in No. 2 above. All plans submitted shall be substantially complete, and no plan check queue place-holder plans will be accepted. An incomplete plan submittal will not be accepted for plan check.

4. All off-site improvements shall be designed by owner's Civil Engineer in accordance with City Standard Specifications and Detail Drawings and Standard Specifications for Public Works Construction (Green Book) latest revision thereof. All existing utilities shall be pot-holed to determine the actual depth if no signed plan is available. Field notes will be submitted at time of submitting the plan for review and plan checking.

5. The approximate locations of existing underground utilities shall be shown on the improvement/site/grading plans. The utilities shall be plotted from record and

field data. The City of Redlands and the Engineer assume no liability as to the exact location of said lines where locations are not shown.

6. Submission of approved onsite potable and irrigations plans (pdf format) is required prior to connection to recycled water system. All onsite improvements shall be done in accordance with the Water Resources Control Board, Division of Drinking Water requirements for recycled water. City shall submit plans to Division of Drinking Water for approval prior to final approval and installation of irrigation meters.

7. Provide pad certification and compaction report to the Building and Safety Department.

8. Pay the required development impact fees per ordinance in effect at time of issuing the building permit. The exact amount will be determined based upon the review of the final building plan or project information. Development Impact Fees shall include:
    - Transportation Facilities; (RMC 3.54)
    - Fire Facilities; (RMC 3.60)
    - General Government Facilities; (RMC 3.60)
    - Police Facilities; (RMC 3.60)
    - Storm Drain Facilities; (RMC 3.56)
    - Water Capital Improvement Charge; (RMC 3.48)
    - Recycled Water Capital Improvement Charge; (RMC 3.53)
    - Water Source Acquisition Charge; (RMC 13.40)
    - Sewer Capital Improvement Charge; (RMC 3.44)
    - Solid Waste Capital Improvement Charge; (RMC 3.70) and
    - Sewer Water Frontage Charges. (RMC 13.44 and 13.12.)

9. Final City approved mylars for all public improvements shall be on file with the Municipal Utilities and Engineering Department.

10. Although this project will have an on-going inspection throughout construction, a final inspection for all off-site improvements must be scheduled by developer to certify that these improvements comply with City specifications. (RMC 12.16.090)

11. Requirements for Park Avenue (RMC 18.12.080):

    a. Dedicate to provide for a corner cutoff/radius at the property line return to accommodate a 30 foot radius curb return and pedestrian ramp;
    b. Construct standard curb and gutter 22 feet north side of street centerline;
    c. Provide full depth construction/reconstruction consistent with the City standard or alternative method of street rehabilitation as accepted by the City Engineer between the new curb and gutter to the street centerline verified through a geotechnical report;

d. Construct standard sidewalk along the entire street frontage and ramps at all curb returns;
e. Construct underwalk drain, if necessary;
f. Use traffic index of 8.0;
g. Install a minimum 8 inch diameter "dry" recycled water main including necessary valves and appurtenances; and
h. Install commercial fire hydrants as required by the Redlands Fire Department.

12. Requirements for New Jersey Street (RMC 18.12.080):

a. Construct standard curb and gutter 22 feet east side of street centerline;
b. Provide full depth construction/reconstruction consistent with the City standard or alternative method of street rehabilitation as accepted by the City Engineer between the new curb and gutter to the street centerline verified through a geotechnical report;
c. Construct standard sidewalk along the entire street frontage and ramps at all curb returns;
d. Install LED ornamental street light(s) [Cobrahead (ERL1-0-06-D5-30-A-GRAY) or approved equal], with the equivalent illumination of a 150 watt sodium vapor street light. Prepare and submit a separate street lighting plan for City approval. Streetlight spacing shall be determined by the City of design specifications. Installation of one (1) light will be required. Location of the light will be determined at time of plan preparation. Coordinate with City staff for guidance at that time. Prepare and submit a separate street lighting plan for City approval;
e. Construct underwalk drain, if necessary;
f. Use traffic index of 8.0; and
g. Install commercial fire hydrants as required by the Redlands Fire Department.

13. Provide for adequate drainage facilities. The applicant shall provide and submit all necessary hydrology/hydraulic studies and calculations in accordance with the San Bernardino County Hydrology Manual. (RMC 18.12.080)

14. All irrigation lines that exist within any street right-of-way shall be replaced with ductile iron, cement mortar lined and coated steel, or as approved by City Engineer. (RMC 18.12.080)

15. All off-site utilities shall be placed underground. The undergrounding shall include power poles located along the project site's street frontage(s) and may include power poles beyond the site's boundary as determined by Southern California Edison. Those overhead utility lines that are 66KV or greater will not be required to be undergrounded. Any power pole(s) that contain a streetlight may be required to install a standard streetlight, in accordance with the Municipal Utilities and Engineering Department's standards. Plans shall be submitted that detail the undergrounding of all off-site utilities, subject to review and approval

by the City Engineer (RMC 18.12.080). This requirement may be waived per RMC Section 17.17.020 G(2) through payment of an in lieu fee provided that the approving body makes the finding described in RMC Section 17.17.20 G(3).

16. Install reduced pressure principle backflow devices as required by City Engineer. (RMC 13.20)

17. Install onsite fire line with double detector check valve backflow devices at service connection satisfactory to the City Fire Department. (RMC 13.20)

18. Comply with the Solid Waste Recycling Access Act of 1991 (AB 1327) and install double solid waste bin enclosure(s). Submit a plan prepared by a licensed engineer showing bin enclosure(s) location on the site plan with solid waste truck turning and/or turnaround track template superimposed.

19. Submit recycling plans for site demolition/construction for review and approval in accordance with Chapter 13.66 of the Redlands Municipal Code.

20. Dedication documents shall be prepared by a licensed Land Surveyor or registered Civil Engineer (registered prior to January 1982) and must be submitted for review and approval before recordation. (California B&P Code 8761 and CCR 4411)

21. Improvement bonds must be posted for the total estimated cost of off-site improvements as follows (RMC 18.12.080):

Performance	100% security (due prior to building permit issuance)
(Warranty)	10% security (due at acceptance of improvements)
Labor and Materials	50% security (due prior to building permit issuance)

Acceptable security forms: Surety Bond(s), Letter of Credit from a qualified bank or institution, Cash Deposits, or Set Aside Letter (savings account) in City's name subject to approval of the City Attorney and Finance Director.

22. The 10% warranty security will be retained for one year after acceptance of public improvements by the City for warranty of off-site work. (RMC 18.12.080) and 12.20.100)

23. Execute Public Improvement Agreement. (RMC 12.22.060)

D. The following items are required prior to approval of APPLICATION FOR WATER SERVICE CONNECTION and prior to WATER METER INSTALLATION.

1. Pay the Water Capital Improvement Charge; (RMC 3.48.030)

2. Pay the Water Source Acquisition Charge; (RMC 13.40)

3. Pay the Recycled Water Capital Improvement Charge; (RMC 3.53.050)

4. Pay the Water Meter Charge. (Redlands Ordinance No. 2830)

5. Any existing water service to abandoned shall be abandoned at the main.

E. The following items are required prior to issuance of the ENCROACHMENT PERMIT.

1. Cash cleanup deposit shall be submitted ($1,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request. (Required unless previously submitted under Sections A, B or C.) (RMC 12.16.290)

2. Truck route permit is required for all construction vehicles 5 tons and over gross vehicular weight (e.g. concrete trucks) using streets other than established truck routes. (RMC 10.54)

3. Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a "Permit to Excavate" will be valid. For your Dig Alert Identification Number, call Underground Service Alert toll free, 1-800-227-2600, two (2) working days prior to conducting any excavation. (RMC 12.20.120)

4. Encroachment Permit application and two (2) sets of City approved plans must be submitted for all off-site improvements. Encroachment Permit fees shall be paid prior to issuance of Encroachment Permit. (RMC 12.16.010)

5. A California OSHA Permit Number for all work that is 5 feet deep or deeper shall be provided. Call (909)383-4321. (RMC 12.16.040)

6. A copy of soils report is required with recommendation for the final pavement structural section to be submitted prior to placing of the street pavement. The report shall include test results and boring/sampling locations.

7. A traffic control plan shall be prepared in accordance with the latest revision of CA MUTCD or W.A.T.C.H. manual, submitted and accepted by the City Engineer prior to issuance of an encroachment permit. The plan shall show all required construction signage, warning devices, road closures, detours, delineation, phasing schedules and anticipated durations of closures and detours for any work within the public right-of-way. The plans shall provide names and 24-hour phone numbers of individuals who can be contacted regarding traffic control measures.

8. Improvement bonds must be posted for the total estimated cost of off-site improvements as follows:

Performance	100% security (due prior to building permit issuance)
(Warranty)	10% security (due at acceptance of improvements)
Labor and Materials	50% security (due prior to building permit issuance)

Acceptable security forms: Surety Bond(s), Letter of Credit from a qualified bank or institution, Cash Deposits, or Set Aside Letter (savings account) in City's name subject to approval of the City Attorney and Finance Director.

9. Execute Public Improvement Agreement.

10. The 10% warranty security will be retained for one year after acceptance of public improvements by the City for warranty of off-site work.

F. The following items are required prior to issuance of CERTIFICATE OF OCCUPANCY.

1. All requirements as described in Sections A, B, C, D and E of these conditions of approval shall be met.

2. All work shall be completed to the satisfaction of the City Engineer. All as-built plans shall be delivered to the Municipal Utilities and Engineering Department for review and approval.

3. The Engineer of Record shall file a Final Certification for all grading and improvements relating to the project development.

4. Owner's Licensed Land Surveyor shall reset survey points, monuments, record corners, and centerline ties that were destroyed during construction and shall file Corner Records for those points prior to completion of the project with San Bernardino County Surveyor. Copies of information shall be furnished to the Municipal Utilities and Engineering Department. [California B&P Code 8762, 8767, 8768, 8771, and 8773(b)]

5. A list of as-built infrastructure improvement quantities shall be provided in the Excel format provided by the City showing quantities for each street segment (i.e. pavement, curb and gutter, sidewalk, etc.)

6. Streets may be required to have a seal coat applied at the option of the City Engineer. Type of seal coat is to be determined by the City Engineer.

7. Resurface existing roadway as directed by the City Engineer due to utility installations and construction damage.

8. Existing striping shall be removed and replaced as necessary. New striping and pavement markings shall be installed as required by the City Engineer.

9. Owner/Developer shall provide recycling receipts as required by the recycling plan.

G. The following items are required prior to release of SECURITIES/WARRANTIES/DEPOSITS.

1. Prior to the release of the securities for the project, all improvements shall be reviewed and accepted by the City Engineer.

2. Tie sheets shall be submitted for all monuments found and/or set in the public right-of-way.

3. The release of securities/warranties/deposits must be requested in writing to the City Engineer. Allow 30 days for processing.

Donald P Young

DONALD YOUNG, P.E., P.M.P.
One Stop Permit Center Manager

Initial

FILE: CRA 949

RESOLUTION NO. 8648

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS APPROVING A ONE-YEAR EXTENSION OF TIME TO THE EXPIRATION DATE FOR COMMISSION REVIEW & APPROVAL NO. 949 FOR THE CONSTRUCTION OF A 48,079 SQUARE-FOOT LIGHT INDUSTRIAL BUILDING ON 2.56 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST PARK AVENUE AND NEW JERSEY STREET.

WHEREAS, UCR Group, LLC, has submitted an application for Extension of Time No. 1 to construct a 48,079 square foot light industrial building with ancillary office space on a 2.56-acre parcel located at the northeast corner of New Jersey Street and West Park Avenue (APN: 0292-153-20-0000) in the Commercial Industrial (EV/IC) District of the East Valley Corridor Specific Plan; and

WHEREAS, on December 13, 2022, the Redlands Planning Commission held a public hearing, and adopted Resolution No. 1605 to approve Commission Review& Approval No. 949; and

WHEREAS, on December 13, 2022, the Redlands Planning Commission adopted Resolution No. 1606 recommending approval to the City Council for Street Vacation No. 190 for the project; and

WHEREAS, Redlands Municipal Code section 18.12.130 permits an applicant to request a one-year extension of time to extend the expiration date for a Commission Review & Approval, provided the total number of such one-year extensions do not exceed three; and

WHEREAS, the applicant intends to develop the project approved by Commission Review & Approval No. 949, and requests the extension to allow more time to secure appropriate funding and submit construction plans for plan check; and

WHEREAS, following the meeting for the extension of time to Commission Review & Approval No. 949, the City Council determined that the approval of the requested one-year extension of time is in the best interests of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

SECTION 1. California Environmental Quality Act. Approval of this Resolution is exempt from further environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act, as there is no possibility of any potentially significant environmental effects as a result of the Extension of Time. Planning Commission Resolution No. 1605 was adopted on December 13, 2022, and determined the project was exempt from environmental review in accordance with the California Environmental Quality Act. There are no changes proposed to the approved project as part of the Extension of Time.

SECTION 2. Approval of Extension of Time. The proposed one-year extension of time for Commission Review & Approval No. 949 is hereby approved in accordance with Redlands Municipal Code Section 18.12.130.

SECTION 3. Expiration Date. The new expiration date for Commission Review & Approval No. 949 shall be December 13, 2025. The project shall remain subject to all original Conditions of Approval (contained in Planning Commission Resolution No. 1605).

SECTION 4. Effective Date. This Resolution shall become effective upon adoption.

ADOPTED, SIGNED AND APPROVED this 3rd day of December, 2024.

Eddie Tejeda, Mayor

ATTEST:

Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 3rd day of December, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

City Council Meeting **I. 6.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Reject all bids received for the Redlands Fire Department Household Hazardous Waste Collection Site Metal Canopy; bids received exceed the available budget (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move that the City Council reject all bids received for the Redlands Fire Department Household Hazardous Waste Collection Site Metal Canopy project.

RECOMMENDATION:

Staff recommends that the City Council reject all bids received for the Redlands Fire Department Household Hazardous Waste Collection Site Metal Canopy project.

DISCUSSION:

The Redlands Fire Department Household Hazardous Waste Collection Site Metal Canopy, project number FCS08272024KG, includes labor and materials to install a concrete slab with a metal overhead canopy to be used for household hazardous waste collection for the community.

On September 18, 2024, the City Clerk's office received and opened 14 bids for the project. Staff evaluated the bids for conformance with the City's purchasing ordinance, and verified the total prices as shown in the table below.

BIDDER	BID AMOUNT
Cornerstone CC, Victorville, CA	$399,500.00
MWC Group, Inc., Adelanto, CA	$421,380.32
Vet Corps Contracting, Inc., Temecula, CA	$466,775.00
*Facility Builders & Erectors, Anaheim, CA	$475,000.00
**Total Western, Paramount, CA	$491,000.00
Rhome Profile Construction, Bellflower, CA	$494,819.39
Oaktree Engraving & Monuments	$549,000.00
MLC Constructors Inc., Corona, CA	$659,841.00
Corner Keystone Construction Corp., Covina, CA	$677,880.00
***Jergensen Concrete, Inc., Phelan, CA	$686,371.62
R. Dependable Construction, San Bernardino, CA	$749,000.00
Metro Builders & Engineers Group, Newport Beach, CA	$750,525.00
Elegant Construction, Irvine, CA	$800,000.00
Blackstone Builders, Inc., Corona, CA	$923,312.00

*Bid disqualified -No labor and material breakdown ** Bid disqualified-No signature on bid ***Bid disqualified -Bid response did not reflect revised pricing as specified in Addendum 1

Funding for this project was to be provided by a grant from CalRecycle in the amount of $244,500. The bids received exceeded the available budget and construction cost estimate for the project. No additional funding has been allocated for this project. Therefore, staff recommends the rejection of the bids received for the project.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
Tabitha Crocker, Facilities and Community Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Donald Craw, Senior Manager

PREPARED BY:
Kathleen Giorgianni, Senior Administrative Assistant

Fiscal Impact

Fiscal Year:	2024-2025
Revenue Generating:	No
Appropriation Required Y/N:	No
Amount:	0
Budgeted Y/N:	No
Discussion:	

Attachments

City Clerk's Report

CITY OF REDLANDS
OFFICE OF THE CITY CLERK
BID OPENING REPORT

The following bids were opened on the **18th day of September, 2024 at 11:00 a.m.** on behalf of the **Facilities and Community Services Department** for **RFD Metal Canopy and Slab**. The bid amounts have not been checked and are subject to correction after the bids have been completely reviewed.

No.	Plan Holder's Name	Bid Signed	Bid Bond	Addenda Acknowledged (1)	Total Bid Amount
1	Cornerstone CC, Victorville, CA	Yes	Attached	Yes	399,500.00
2	MWC Group, Inc., Adelanto, CA	Yes	Attached	Yes	421,380.32
3	Vet Corps Contracting, Inc., Temecula, CA	Yes	Attached	Yes	466,775.00
4	Facility Builders & Erectors, Anaheim, CA	Yes	Attached	Yes	475,000.00
5	Total Western, Paramount, CA	Yes	Attached	Yes	491,000.00
6	RHOME Profile Construction, Bellflower, CA	Yes	Attached	Yes	494,819.39
7	Oaktree Engraving & Monuments	Yes	Attached	Yes	549,000.00
8	MLC Constructors, Inc., Corona, CA	Yes	Attached	Yes	659,841.00
9	Corner Keystone Construction Corp., Covina,	Yes	Attached	Yes	677,880.00
10	Jergensen Concrete Inc., Phelan, CA	Yes	Attached	Yes	686,371.62
11	R. Dependable Construction, San Bernardino, CA	Yes	Attached	Yes	749,000.00
12	Metro Builders & Engineers Group, Newport Beach,	Yes	Attached	Yes	750,525.00
13	Elegant Construction, Irvine, CA	Yes	Attached	Yes	800.000.00
14	Blackstone Builders Inc., Corona, CA	Yes	Attached	Yes	923,312.00

*Final Bid Report

Jeanne Donaldson, City Clerk
City of Redlands, California

Emailed: Councilmembers, City Manager, PIO, Press
Department Head: Tabitha Crocker; Staff: Kathleen Giorgianni

City Council Meeting **I. 7.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Reject all bids received for the Joslyn Senior Center HVAC and Roofing project; bids received exceed the available budget (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move that the City Council reject all bids received for the Joslyn Senior Center HVAC and Roofing project.

RECOMMENDATION:

Staff recommends that the City Council reject all bids received for the Joslyn Senior Center HVAC and Roofing project.

DISCUSSION:

The Joslyn Senior Center HVAC and Roofing project, FCS06102024KG, includes labor and materials to provide new roofing and HVAC for the Center. On August 12, 2024, the City Clerk's office received and opened 3 bids for the project. City staff evaluated the bids for conformance with the City's purchasing ordinance, and verified the total prices as shown in the table below.

BIDDER	BID AMOUNT
*MMJ Construction, Temecula, CA	$663,211.00
Rhome Profile Construction, Bellflower, CA	$712,017.00
Best Contracting Service, Gardena, CS	$859,559.98

The bids received exceeded the available budget and construction cost estimate for the project. Therefore, staff recommends the rejection of the bids received for the project.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

Not Applicable

SUBMITTED BY:
Tabitha Crocker, Facilities and Community Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager

PREPARED BY:
Kathleen Giorgianni, Senior Administrative Assistant

Fiscal Impact

Fiscal Year:	2024-2025
Revenue Generating:	No
Appropriation Required Y/N:	No
Amount:	0
Budgeted Y/N:	No
Account No.:	N/A
Discussion:	

Attachments

City Clerk's Report

CITY OF REDLANDS
OFFICE OF THE CITY CLERK
BID OPENING REPORT

The following bids were opened on the **12th day of August 2024 at 11:00 a.m.** on behalf of the Facilities and Community Services Department for **Rebid Roofing and HVAC Replacement Joslyn Senior Center – FCS06102024KG**. The bid amounts have not been checked and are subject to correction after the bids have been completely reviewed.

No.	Plan Holder's Name	Bid Signed	Bid Bond	Addenda Acknowledged (1)	Total Bid Amount
1	MMJ Construction, Temecula CA	Yes	Yes	1 acknowledged	$663,211.00
2	Rhome Profile Construction, Bellflower CA	Yes	Yes	1 acknowledged	$712,017.00
3	Best Contracting Service, Gardena CA	Yes	Yes	1 acknowledged	$859,559.98

Jeanne Donaldson, City Clerk
City of Redlands, California

Emailed: Councilmembers,
City Manager, PIO, Press
Department Head: Tabitha Crocker
Staff: Kathleen Giorgianni

City Council Meeting **I. 8.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the Professional Services Agreement with Jacob Green & Associates, Inc in the amount of $71,950 for the development and implementation of an Emergency Management Comprehensive Training and Exercise program (Fire Chief Sessler)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to approve the Professional Services Agreement in the amount of $71,950, with Jacob Green & Associates, Inc for the development and implementation of an Emergency Management Training and Exercise program.

RECOMMENDATION:

Staff recommends the City Council approve the Professional Services Agreement with Jacob Green & Associates, Inc for the development and implementation of an Emergency Management Training and Exercise program. This initiative aims to ensure that Redlands is well-prepared to respond to and mitigate any potential disasters or community crises.

DISCUSSION:

An efficient Emergency Operations Center (EOC) is crucial for effective emergency management. It serves as the central hub for coordination, communication, and decision-making during disasters or crises. An efficient EOC ensures that resources are allocated swiftly, information is shared effectively, and all agencies involved work collaboratively. This streamlined approach minimizes confusion and enhances the overall response, ultimately saving lives and reducing damage to the community. Training and exercises are equally important for emergency management as they prepare personnel to

effectively utilize the EOC's resources and systems under pressure. Regular training helps staff become familiar with protocols, tools, and procedures; ensuring that everyone is ready to respond when emergencies arise. Exercises simulate real-life scenarios, allowing teams to practice their roles, identify areas for improvement, and strengthen coordination among various agencies. Together, these elements enhance the preparedness and resilience of the community, ensuring a more effective response during actual emergencies. Jacob Green & Associates, Inc along with their team, bring extensive experience in Emergency Management, having collaborated with a diverse range of clients throughout Southern California, including special districts, local municipalities, the Governor's Office of Emergency Services (CalOES), and the Federal Emergency Management Agency (FEMA). Under the Professional Services Agreement, their services will include training and exercises focused on activating the Emergency Operations Plan, ensuring staff are well-versed in their roles and responsibilities, and managing Emergency Operations Center (EOC) operations.

Jacob Green & Associates, Inc have previously worked with the Redlands Fire Department to develop a plan for the EOC renovation, assess the operational needs of the Redlands EOC, and create the Redlands Emergency Operations Plan, giving them a strong understanding of the specific needs of the Redlands EOC. Staff is therefore requesting that the City Council approve the Professional Services Agreement as a sole source purchase.

ALTERNATIVES:

The City Council may decide not to approve the Professional Services Agreement with Jacob Green & Associates, Inc and may provide alternative direction to staff.

STRATEGIC PLAN:

Priority B - Public Health and Safety

SUBMITTED BY:
Rich Sessler, Fire Chief

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Bruni Reyes, Management Analyst

Fiscal Impact

Fiscal Year: 2024-2025
Revenue Generating: N
Appropriation Required Y/N: N
Discussion:

The total cost for the Emergency Management Training and Exercise Program is $71,950, and sufficient funds have been allocated in the department's FY2024-2025 budget.

Attachments

Sole Source Form
Professional Services Agreement

Sole Source/ Single Source/ Standardization Form

For procurement of supplies, equipment and services valued at $5,000 and over

NOTE: Every question must be answered with appropriate documentation attached; incomplete forms will be immediately rejected by Purchasing.

Date: 10/22/24

TO: Purchasing Division

FROM: Bruni Reyes, Management Analyst

Purchase Requisition # _____

Estimated Total Cost: $ 71,950

Proposed Vendor: Jacob Green & Associates

Request Term: December 31, 2025

This form must accompany the purchase document whenever an exception to the competitive process is requested. Requests for goods and/or services from a specific vendor or limited to a specific brand, where substitutes to the recommended vendor or brand are unacceptable, must be accompanied by a written justification explaining the circumstances that make alternatives unacceptable.

The City Manager will determine whether the justification is appropriate. Requests for exception must be supported by factual statements that will pass an audit.

INSTRUCTIONS

1. Please check all applicable categories (a. through i.) below and provide additional information where indicated.

☐ a. The requested product is an integral repair part or accessory compatible with existing equipment.

Existing Equipment: _____

Manufacturer/Model Number: _____

Age: _____

Current Estimated Value: _____

☐ b. The requested product has unique design/performance specifications or quality requirements that are not available in comparable products.

☐ c. I have standardized the requested product and the use of another brand/model would require considerable time and funding to evaluate.

☐ d. The requested product is one in which I (and/or my staff) have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or funding.

☐ e. The requested product is used or demonstration equipment available at a lower-than-new cost.

☐ f. Repair/Maintenance service is available only from manufacturer or designated service representative.

☐ g. Upgrade to or enhancement of existing software is available only from manufacturer.

☐ h. Service proposed by vendor is unique; therefore, competitive bids are not available or applicable.

■ i. Other factors (provide detailed explanation in #2 below).

2. Provide a detailed explanation and pertinent documentation *for each category* checked in item 1 above. Attach additional sheets if necessary:

Jacob Green & Ass has provided services to the Redland Fire Department including a detailed gap analysis of the EOC, renovation plan design, as well as the citywide Emergency Operations Plan giving them a strong understanding of the specific needs of the Redlands EOC.

Rev 1.31.19

3. Was an evaluation of other equipment, products, or services performed?
☐ Yes ■ No
If yes, please explain the type of evaluation performed and provide all supporting documentation:

4. List below the name of each individual who was involved in the evaluation, if conducted, and in making the recommendation to procure this product or service. Attach additional information, if necessary.

5. **Explain what action(s) the department would take if the sole/single source services were no longer available**
The Fire Department would have to start over with a new consultant who is unfamiliar with the specific needs of the Redlands Emergency Operations Center.

6. I certify that the above information is accurate to the best of my knowledge, and a signed copy of this document will be kept on file and available for audit in my department

Bruni Reyes 10/22/2024
Prepared by Date

Department Director 10/22/24
Date

Purchasing Approvals

Purchasing Agent Approval Date

City Manager Approval Date

Rev 1.31.19

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for the provision of Emergency Management Training and Exercises ("Agreement") is made and entered in this 3rd day of December, 2024 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Jacob Green & Associates, Inc, a California corporation. ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide Emergency Management comprehensive training and conducting exercises services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates Rich Sessler, Fire Chief, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 Consultant shall perform and complete the Services in a prompt and diligent manner in accordance with the schedule set forth in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by reference.

4.2 Consultant shall complete the Services by June 30, 2025, unless the Services are terminated earlier as provided for herein.

4.3 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 Compensation: Total compensation for Consultant's performance of the Services shall be in the amount of Seventy One Thousand Nine Hundred Fifty Dollars ($71,950). City shall pay Consultant in accordance with Exhibit "B," titled "Fee Schedule" which is attached hereto and incorporated herein by this reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:

Rich Sessler, Fire Chief
Redlands Fire Department
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373
RSessler@confire.org
Phone: (909) 798-7600

CONSULTANT:

Jacob Green, President
Jacob Green & Associates, Inc
1327 Jamboree Rd., Suite 24B
Tustin, CA 92782
Jacob@jacobgreenandassociates.com
Phone: (626)755-5270

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant. Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a

provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C ," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Consultant shall secure and maintain professional liability insurance throughout the term of this Agreement in the amount of One Million Dollars ($1,000,000) per claim made.

D. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

E. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by

the performance of Consultant's Services. Consultant further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to

perform the Services. Assigned personnel employed by Consultant are for its account only, and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS	JACOB GREEN & ASSOCIATES, INC
By: _____	By: _____
Eddie Tejeda, Mayor	Jacob Green, President

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A"

SCOPE OF SERVICES

Training is a crucial component of an effective emergency management program. Consultant recognizes its significance and is committed to providing annual emergency management training and exercises to the City of Redlands team. The primary objectives of these training sessions are:

1. Activation of the Emergency Operations Plan (EOP): The training will ensure that City staff members are well-versed in the activation procedures of the jurisdiction's EOP. This will enable City staff to effectively initiate the plan during emergencies, ensuring a swift and coordinated response.
2. Understanding Roles and Responsibilities: Participants will gain a comprehensive understanding of their specific disaster roles and responsibilities within the emergency management structure. This will enable them to execute their tasks competently and confidently, contributing to an efficient and well-coordinated response effort.
3. Emergency Operations Center (EOC) Operations: The training will focus on enhancing the participants' knowledge and skills in operating within the EOC. This includes familiarizing City staff with the EOC's functions, communication protocols, decision-making processes, and coordination mechanisms. By building their EOC competency, the participants will be better prepared to support effective emergency response and management.

In addition to training sessions, Consultant will design and conduct tabletop exercises (TTX) and functional exercises (FE) to validate the EOC training delivered as part of this task. These exercises will simulate realistic emergency scenarios, allowing participants to apply their knowledge and skills in a controlled environment. The TTX will facilitate discussions and decision-making processes, while the FE will involve active participation and practical demonstrations of emergency response capabilities.

By providing comprehensive training and conducting exercises, Consultant aims to enhance the City of Redlands's emergency management readiness, ensuring that personnel are well-prepared, competent, and confident in executing their roles and responsibilities during emergencies. The training and exercises will contribute to a more resilient and effective response system within the City.

Course/Training Descriptions

Course A – Disaster Response for Senior Officials
Time: 2 sessions @ 1.5 hours each (Delivered 2 times over 18 months)
Audience: City Senior Officials, Executive Leadership Team
Description: This training course will provide City senior officials, such as the Executive Leadership Team and other Senior Officials and Senior Management, with the basic fundamentals of the City's emergency management systems and infrastructure.
Topics Include:
• Overview of the California Standardized Emergency Management Systems
• Overview of the National Incident Management System
• Overview of the City's Emergency Organization
• Overview and purpose of the City's EOP
• Overview and function of the City's EOC
• Purpose and Process for Proclaiming a Local Emergency
• Senior Official's role in preparedness, response, and recovery
Note: The Disaster Response for Senior Officials course is designed as a standalone course for those who will not be attending other emergency management training courses in this series.

Course B – Emergency Operations Plan (EOP) Orientation Training
Time: 2 sessions @ 1.5 hours each (Delivered 2 times over 18 months)
Audience: Senior Staff, EOC Responders
Description: This training course will provide EOC Responders and other City leadership team staff with a foundational understanding of the City's EOP.
Topics Include:
• Application and activation of the EOP
• Authorities and responsibilities of the City
• Roles and responsibilities of City Departments and other organizations
• City's emergency organization structure
• Preemptive emergency actions
• Concept of emergency response and management
• Integration with county, state, and federal authorities
• Role of the City's Emergency Operations center (EOC)

Course C – EOC Management & Operations Training
Time: 2 sessions @ 4.0 hours each (Delivered 2 times over 18 months)
Audience: EOC Responders
Description: This training course will provide EOC Responders with the concepts involved in activating, managing, and operating the City's EOC.
Topics Include:
• Purpose and overview of the EOC
• Activation policy and criteria for the EOC
• EOC Activation levels

• EOC Priorities & Actions
• Roles and responsibilities of the EOC
• EOC assignments and Roles for City Departments and other organizations
• City's EOC organization structure
• The Planning Cycle of the EOC
• The Operational Cycle of the EOC
• Developing an EOC Action Plan
• Deactivating and demobilizing the EOC

Course D - EOC Section Specific Training
Time: 2 sessions @ 4.0 hours each (Delivered 2 times over 18 months)
Audience: EOC Responders
Description: This training course will provide EOC Responders with an understanding of the staffing of the EOC Organization and the specific roles and responsibilities of each of the four EOC Sections and each respective EOC Position.
Topics Include:
• Jurisdictional EOC organizational structure
• Department and other organizations assignments within the EOC organization
• Organizational structure of the EOC
• Staffing the EOC organization
• Section coordination and interaction
• Section roles and responsibilities
• Section specific considerations
• Position roles and responsibilities
• Section and position tools & resources

EOC Exercise E – EOC Tabletop Exercise (TTX)
Time: 2 sessions @ 2.0 hours each (Delivered 2 times over 18 months)
Audience: EOC Responders
Type: Discussion-based
Description: Utilizing the City's EOP and Local Hazard Mitigation Plan (LHMP), a TTX will be designed and executed. This discussion-based exercise will be conducted as a group (EOC Response Team) activity to discuss and solve notional response issues based on a probable natural, technological, or human-caused emergency scenario.
The focus will be on creating a low-stress, inclusive, discussion-based learning environment providing staff with a practical understanding of the EOP and EOC activation and application.
Lessons learned from the TTX will be used to inform the EOC functional exercise.
Exercises are designed to validate emergency planning; test tools, technology, and procedures; and reinforce staff and team training. Exercise outcomes should inform future emergency planning, improvements in systems and tools, subsequent emergency training, and exercises.

EOC Exercise F – EOC Functional Exercise (FE)
Time: 1 session @ 4.0 hours (Delivered 1 time over 18 months)
Audience: EOC Response Team
Type: Operations-based
Description: Incorporating lessons learned from the TTX, an EOC Functional Exercise (FE) will be designed and executed to further validate and condition the City's EOP, EOC, and EOC Response Team. The FE may use the same general emergency event scenario but will include variations to provide problem-solving challenges for participants.
This operations-based exercise will provide an opportunity for participants to utilize available technology, tools, resources, and the EOC facility to solve incident challenges and apply best-practice response approaches in real time. This exercise is hands-on focused while the table-top exercise is discussion-based.
A debriefing will be held to solicit participant feedback.
Exercises are designed to validate emergency planning; test tools, technology, and procedures; and reinforce staff and team training. Exercise outcomes should inform future emergency planning, improvements in systems and tools, subsequent emergency training, and exercises.

EXHIBIT "B"

FEE SCHEDULE

Emergency Operations Center (EOC) Fundamentals Package – In-Person Delivery	Cost
Course A: Disaster Response for Senior Officials (2 Sessions)	$9,250
Course B: EOP Orientation Training (2 Sessions)	$7,750
Course C: EOC Management & Operations Training (2 Sessions)	$15,950
Course D: EOC Section Specific Training (2 Sessions)	$15,950
Exercise E: EOC TTX (2 Sessions)	$10,550
Exercise F: EOC FE (1 Session)	$12,500
Total Cost	**$71,950**

Note (1): The cost for training and exercises is computed for activities that will be provided on-site in a bundled format and not as single activities. All Training and Exercise activities will be delivered onsite at Redlands and in a format not to exceed two (2) onsite trips by JGA staff.

Exclusions

The following program expenses, if necessary, are not included in consultant fees and are the responsibility of the City:

- Printing of program materials
- Venue rental fees
- Advertisement/marketing expenses
- Food and beverages for trainings and/or meetings
- Incident/EOC Response

The prices, specifications, and conditions covered within this proposal are satisfactory and hereby accepted. JGA is authorized to do the work as specified.

EXHIBIT "C"

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

Jacob Green & Associates, Inc

By:_____ Date: _____

Jacob Green, President

City Council Meeting **I. 9.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Authorize the annual maintenance payment to Motorola Solutions, Inc. in the amount of $110,887.77 for the Police Department's Spillman Computer Aided Dispatch/Records Management System (Management Services/Finance Director Garcia)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move that the City Council authorize payment of the annual invoice for the Police Department's Spillman Computer Aided Dispatch/Records Management System to Motorola Solutions, Inc. in the amount of $110,887.77.

RECOMMENDATION:

City staff recommends that the City Council authorize payment of the annual invoice for the Police Department's Spillman Technology or Computer Aided Dispatch/Records Management System to Motorola Solutions, Inc. in the amount of $110,887.77.

DISCUSSION:

Motorola Solutions, Inc, is the vendor and owner of the Police Department's Spillman Computer Aided Dispatch/Records Management System (CAD/RMS). Since it was installed and deployed over ten years ago, Spillman, the developer, has provided maintenance and support to City staff through the annual maintenance agreement which has been renewed every year since. As with many other software applications in use by the City (and is the case in all other jurisdictions for that matter), Motorola is the only provider of software maintenance and support for the Spillman CAD/RMS system and is, as such, a sole source. Payment of the annual invoice to Motorola Solutions ensures

access to routine software updates and technical support.

ALTERNATIVES:

Not Applicable

STRATEGIC PLAN:

Not Applicable

SUBMITTED BY:
Danielle Garcia, Management Service/Finance Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Rachel Tolber, Chief of Police
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Eric Owens, Information Technology Manager

Fiscal Impact

Fiscal Year:	2024-25
Revenue Generating:	No
Appropriation Required Y/N:	No
Amount:	110,887.77
Budgeted Y/N:	Yes
Account No.:	604900

Discussion:

The annual maintenance for this system totals $110,887.77 Funding for this expense was included in the FY 2024-25 budget for Management Services/DoIT.

Attachments

Motorola Spillman FY2024-25 Renewal Invoice

MOTOROLA SOLUTIONS

ORIGINAL INVOICE

Motorola Solutions, Inc.
500 West Monroe
Chicago IL 60661
United States
Federal Tax ID: 36-1115800

Transaction Number	Transaction Date	Transaction Total
8230486901	24-OCT-2024	**110,887.77 USD**

P.O. Number	P.O. Date	Customer Account No
		1011860485

Payment Terms	Payment Due Date
Net Due in 30 Days	23-NOV-2024

Visit our website at www.motorolasolutions.com

Bill To Address

REDLANDS POLICE DEPARTMENT
ATTN: Accounts Payable
P.O. BOX 1025
REDLANDS CA 92373
United States

Ship To Address

REDLANDS POLICE DEPARTMENT
30 CAJON STREET
1270 W PARK #C
REDLANDS CA 92373
United States

IMPORTANT INFORMATION

For all invoice payment inquiries contact
AccountsReceivable@motorolasolutions.com
Telephone: 800-247-2346
Fax: +1(631)883-4238

Sales Order(s): USC000202163-R02-JUN-24 07:31:24

SPECIAL INSTRUCTIONS / COMMENTS
General Comment: Regular Invoice

To view your invoices in other formats and perform secure online bill payment, login to your account on http://www.motorolasolutions.com/self-service/myaccount/billingmanagement/. For online support, contact the Motorola Solutions Support team using the online Chat feature or by calling 1-800-422-4210

Line Item #	Item Number	Description	Qty.	Unit Price (USD)	Amount (USD)
		Equipment at Site: 1862975 1011860485 30 CAJON STREET 1270 W PARK #C REDLANDS CA 92373 United States			
1	SSV00S00012A-SP	FLEX CAD MAINTENANCE (ENHANCED) - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	2,159.26	2,159.26
2	SSV00S00181A-SP	E9-1-1 INTERFACE MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	2,159.26	2,159.26

Please detach here and return the bottom portion with your payment

Payment Coupon

Transaction Number	Customer Account No	Payment Due Date	Transaction Total	Amount Paid
8230486901	1011860485	23-NOV-2024	**110,887.77 USD**	

Please put your Transaction Number and your Customer Account Number on your payment for prompt processing.

REDLANDS POLICE DEPARTMENT
ATTN: Accounts Payable
P.O. BOX 1025
REDLANDS CA 92373
United States

Payment Transfer Details

Bank of America, Dallas
WIRE Routing Transit Number: 026009593
ACH/EFT Routing Transit Number: 111000012
SWIFT: BOFAUS3N
Bank Account No: 3756319806

Send Payments To:

MOTOROLA SOLUTIONS
Motorola Solutions, Inc.
13108 Collections Center Drive
Chicago IL 60693
United States
Please provide your remittance details to:
US.remittance@motorolasolutions.com

DIVERSION CONTRARY TO EXPORT CONTROL LAW IS PROHIBITED

MOTOROLA SOLUTIONS

Motorola Solutions, Inc.
500 West Monroe
Chicago IL 60661
United States
Federal Tax ID: 36-1115800

ORIGINAL INVOICE

Transaction Number	Transaction Date	Transaction Total
8230486901	24-OCT-2024	**110,887.77 USD**

P.O. Number	P.O. Date	Customer Account No
		1011860485

Payment Terms	Payment Due Date
Net Due in 30 Days	23-NOV-2024

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Line Item #	Item Number	Description	Qty.	Unit Price (USD)	Amount (USD)
3	SSV00S00184A-SP	FLEX EQUIPMENT MAINTENANCE MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	0.00	0.00
4	SSV00S00262A-SP	FLEX IMAGING MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	6,074.72	6,074.72
5	SSV00S00301A-SP	FLEX LICENSES AND PERMITS MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	1,038.55	1,038.55
6	SSV00S00331A-SP	FLEX MOBILE ARREST FORM MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	4,098.19	4,098.19
7	SSV00S00334A-SP	FLEX MOBILE FIELD REPORT WITH FIELD INTERVIEW MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	3,193.15	3,193.15
8	SSV00S00352A-SP	FLEX MOBILE STATE & NATIONAL QUERIES MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	838.60	838.60
9	SSV00S00354A-SP	FLEX MOBILE VOICELESS CAD MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	4,392.89	4,392.89
10	SSV00S00396A-SP	FLEX NON-CUSTODIAL ARREST MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	0.00	0.00
11	SSV00S00015A-SP	FLEX HUB MAINTENANCE (ENHANCED) - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	36,761.47	36,761.47
12	SSV00S00432A-SP	FLEX PERSONNEL MANAGEMENT MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	2,535.92	2,535.92
13	SSV00S00438A-SP	FLEX PIN MAPPING MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	3,655.07	3,655.07
14	SSV00S00447A-SP	FLEX PREMISES AND HAZMAT INFORMATION MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	1,038.55	1,038.55
15	SSV00S00480A-SP	FLEX SENTRYX GIS (GEOBASE) MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	0.00	0.00
16	SSV00S00527A-SP	FLEX TRAFFIC INFORMATION MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	1,798.09	1,798.09
17	SSV00S00566A-SP	XML ACCIDENT INTERFACE MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	3,586.86	3,586.86
18	SSV00S006026-SP	MOBILE SERVER CAD SHARE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	12,381.96	12,381.96
19	SSV00S00028A-SP	FLEX TOUCH MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	1,647.73	1,647.73

DIVERSION CONTRARY TO EXPORT CONTROL LAW IS PROHIBITED

MOTOROLA SOLUTIONS

Motorola Solutions, Inc.
500 West Monroe
Chicago IL 60661
United States
Federal Tax ID: 36-1115800

ORIGINAL INVOICE

Transaction Number	Transaction Date	Transaction Total
8230486901	24-OCT-2024	**110,887.77 USD**

P.O. Number	P.O. Date	Customer Account No
		1011860485

Payment Terms	Payment Due Date
Net Due in 30 Days	23-NOV-2024

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Line Item #	Item Number	Description	Qty.	Unit Price (USD)	Amount (USD)
20	SSV00S00033A-SP	FLEX LAW RECORDS MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	1,698.87	1,698.87
21	SSV00S00036A-SP	FLEX MOBILE AVL AND MAPPING MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	8,449.43	8,449.43
22	SSV00S00038A-SP	FLEX MOBILE RECORDS MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	2,535.92	2,535.92
23	SSV00S00052A-SP	FLEX STATELINK MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	4,234.80	4,234.80
24	SSV00S00072A-SP	FLEX CAD MAPPING MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	4,496.75	4,496.75
25	SSV00S00164A-SP	DATA WAREHOUSE INTERFACE MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	0.00	0.00
26	SSV00S00050A-SP	FLEX IBR MAINTENANCE - STANDARD:01-OCT-2024:30-SEP-2025: Service From: 01-OCT-2024 Service To: 30-SEP-2025	1	2,111.73	2,111.73
		Site CA Tax at 0%			0.00
		Site Total			110,887.77

Total Tax CA 0.00

USD	**Subtotal**	**110,887.77**
USD	**Total Tax**	**0.00**
USD	**Total**	**110,887.77**
USD	**Amount Due**	**110,887.77**

DIVERSION CONTRARY TO EXPORT CONTROL LAW IS PROHIBITED

City Council Meeting **I. 10.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the negotiation of Cooperative Agreement with the San Bernardino Municipal Water Department and partnering agencies for the development of a Regional Biosolids Program Feasibility Study for an amount not-to-exceed $50,000, designate the City Manager or his designee as the City's representative, authorize approval when agreement is finalized, and determine that this action is exempt from environmental review pursuant to Section 15378 of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motions are provided:

1. I move that the City Council determine approval of a Cooperative Agreement is exempt from environmental review pursuant to Section 15378 of the State's guidelines implementing the California Environmental Quality Act, and

2. I move that City Council approve a Cooperative Agreement with San Bernardino Municipal Water Department and partnering agencies for the development of a Regional Biosolids Program Feasibility Study for an amount not-to-exceed $50,000 and designate the City Manager or his designee as the City's representative.

RECOMMENDATION:

Staff recommends that City Council determine approval of the Cooperative Agreement is exempt from environmental review pursuant to Section 15378 of the State's guidelines implementing the California Environmental Quality Act; and

Staff recommends City Council approval of the Cooperative Agreement with San Bernardino Municipal Water Department and partnering agencies for the development of a Regional Biosolids Program Feasibility Study for an amount not-to-exceed $50,000 and designate the City Manager or his designee as the City's representative.

DISCUSSION:

The City's Wastewater Treatment Plant (WWTP) operates three (3) primary anaerobic digesters and one (1) secondary digester. These digesters treat and stabilize sludge, which is a byproduct of the wastewater treatment process. The digesters function in the absence of oxygen and use bacteria to break down organic matter in the sludge. The City currently contracts with Synagro-WWT, Inc. to haul and dispose of approximately 5,000 tons of Class B biosolids each year to composting facilities.

Regulatory agency requirements related to biosolids land application, as well as the City's reliance on hauling and disposal contractors, have driven the WWTP staff to explore more resilient and sustainable strategies for long-term biosolids management. Over the past several months, representatives from several Southern California wastewater treatment agencies have collaborated to develop a Regional Biosolids Program Feasibility Study (Project) scope of work to identify and evaluate potential regional solutions for biosolids management. The total Project cost, which is not anticipated to exceed $500,000, is proposed to be shared equally by all participating agencies, and the City's financial commitment is not anticipated to exceed $50,000.

The agreement for participation in this Project is still under development and will be subject to review by the City’s legal team prior to finalization. A draft of the agreement has been reviewed by the City Attorney. Should any major changes be proposed in the agreement, staff will return to the City Council for further discussion and direction.

Staff recommends City Council approval of a Cooperative Agreement with San Bernardino Municipal Water Department and partnering agencies for the development of the Project for an amount not-to-exceed $50,000 and designate the City Manager or his designee as the City's representative. This action is exempt from environmental review pursuant to Section 15378 of the State's guidelines implementing the California Environmental Quality Act, as there is no potential for a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Fernando Mata, Wastewater Utility Manager

Fiscal Impact

Fiscal Year:	FY 24/25
Revenue Generating:	No
Appropriation Required Y/N:	No
Amount:	$50,000
Budgeted Y/N:	Yes
Account No.:	521900

Discussion:

There is no fiscal impact associated with this action. This expenditure is included in the FY 24/25 Wastewater Service Fund.

Attachments

Draft Agreement

Regionalized Biosolids Management Discussion

COOPERATIVE AGREEMENT AMONG THE SAN BERNARDINO MUNICIPAL WATER DEPARTMENT AND THE PARTNERING AGENCIES REGARDING THE REGIONAL BIOSOLIDS PROGRAM FEASIBILITY STUDY (PHASE I) PROJECT

This Cooperative Agreement ("Agreement") is entered into and effective this xx day of xxx, 2024 by and among the City of San Bernardino Municipal Water Department ("SBMWD"), and the Partnering Agencies listed below. SBMWD and the Partnering Agencies are each sometimes referred to herein individually as a "Party" and are collectively referred to herein as the "Parties."

PARTNERING AGENCIES

A. Coachella Valley Water District ("CVWD")

B. Colton, City of ("Colton")

C. Corona, City of ("Corona")

D. Eastern Municipal Water District ("EMWD")

E. East Valley Water District ("EVWD")

F. Elsinore Valley Municipal Water District ("EVMWD")

G. Los Angeles, City of ("LA City San")

H. Los Angeles County Sanitation Districts ("LA County San")

I. Moulton Niguel Water District ("MNWD")

J. Orange County Sanitation District ("OC San")

K. Ramona Municipal Water District ("RMWD")

L. Redlands, City of ("Redlands")

M. Western Municipal Water District ("WMWD")

N. Western Riverside County Regional Wastewater Authority ("WRCRWA")

SBMWD, CVWD, Colton, Corona, EMWD, EVWD, EVMWD, LA City San, LA County San, MNWD, OC San, RMWD, Redlands, WMWD, and WRCRWA are all collectively referred to herein as "Partnering Agencies."

RECITALS

A. **WHEREAS**, at present, SBMWD and all Partnering Agencies are local and/or regional governmental utilities that own and/or operate wastewater treatment plants ("WWTPs"); and

B. **WHEREAS**, the Parties each currently treat and then legally dispose of sewage sludge generated during the treatment of domestic sewage in a treatment works ("biosolids") at

one or more of many permitted locations in accordance with Title 40 Chapter I Subchapter O Part 503 “Standards for the Use or Disposal of Sewage Sludge” promulgated by the United States Environmental Protection Agency (USEPA; “EPA 503”); and

C. **WHEREAS**, The Parties have decided to consider alternative options for the disposal of biosolids in the future; and

D. **WHEREAS**, the Parties desire to discuss the feasibility of establishing and governing a regional, publicly-owned facility or facilities (“Regional Biosolids Program”) to legally treat and dispose of the biosolids generated at their respective WWTPs in compliance with EPA 503 regulations in a manner that will maximize the benefits to the Parties and their ratepayers (hereinafter, the “Project”); and

E. **WHEREAS**, the Parties desire to share the costs associated with the preparation of a Phase I Feasibility Study for the Project to cover the Scope of Work attached hereto as Exhibit A (“Study”); and

F. **WHEREAS**, the Parties desire to share equally in the cost of the Study and wish to memorialize their agreement to pay for such costs as set forth in this Agreement.

NOW THEREFORE, the Parties hereto agree as follows:

AGREEMENTS

A. *Lead Agency*. The Parties agree that SBMWD will act as the lead agency in the selection and engagement of a consultant for the preparation of the Study in accordance with its procurement rules. Nevertheless, SBMWD shall consult with Partnering Agencies in both the preparation of any request for proposals and in the selection process. Partnering Agencies agree to participate in these processes, including participating in the review of proposals and in interviews of consultants.

B. *Cost Sharing*. The Parties agree to share equally in the cost of the Study.

   a. *Anticipated Cost*. The Parties acknowledge the anticipated cost of the Study shall not exceed $500,000.00. SBMWD anticipates that a minimum of nine (9) Partnering Agencies intend to participate in the Study. Each Party's participation, therefore, shall not exceed $50,000.00 without prior written notice and approval by all Parties, hereto.

   b. Actual Cost and Billing. Upon completion of the selection process for the consultant, SBMWD shall submit an invoice to each Partnering Agency for its share of the cost of the Study. Payment shall be made within 45 days following receipt of the invoice. If following the selection process, the consultant costs exceed the anticipated cost, an amendment to this Agreement shall be sought prior to engagement of the consultant.

   c. *Subsequent Phases*. If the Project moves forward after the completion of the Study, the Parties may enter into further participation or cost-sharing agreements for any subsequent phase that will be responsible for the Project going forward. Nothing herein shall bind any Party to participate in a subsequent phase or bind any particular cost-sharing mechanism.

C. *Project Management*.

a. *Good Faith*. The Parties agree to work together in good faith.

b. *Party Obligations*. The Parties agree to comply with the obligations required of each Party as set forth in Exhibit A (occasionally indicated as "Owner"), as it relates to each of them individually.

c. *Responsiveness*. The Parties agree to respond in a timely fashion to all requests for information or promptly advise SBMWD and the selected consultant with the expected date that the information will be provided. SBMWD shall respond to Party inquiries regarding Project status in a timely fashion.

d. *Project Manager*. Each Party will designate one Project Manager that will be the primary point of contact for day-to-day project management and communications not intended to be an official notice (which will be sent to the address indicated on the signature page for that Party).

e. *Monthly Meeting*. SBMWD will hold no less than one videoconference meeting per month on a recurring basis to provide a status update to the Parties. Upon selection and engagement of a consultant for the Study, the consultant shall be present for these meetings. Special in-person workshops may be held as deemed necessary.

D. *Miscellaneous Provisions*. Text.

a. *Amendment, Termination, and Assignment*. This Agreement may not be amended, changed, modified, terminated, or assigned, except in accordance with the express provisions of this Agreement or with the written consent of all parties hereto.

b. *Execution in Counterpart*. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

c. *Jurisdiction and Venue*. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any suit, action, or proceeding brought under the scope of this Agreement shall be brought and maintained to the extent allowed by law in the County of San Bernardino.

d. *Sections; Headings*. Headings at the beginning of each section and subsection are solely for convenience and reference and are not part of this Agreement.

e. *No Construction Against Drafter*. The Parties hereby acknowledge that they have reviewed this Agreement and concur that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of any provision of this Agreement.

f. *Successors and Assigns*. This Agreement shall be binding on and inure to the benefit of the successors and assigns of the respective Parties to this Agreement. No Party may assign its interests in or obligations under this Agreement without the written consent of the other Parties.

g. *Effective Date; Term*. This Agreement shall become effective as of the first date set forth above. This Agreement shall continue in full force and effect until completion and distribution of the Study ("Term"). If the proposed cost of the Study exceeds the anticipated cost set forth in Section B.a., and the Parties are unable to agree to amend the Agreement to increase the participation costs, any Party may terminate the Agreement. Upon the end of the Term, this Agreement shall expire without further action or acknowledgement from any Party hereto.

h. *Severability*. If any portion of this Agreement shall be declared by any court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining parts of the Agreement shall remain in full force and effect.

i. *Authority*. Each signatory of this Agreement represents that they are duly authorized to execute this Agreement on behalf of the Party for which such signatory executes this Agreement. Each Party represents that it has the appropriate legal authority to enter into this Agreement and to perform all obligations under this Agreement.

j. *Compliance with Law*. In performing their respective obligations under this Agreement, the Parties shall comply with and conform to all applicable laws, rules, regulations, and ordinances.

k. *Attorneys' Fees*. Except as otherwise expressly provided herein, each Party who files any action or brings any action or proceeding against the other arising from this Agreement, seeks resolution of disputes pursuant to this Agreement or is made a party to any action or proceeding brought by any other person or governmental entity, shall bear its own costs and fees.

l. *Approvals*. Approvals required by the Parties, or any officers, agents or employees of either Party, shall not be unreasonably withheld and approval or disapproval shall be given within a reasonable time.

m. *Further Actions and Instruments*. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement.

n. *Third Party Beneficiaries*. This Agreement and the performance of the Parties' obligations hereunder are for the sole and exclusive benefit of the Parties. No person or entity who or which is not a signatory to this Agreement shall be deemed to be benefited or intended to be benefited by any provision hereof, and no such person or entity shall acquire any rights or causes of action against any Party hereunder as a result of a Party's performance or non-performance of its obligations under this Agreement.

o. *Relationship of Parties*. The Parties agree and intend that they are independent contracting entities and do not intend by this Agreement to create any partnership, joint venture, or similar business arrangement, relationship or association between them.

IN WITNESS HEREOF, the Parties have executed this Agreement on the dates set forth below:

[SIGNATURE PAGES FOLLOW]

DRAFT

CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

By: _____ Dated: _____

Miguel J. Guerrero, P.E.
General Manager

Notifications to:

Kevin T. Stewart, P.E., Director of Water Reclamation
San Bernardino Municipal Water Department
399 Chandler Place
San Bernardino, CA 92408
Phone: (909) 453-6213
E-mail: kevin.stewart@sbmwd.org

DRAFT

COACHELLA VALLEY WATER DISTRICT

By: _____ Dated: _____

J.M. Barrett
General Manager

Notifications to:

J.M. Barrett, General Manager
Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236
Phone: (760) 398-2651
E-mail: jbarrett@cvwd.org

DRAFT

CITY OF COLTON

By: _____ Dated: _____

William R. Smith
City Manager

Notifications to:

Bassam Alzammar, Water/Wastewater Operations Manager
City of Colton – Water Utilities Department
160 S. 10th Street
Colton, CA, 92324
Phone: (909) 370-6101
E-mail: balzammar@coltonca.gov

DRAFT

CITY OF CORONA

By: _____ Dated: _____

Tom Moody
Director of Utilities

Notifications to:

Tom Moody, Director of Utilities
City of Corona
755 Public Safety Way
Corona, CA 92878
Phone: (951) 736-2477
E-mail: tom.moody@coronaca.gov

DRAFT

EASTERN MUNICIPAL WATER DISTRICT

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

EAST VALLEY WATER DISTRICT

By: _____ Dated: _____

Michael Moore, P.E.
General Manager/CEO

Notifications to:

Michael Moore, P.E., General Manager/CEO
East Valley Water District
31111 Greenspot Road
Highland, CA 92346
Phone: (909) 889-9501
E-mail: mmoore@eastvalley.org

DRAFT

ELSINORE VALLEY MUNICIPAL WATER DISTRICT

By: _____ Dated: _____

Jessie Arellano
Wastewater Operations Manager

Notifications to:

Jessie Arellano, Wastewater Operations Manager
Elsinore Valley Municipal Water District
31315 Chaney Ave
Lake Elsinore, CA 92530
Phone: (951) 674-3146
E-mail: jarellano@evmwd.net

DRAFT

CITY OF LOS ANGELES; BUREAU OF SANITATION

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

LOS ANGELES COUNTY SANITATION DISTRICTS

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

MOULTON NIGUEL WATER DISTRICT

By: _____ Dated: _____

Matt Collings, P.E.
Assistant General Manager

Notifications to:

David Larsen, P.E., Director of Infrastructure and Reuse
Moulton Niguel Water District
26161 Gordon Road
Laguna Hills, CA 92653
Phone: (949) 425-3578
E-mail: dlarsen@mnwd.com

DRAFT

ORANGE COUNTY SANITATION DISTRICT

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

RAMONA MUNICIPAL WATER DISTRICT

By: _____ Dated: _____

Erica Wolski, P.E.
General Manager

Notifications to:

Erica Wolski, P.E., General Manager
Ramona Municipal Water District
105 Earlham St
Ramona, CA 92065
Phone: (760) 788-2214
E-mail: ewolski@rmwd.org

DRAFT

CITY OF REDLANDS

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

WESTERN MUNICIPAL WATER DISTRICT

By: _____ Dated: _____

Craig Miller, P.E.
General Manager

Notifications to:

Brian Noh, P.E., Operations Field Manager
Western Municipal Water District
14651 El Sobrante Road
Riverside, CA 92503
Phone: (951) 789-5710
E-mail: bnoh@wmwd.com

DRAFT

WESTERN RIVERSIDE COUNTY REGIONAL WASTEWATER AUTHORITY

By: _____ Dated: _____

Gary Miller
WRCRWA Administrator

Notifications to:

Gary Miller, Administrator
Western Riverside County Regional Wastewater Authority
16451 El Sobrante Road
Riverside, CA 92503
Phone: (951) 789-5165
E-mail: gmiller@wmwd.com

DRAFT

AGENCY 14

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

AGENCY 15

By: _____ Dated: _____

[Insert Name]
[Insert Title]

Notifications to:

Name, License., Title
Agency Name
Address
City, CA Zip
Phone: (xxx) xxx-xxxx
E-mail:

DRAFT

Exhibit A: "Scope of Work"

DRAFT

Regionalized Biosolids Management Discussion

March 19, 2024

Overview

- Welcome
- Introductions
- Agenda
- EMWD Biosolids Masterplan
- CRRRA Successful Regionalization Project – Lessons Learned
- BC & Carollo Facilitated Discussion
- SBMWD Feasibility SOW

Agenda

Time	Speaker	Topic	Time Frame
10:50-11:03	**Ken**	Food will be available upon arrival. Grab, sit down, and eat while we go through content	
11:03	**Ken**	Welcome/House Keeping Items/Opening Comments – Recognize Kevin Stewart and CoSB	2 min.
11:05	**Ken**	Introductions – Go around the room	15 min.
11:20	**EMWD, BC, Carollo**	Introduce EMWD and Biosolids Master Plan • Project Reasoning and Drivers • State of the Industry • Project Overview, Approach, Status Update	10 min.
11:30	**CRRRA**	Successful Regionalization Project – Lessons Learned	15 – 20 min.
11:50	**BC & Carollo**	Regionalization Facilitated Discussion	45 min.
12:35	**Kevin**	SBMWD Feasibility Study SOW	20 – 25 min.
12:58	**Ken**	Wrap Up	2 min.

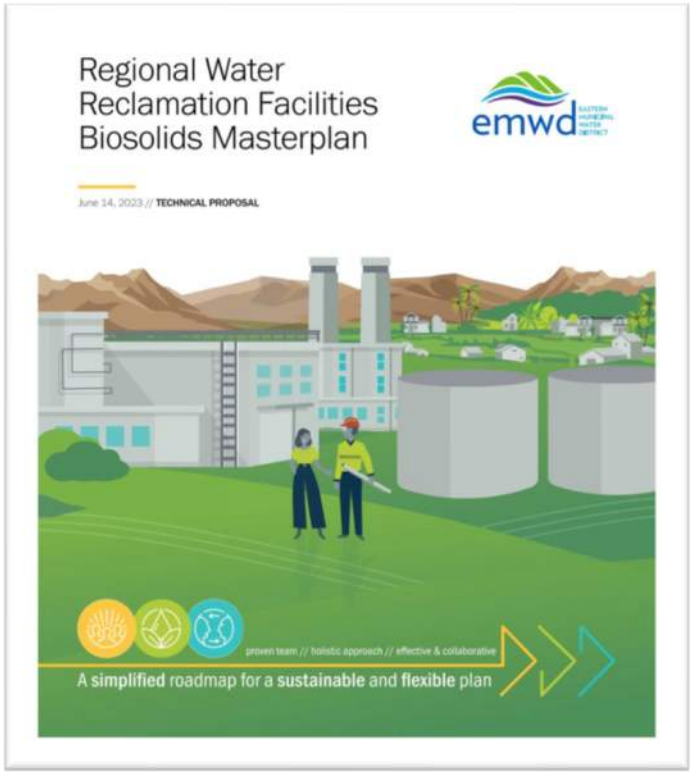
Introductions

- City of Banning
- City of Colton
- City of Corona
- East Valley Water District (EVWD)
- Eastern Municipal Water District (EMWD)
- Elsinore Valley Municipal Water District (EVMWD)
- Inland Empire Utilities Agency (IEUA)
- Los Angeles County Sanitation Districts (LACSD)
- Mission Springs Water District (MSWD)
- Orange County Sanitation District (OCSD)
- City of Palm Springs
- City of Redlands
- City of Riverside
- San Bernardino Municipal Water Department (SBMWD)
- Valley Sanitary District (VSD)
- Western Municipal Water District (WMWD)
- Yucaipa Valley Water District (YVWD)
- Black and Veatch (B&V)
- Brown and Caldwell (BC)
- California Association of Sanitation Agencies (CASA)
- Carollo
- Charleston Regional Resource Recovery Authority (CRRRA)
- Hazen

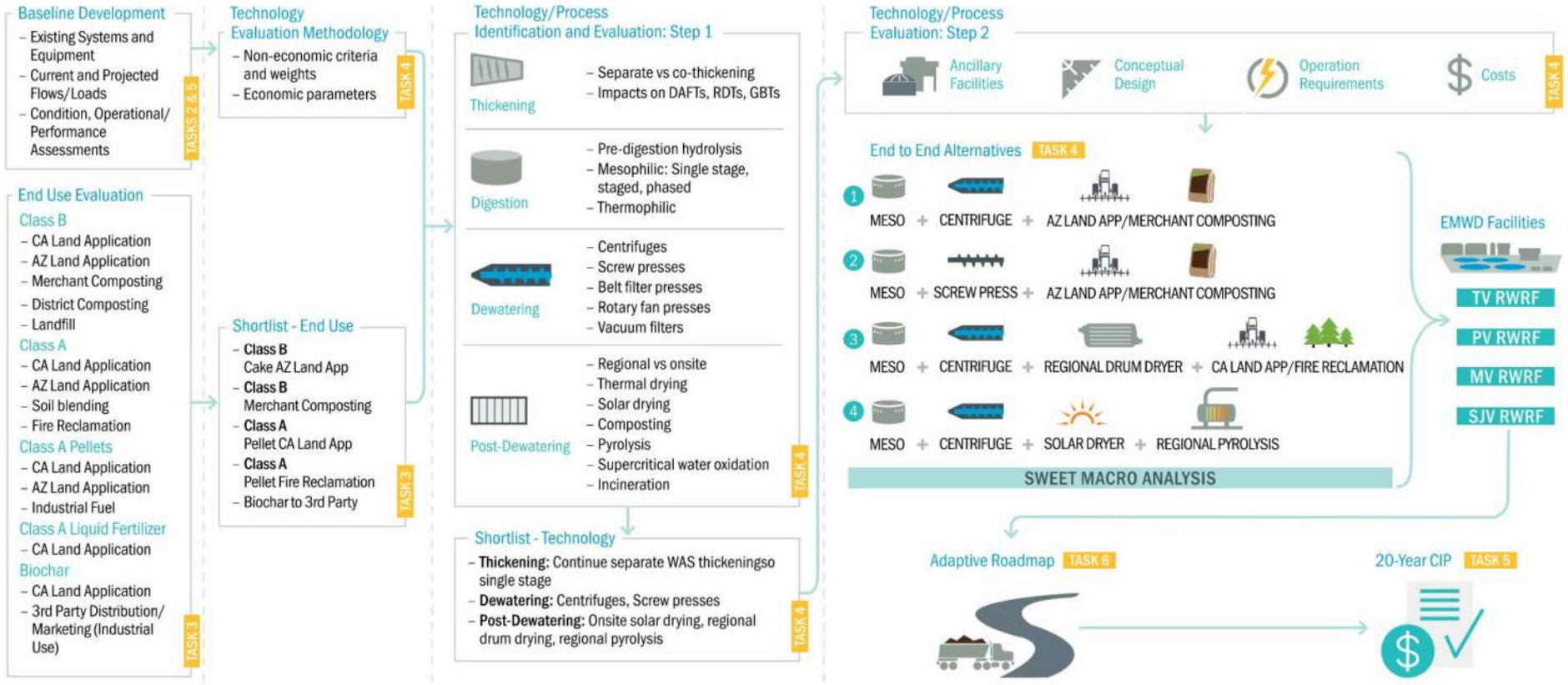
EMWD Biosolids Masterplan

Project Reasoning and Drivers

- Assess biosolids program, manage risk, control costs
- Drivers:
  - California's SB 1383
  - Arizona's HB 2669
  - Contaminants of Emerging Concern: PFAS
  - Unprecedented cost escalation
    - Hauling costs
    - Reliability
    - Labor challenges



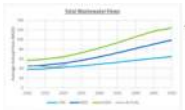
Project Overview and Approach



Facilities Review, Establish Baseline, CIP Development

Task 2 Review SHFs & Establish Planning Baseline

RFP Info Package

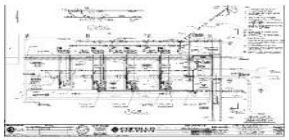


CIP Planning

BioWin Models

Engineering Design Documents

Spec



Drawings

RWRF HachWIMS Database

1. Review of equipment, process, and facility information provided at the project kick-off.
2. Initial review of Hach WIMS parameters for four RWRFs and parameter screening.
3. Prepare reports for Task 2 Review Existing District Solids Handling Facilities and Establish Planning Basis.
4. Follow-up data request as needed.

- Design criteria and performance evaluation.
- PS and WAS load projections.

Task 5.2 CIP Development for Existing RWRFs

On-site Interviews with Staff

CONDITION ASSESSMENT — TEMECULA VALLEY RWRF 1

EASTERN MUNICIPAL WATER DISTRICT

RWRF Biosolids Master Plan

Assessment Questionnaire

Solids System Site Assessments

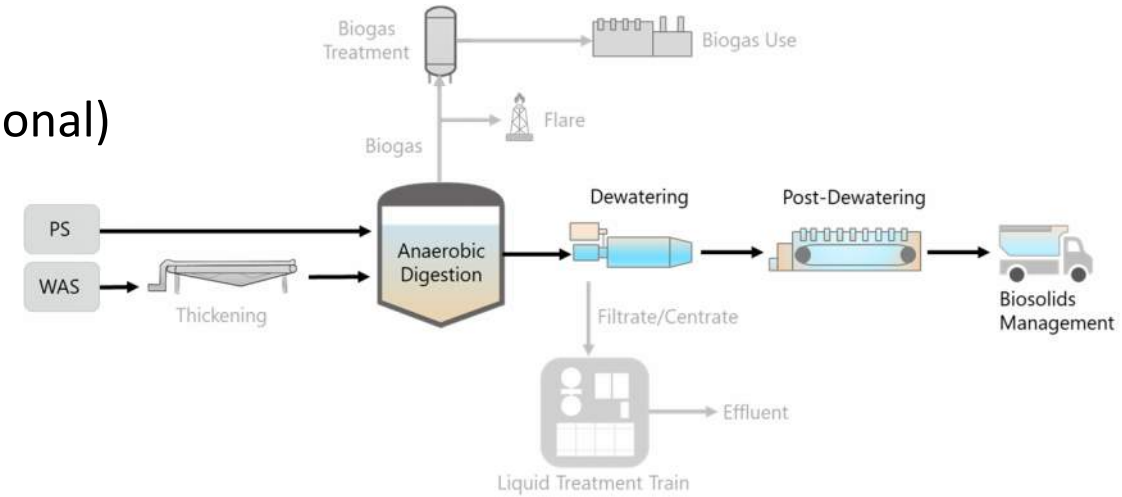
Findings from Task 2

- Findings from site assessment.
- Recommended projects and cost estimates.

RWRF Solids Handling Technologies Evaluations

Evaluate technologies for specific solids processes

- Digestion
- Dewatering
- Post-Dewatering (On-site or Regional)



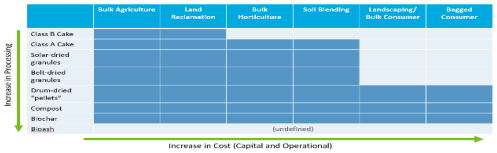
Offsite Biosolids Management Alternatives Evaluation

Market Assessment

Biosolids Market Considerations

Biosolids Products

Biosolids Product Market Access



Processing vs cost

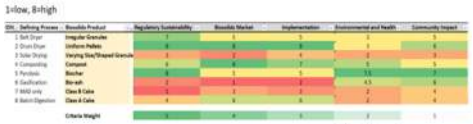
Market Assessment Findings

County Ordinance Requirements and Biosolids Bans

Prioritize feasible markets

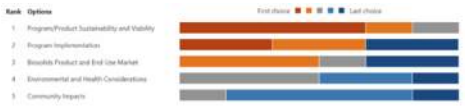
Ranking Offsite Biosolids Management Alternatives

Developed and Ranked Evaluation Criteria



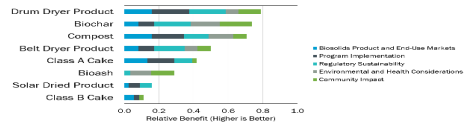
Rankings

Weighed Criteria



Aggregate Criteria Weights Survey Results

Offsite Biosolids Management Alternatives

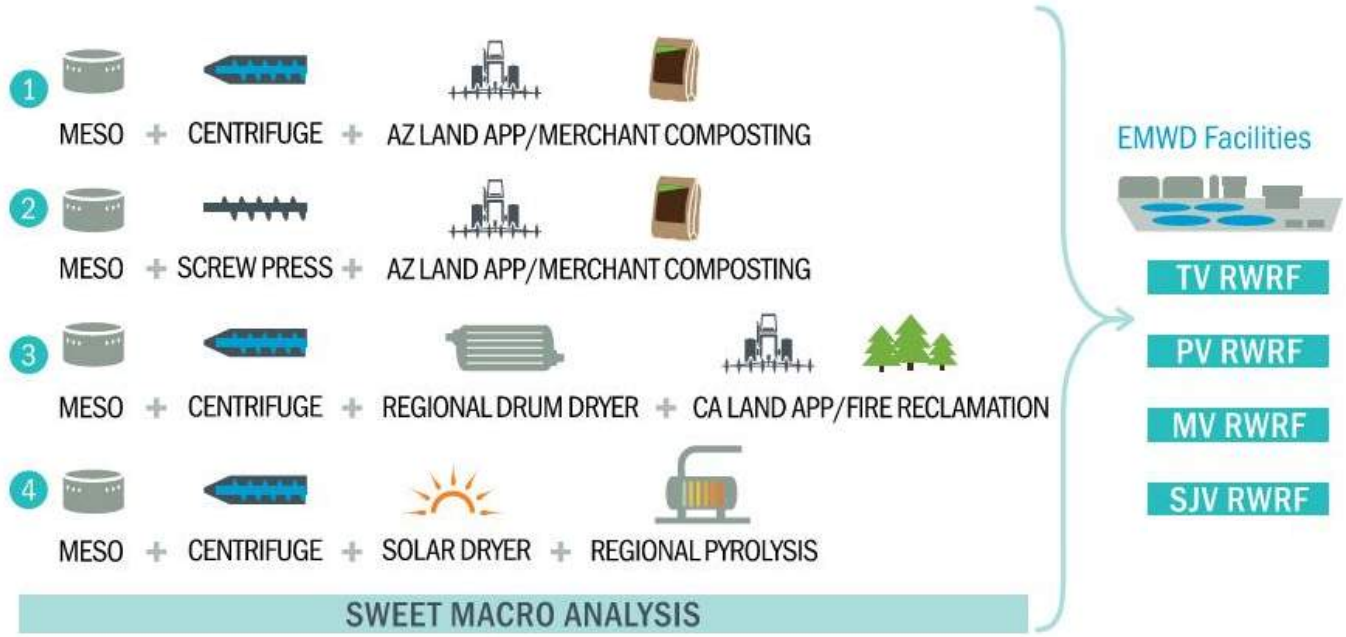


Prioritized Offsite Biosolids Mgt Alts

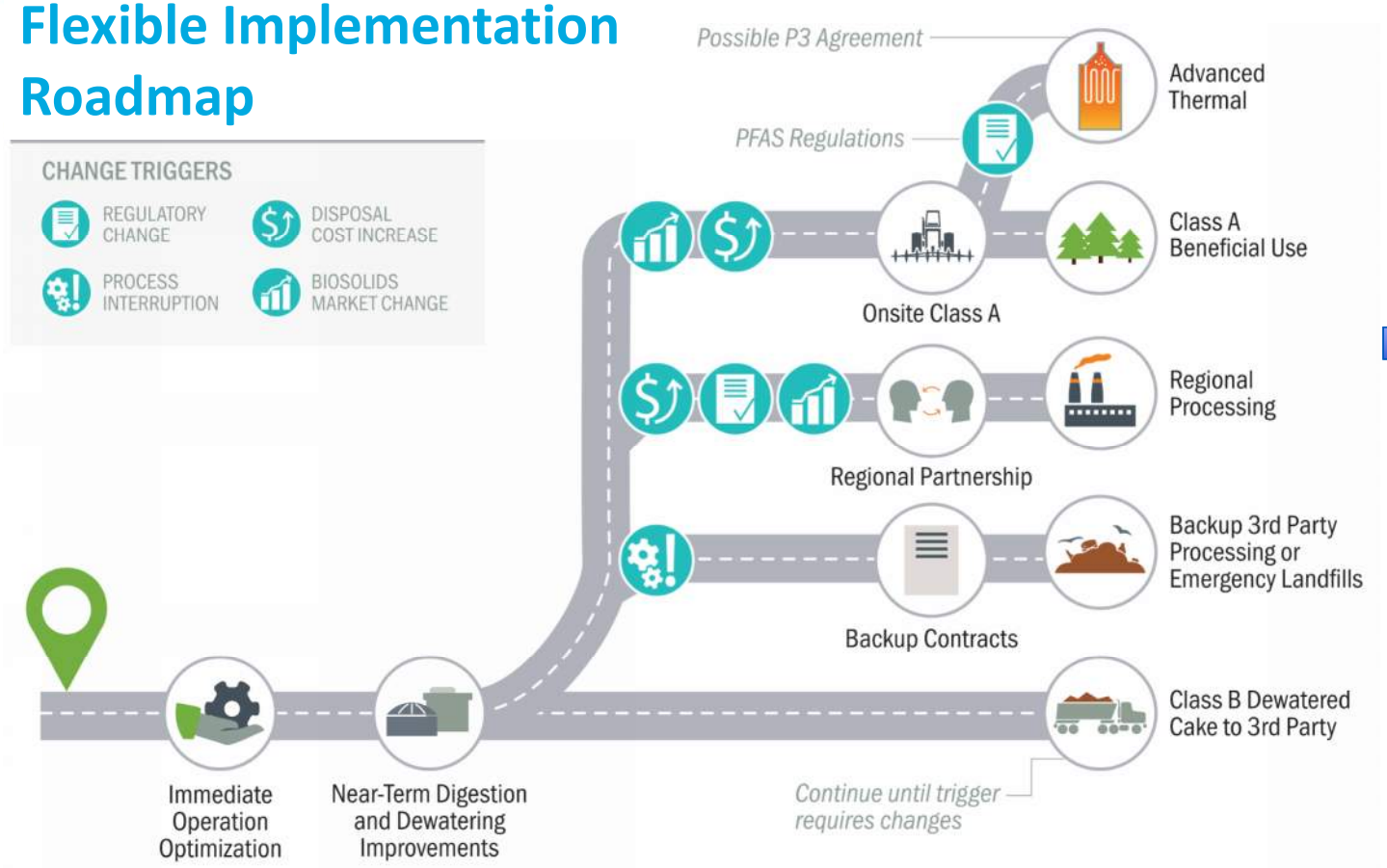
Rank end use options and considerations for the treatment trains required to produce them

Incorporate into "end-to-end" alternatives in Task 4

End to End Alternatives



Flexible Implementation Roadmap



20-Year CIP

CRRRA Successful Regionalization Project – Lessons Learned

Hazen

Charleston Water System

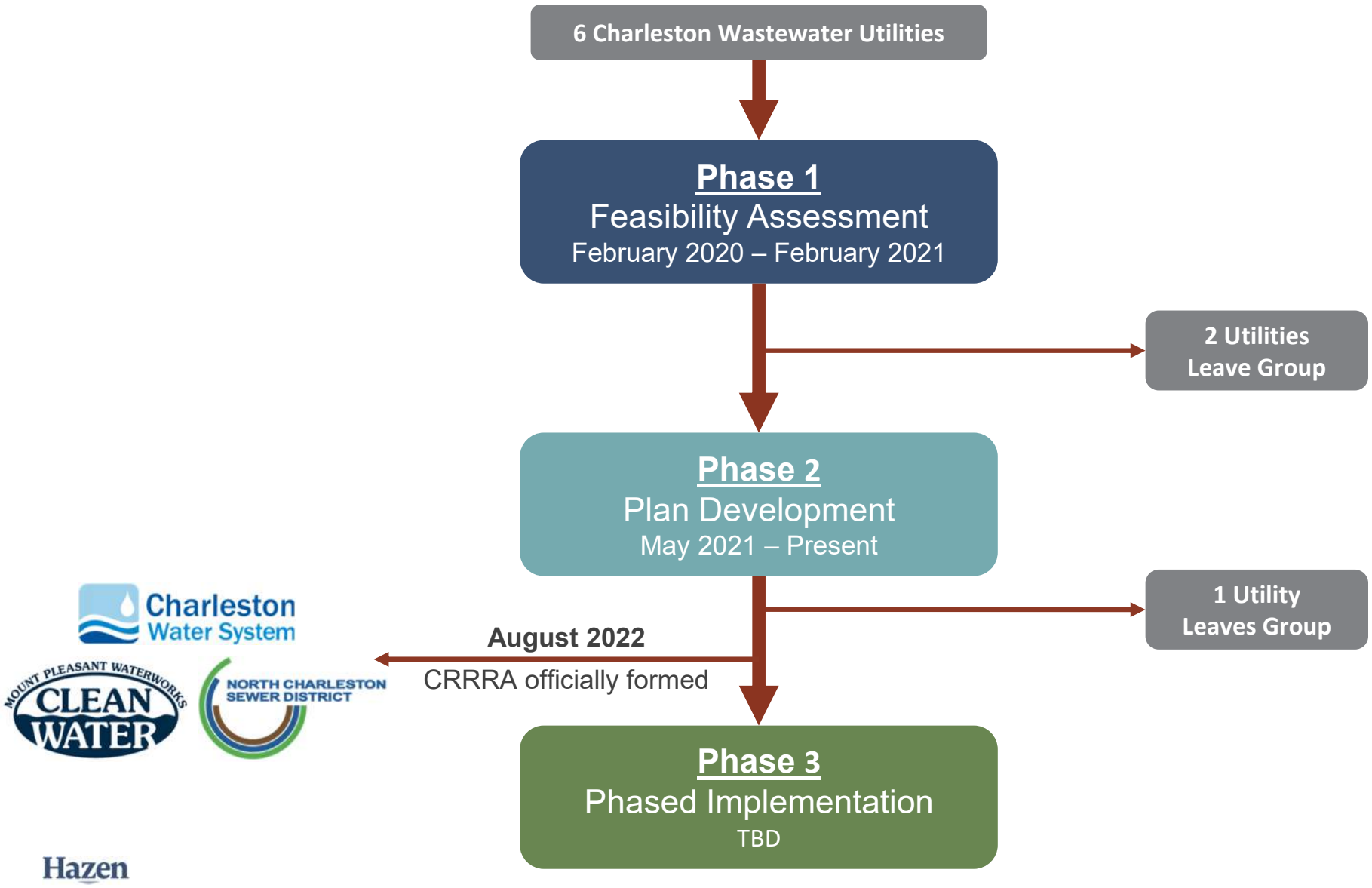
MOUNT PLEASANT WATERWORKS CLEAN WATER

NORTH CHARLESTON SEWER DISTRICT

The Future Vision for Biosolids in the Lowcountry

Jarred Jones (North Charleston Sewer District), Mark Cline (Charleston Water System), Allan Clum (Mount Pleasant Waterworks)

Meet the CRRRA


6 Charleston Wastewater Utilities
Phase 1
Feasibility Assessment
February 2020 – February 2021
2 Utilities
Leave Group
Phase 2
Plan Development
May 2021 – Present
1 Utility
Leaves Group
August 2022
CRRRA officially formed
Phase 3
Phased Implementation
TBD
Charleston
Water System
MOUNT PLEASANT WATERWORKS
CLEAN
WATER
NORTH CHARLESTON
SEWER DISTRICT
Hazen

The CRRRA consists of 3 utilities serving over 400k people in Charleston County

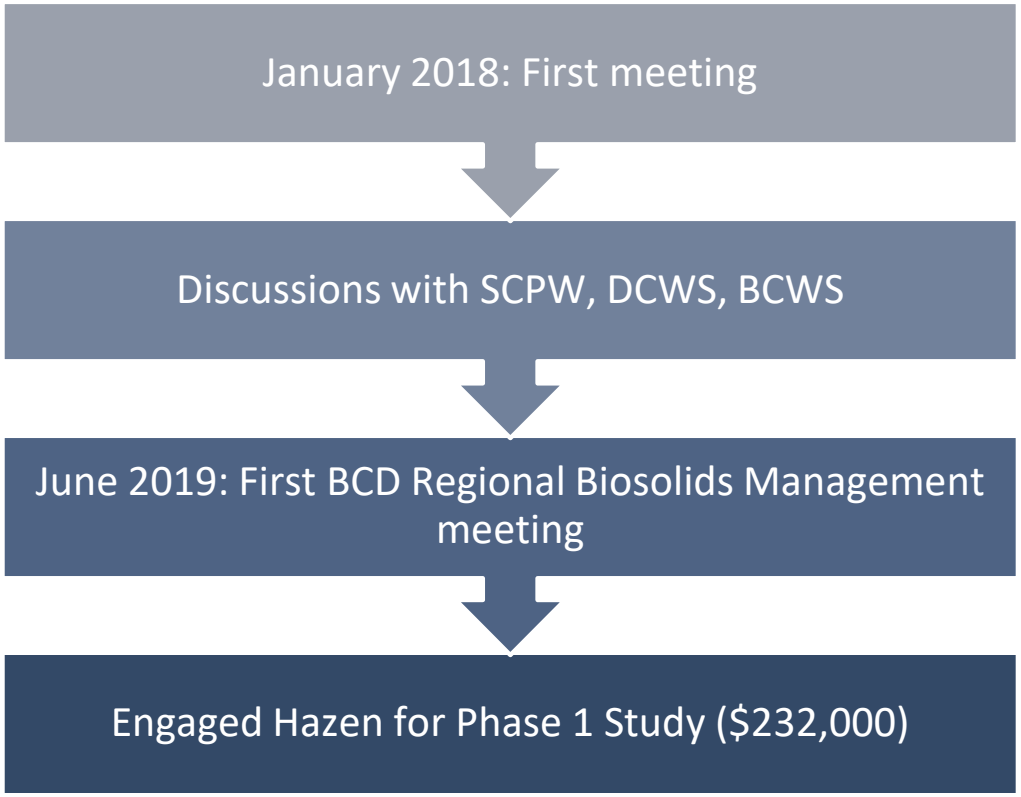
Goal: diversify disposal options and reduce biosolids management costs

Utility	Treatment Plant	Permit Capacity (mgd)	**2020 Cake Mass (wtpd)**
Charleston Water System	Plum Island WPCP	36	76
	Hanahan WTP	-	39
Mount Pleasant Waterworks Clean Water	Center Street WWTP	3.7	12
	Henry Clay Duffie WRF	10.6	24
North Charleston Sewer District	Felix C. Davis WWTP	32	36

Hanahan WTP (CWS)
Felix C. Davis WWTP (NCSD)
Plum Island WPCP (CWS)
Henry Clay Duffie WRF (MPW)
Center Street WWTP (MPW)
Columbia
Charleston
Savannah
Augusta
Wilmington
Florence
Myrtle Beach
North Charleston
Summerville
Goose Creek
Mt Pleasant
Sullivan's Island
James Island
Johns Island
Folly Beach
Kiawah Island
Beaufort
Hilton Head Island
Bluffton
Walterboro
St George
Orangeburg
Manning
Sumter
Kingstree
Conway
North Myrtle Beach
Oak Island
Southport
Carolina Beach
Lexington
Irmo
Aiken
Barnwell
Waynesboro
Statesboro
Metter
Claxton
Pooler
Sylvania
Darlington
Camden
Newberry
Greenwood
Murrells Inlet
Santee
Francis Marion National Forest
Ravenel
Hollywood
Meggett
Wadmalaw Island
Rantowles
Ladson
Avenue of Oaks
Whitehall Terrace
Isle of Palms
Morris Island
N

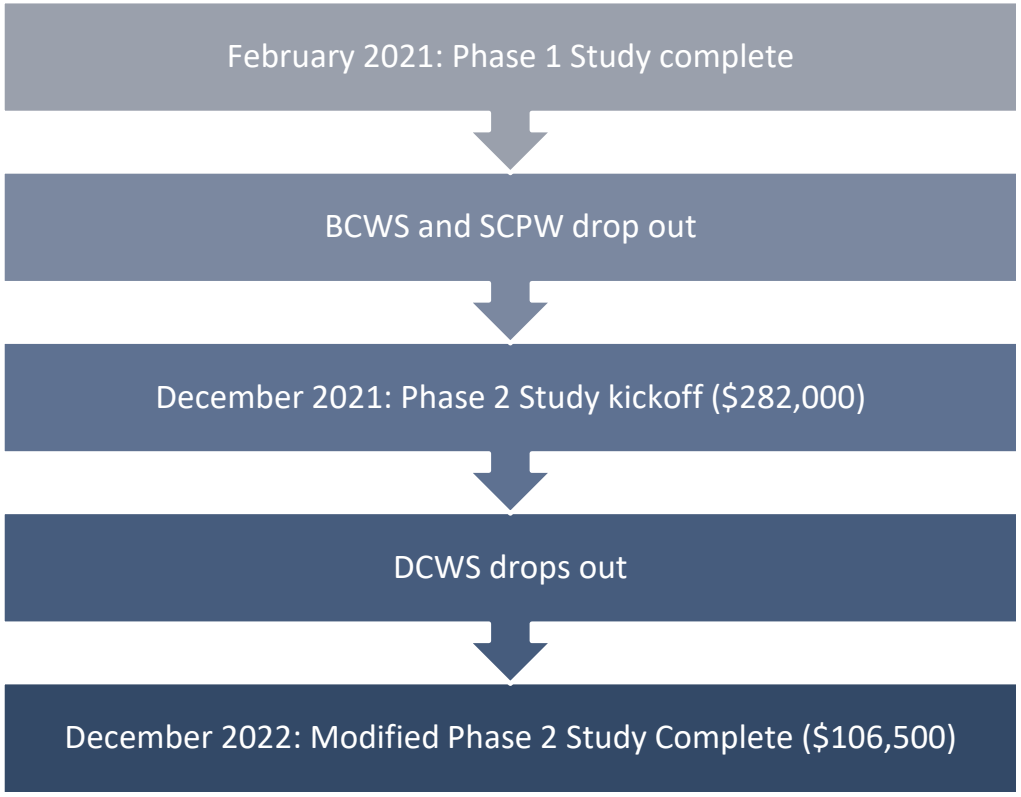
Complexities of Creating an Authority

Discussions between CWS, MPW, and NCSD began in December 2017



THIS INTERGOVERNMENTAL PARTICIPATION AGREEMENT (this "Agreement") is made and entered into this ___ day of January, 2020, by and among the Commissioners of Public Works of the City of Charleston d/b/a Charleston Water System ("CWS"), North Charleston Sewer District ("NCSD"), Mount Pleasant Waterworks ("MPW"), Berkeley County Water & Sanitation ("BCWS"), Dorchester County ("DC"), and the Commissioners of Public Works of the Town of Summerville ("SCPW"). CWS, NCSD, MPW, BCWS, DCWSC and SCPW are referred to herein collectively as the "Parties."

CRRRA formation accelerated after December 2020 landfill fee increases

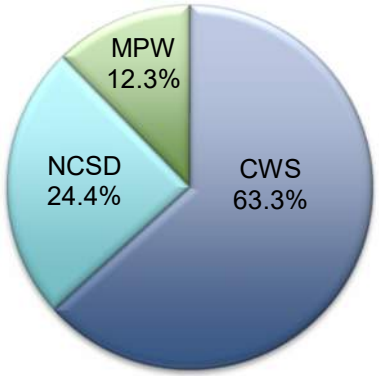


Effective 30 days from the date of this letter, the **base rate for Profile VA2324 will increase to $80 per ton.** To the extent required by your service terms, your consent to your new disposal rate will be effective upon your invoice payment. If you choose to not accept this increase, we will no longer be able to accept your wet waste.

THIS INTERGOVERNMENTAL PARTICIPATION AGREEMENT (this "Agreement") is made and entered into this ___ day of May, 2021, by and among the Commissioners of Public Works of the City of Charleston, d/b/a Charleston Water System ("CWS"), North Charleston Sewer District ("NCSD"), Mount Pleasant Waterworks ("MPW"), and Dorchester County ("DC"). CWS, NCSD, MPW, and DC are referred to herein collectively as the "Parties."

CRRRA officially incorporated in 2022

- Governance discussions increased at beginning of year
- Several meetings between CWS, MPW, and NCSD
- Engaged Rosen Hagood and Burr Forman for legal
  - **Experience setting up Lake Moultrie Water Agency**
- Structure
  - **Six Commissioners**
  - **Capital and O&M costs proportionally split**
  - **Strong withdrawal penalties**
  - **Other typical entity requirements**
- 2023 budget complete...for now



The State of South Carolina

Office of Secretary of State Mark Hammond

CORPORATE CERTIFICATE

Charleston Regional Resource Recovery Authority

WHEREAS, the Commissioners of Public Works of the City of Charleston d/b/a Charleston Water System, the Commissioners of Public Works of the Town of Mt. Pleasant d/b/a Mount Pleasant Waterworks, and the North Charleston Sewer District have resolved to form a Joint System under the Joint Authority Water and Sewer Systems Act, for the purpose of constructing, operating and managing facilities for the drying and further processing of wastes produced by the Members and others and to arrange for the use and disposal of such processed wastes within the service area of the Joint System and otherwise to exercise all other powers available to the Joint System under the Act and the general law of the state of South Carolina; and

WHEREAS, the appointed commissioners of the governing bodies have filed an application with the Secretary of State, pursuant to Section 6-25-50 of the South Carolina Code of Laws,

NOW, therefore, I, Mark Hammond, Secretary of State of South Carolina, by virtue of the authority vested in me by Section 6-25-50 of the South Carolina Code of Laws, do hereby issue this corporate certificate to the Charleston Regional Resource Recovery Authority, which is now constituted a public body corporate and politic under the Joint Authority Water and Sewer Systems Act, S.C. Code of Laws Section 6-25-5 et seq. The Charleston Regional Resource Recovery Authority shall have the following voting members:

Commissioners of Public Works of the City of Charleston d/b/a Charleston Water System
Commissioners of Public Works of the Town of Mt. Pleasant d/b/a Mount Pleasant Waterworks
North Charleston Sewer District

Given under my Hand and the Great
Seal of the State of South Carolina this
twenty-third day of August, 2022.

Mark Hammond

Mark Hammond, Secretary of State

Challenges

- Member entity structures
- Final process selection
- Equality
- Land purchase
- SCIIP funding
- Landfill escalations

Successes

- Precedent setting
- Formation
- Site visits
- Collaboration
- Future vision

Uncertainties moving forward include…

- Siting/Permitting/Zoning
- Construction Costs
- Composting Progressive DB
- PFAS
- Land Application General Permit
- Taxes
- Energy/RIN Credits
- SCIIP Funding

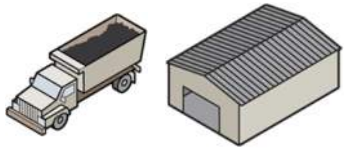
Future Vision

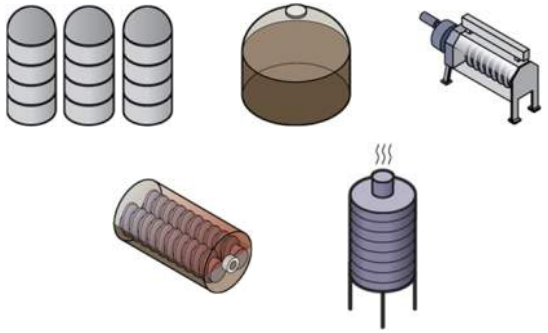
Future Vision

Implement composting

Secure additional land

Implement technologies to reduce mass and address emerging contaminants





Facilitated Discussion on Regionalized Biosolids Management

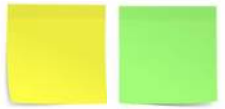
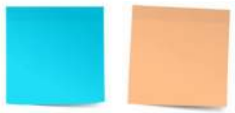
Regional Ideas

- **Examples**
  - Anaergia Organics Processing Facility at Rialto BioEnergy Facility
  - IEUA Regional Composting Facility
- **Benefits of regionalization**
  - Economy of scale (capital, O&M)
  - Biosolids management diversification
  - Reduced hauling distance
  - Local Class A market opportunities
- **Drawbacks of regionalization**
  - Financing and cost control
  - Risk
  - Sidestream management
  - Facility operation and management

Source: CWEA Tour of Anaergia Installation at Rialto BioEnergy Facility

Source: IEUA.org

Brainstorming Discussion

Question 1	*Question 2*	*Question 3*	*Question 4*
			
			

Question No. 1

What are the main benefits/drivers of regionalization?

- *Regulatory drivers*
- *Capacity constraints*
- *Potential cost savings*
- *Diversification*

Question No. 2

What are your perceived barriers or concerns?

- *Agreement elements*
- *Permitting*
- *Location*
- *Financing*
- *Technologies*

Question No. 3

Has anyone tried or evaluated a regionalized facility? Does anyone know of potential partners?

- *No, have not evaluated*
- *Yes, evaluated regionalization opportunities*
- *Yes, implemented a biosolids regionalization project (describe your experience / lessons learned)*
- *Potential Partners*
  - *Anaergia*
  - *Synegro*
  - *CR&R*

Question No. 4

What is your ideal level of participation in a regionalized approach?

- *None*
- *Send solids to regional facility for fee*
- *Co-own and co-operate facility*
- *Solely own and operate facility*
- *Other*

Question No. 5

What are potential sites/locations for regional facility?

- *We have space on-site or land owned by agency (If so, please specify location)*
- *We do not have space on-site*
- *Other ideas/off-site locations*

Question No. 6

What type of partnership would you prefer?

- *None*
- *Public-Private Partnership (PPP)*
- *Joint Power Authority (JPA)*
- *Other, please specify*

Question No. 7

What portion of biosolids would you like to send to the facility?

- *None*
- *Small (<50%)*
- *Large (>50%)*
- *All*

Question No. 8

What biosolids products would you be interested in producing at a regional facility?

- *No preference*
- *Class A dried product*
- *Class A compost*
- *Class B cake*
- *Other, please specify*

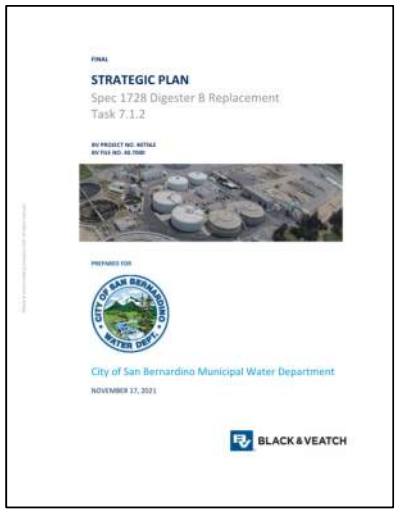
SBMWD Feasibility SOW

Where is SBMWD now?

November 2021

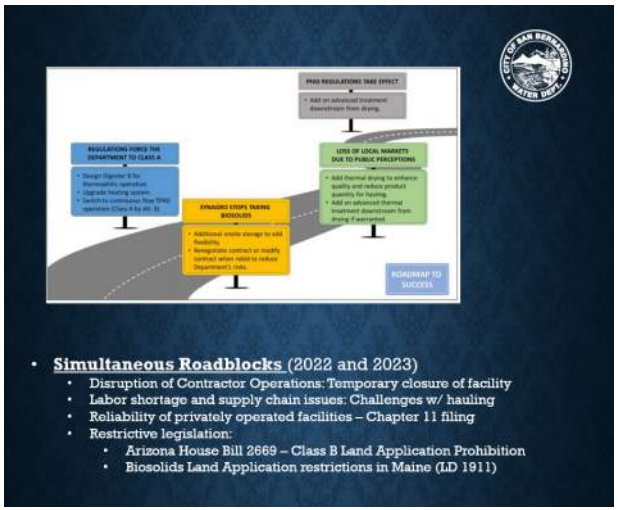
Biosolids Strategic Plan (BSP)

* Prioritized Cost



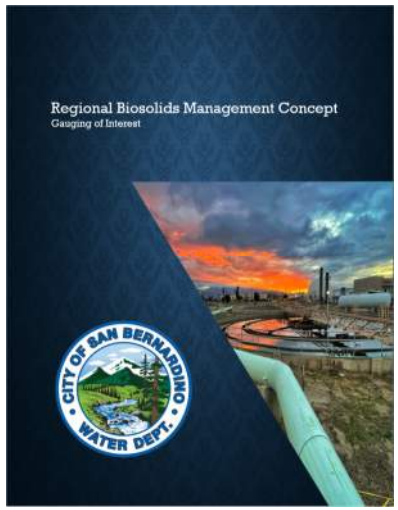
2022 & 2023

- 5 nearly simultaneous roadblocks highlighted lack of resilience
- Can we **effectively** & **efficiently** handle all of the problems that arise **at the speed at which they arise**



July 2023 to March 2024

- Complete BSP Update Prioritized Resilience
- Phase 0 – Gauging of Interest SBMWD met w/ 12 Agencies



SBMWD's In-Person Meeting Expectations

- Every Agency is in a very different place
- Every Agency experienced the same recent events differently
- Many different Agencies have tried regionalization with varied rates of success in the past

- <u>SBMWD's view on regionalization</u>
  - We're all fighting the same monster.
  - Although there are significant drawbacks of regionalization,
  - There are more benefits than drawbacks
  - Now is the time to move forward together, as a group

- SBMWD sees this portion of the In-Person Meeting as the beginning of a transition from Phase 0 to Phase 1 <u>FOR THOSE WHO ARE INTERESTED</u>

- Begin to refine a DRAFT Scope of Work for a Feasibility Study
- Aiming to reduce quantity of iterations of the DRAFT

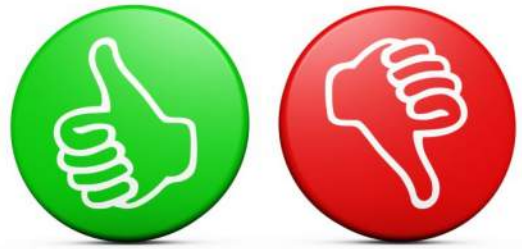
- Not looking for a commitment to Phase 1 as a result of this Meeting

Feasibility Study Scope of Work – PURPOSE

- Produce a detailed summary of the
  - agencies,
  - conditions, and
  - drivers
- to objectively and rationally analyze
- whether further design development of a jointly-owned Regional Biosolids Facility is favorable
- based upon clearly understood
  - details,
  - estimates,
  - strengths and weaknesses of the project.

Feasibility Study Scope of Work – END PRODUCT

- Product of Phase 1 will be used for
  - Agency Staff and
  - Governing Bodies
- to decide whether to proceed to Phase 2
  - Preliminary Design and Environmental Clearance.



Feasibility Study Scope of Work – TASKS & DISCUSSION

TASK 1 TASK 2 TASK 3 TASK 4 TASK 5 4 TOPICS

Task 1 – Project Administration and Meetings

Task 2 – Background, Regional Sludge Production, Quality, and Site Availability

Task 3 – Evaluate Regulatory and Market Framework

Task 4 – Preliminary Alternatives & Options Development and Feasibility Analysis

Task 5 – Final Phase I Feasibility Assessment

4 Topics to Address:

- Contaminants of Emerging Concern
- Private Involvement
- Resiliency vs Cost
- Phase 1 cost split vs Phase 2+ cost split

Feasibility Study Scope of Work - TASKS

TASK 1 TASK 2 TASK 3 TASK 4 TASK 5 4 TOPICS

Task 1 – Project Administration and Meetings

1. Project Administration
2. Progress Meetings
3. Workshops

Feasibility Study Scope of Work - TASKS

TASK 1 | **TASK 2** | TASK 3 | TASK 4 | TASK 5 | 4 TOPICS

Task 2 – Background, Regional Sludge Production, Quality, and Site Availability

1. Summarize each Agency
   - Facility operating details
   - Agency residuals discharge strategy
   - Agency-specific challenges
2. Estimate Solids Quantity (production rates of each agency)
   - As-hauled (wet) production
   - Dry ton equivalent production
3. Evaluate Solids Quality
   - Biosolids EPA 503 classification
   - Nutrients
   - Criteria Pollutants
   - TCLP (Toxicity Characteristic Leaching Procedure)
   - VOC (Volatile Organic Compounds)
   - Emerging Contaminants (PFAS, etc)
4. Identify Available Space at Existing Agency Properties and Potential Hauling Burden
5. Potential Unidentified Additional Participants (Agencies; Educational Institutions)
6. Identify potential resource recovery aspects
7. TM on Task 2 content

Feasibility Study Scope of Work - TASKS

TASK 1 | TASK 2 | **TASK 3** | TASK 4 | TASK 5 | 4 TOPICS

Task 3 – Evaluate Regulatory and Market Framework

1. Review Regulatory Requirements, Project Drivers, Roadblocks and Other Considerations
2. Analyze Biosolids Market
3. TM on Task 3 content

Feasibility Study Scope of Work - TASKS

TASK 1 | TASK 2 | TASK 3 | **TASK 4** | TASK 5 | 4 TOPICS

Task 4 – Preliminary Alternatives & Options Development and Feasibility Analysis

1. Alternative #1 – Composting Facility (primary) with Class A Other (secondary)
   - Indoor
   - Outdoor
2. Alternative #2 – Define
3. Alternative #3 – Define
4. TELOS Feasibility Analysis
   - Technical – Is the project technically possible?
   - Economic – Can the project be afforded?
   - Legal – Is the project legal?
   - Operational – How will the current operations support the change?
   - Scheduling – Can the project be done on time?
5. Risk and Resiliency Analysis
6. Grant and Loan Funding Opportunities
7. Produce Draft Recommended path forward
   - Highest Priority – Resiliency
   - Second Priority – Cost Effectiveness
8. TM on Task 4 content

Feasibility Study Scope of Work - TASKS

TASK 1 | TASK 2 | TASK 3 | TASK 4 | **TASK 5** | 4 TOPICS

Task 5 – Final Phase I Feasibility Assessment

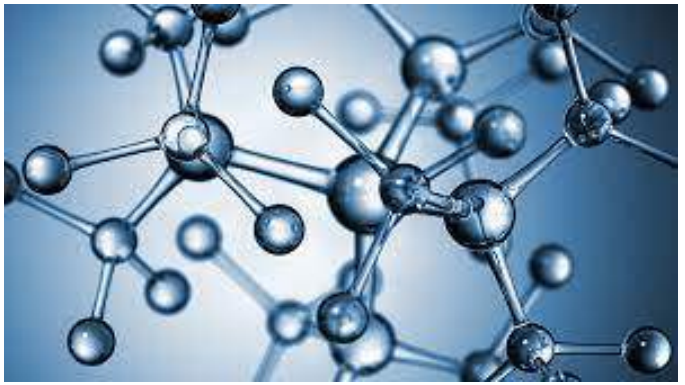
1. Final Phase I Feasibility Assessment
2. Stakeholder Discussion and Decisions Workshop

Feasibility Study Scope of Work – 4 TOPICS

TASK 1 | TASK 2 | TASK 3 | TASK 4 | TASK 5 | **4 TOPICS**

4 Topics to Address:

- **Contaminants of Emerging Concern**
  - Consider: inclusion of verbiage in the Feasibility Study to acknowledge the emerging issue and lack of regulatory direction
  - Do not consider: inclusion of new infrastructure to address this
  - Differing views on how to address things like PFAS in the absence of firm regulations
- Private Involvement
- Resiliency vs Cost
- Phase 1 cost split vs Phase 2+ cost split



Feasibility Study Scope of Work – 4 TOPICS

TASK 1 | TASK 2 | TASK 3 | TASK 4 | TASK 5 | **4 TOPICS**

4 Topics to Address:

- Contaminants of Emerging Concern
- **Private Involvement**
  - Private involvement can reduce costs
  - Private involvement impacts control, which reduces resiliency
  - Differing views on whether and to what extent to allow
- Resiliency vs Cost
- Phase 1 cost split vs Phase 2+ cost split

Feasibility Study Scope of Work – 4 TOPICS

TASK 1 | TASK 2 | TASK 3 | TASK 4 | TASK 5 | **4 TOPICS**

4 Topics to Address:

- Contaminants of Emerging Concern
- Private Involvement
- **Resiliency vs Cost**
  - Improved resilience comes at a cost
  - Cost is a reality and some governing bodies may view cost for increased resilience differently
- Phase 1 cost split vs Phase 2+ cost split

Feasibility Study Scope of Work – 4 TOPICS

TASK 1 | TASK 2 | TASK 3 | TASK 4 | TASK 5 | **4 TOPICS**

4 Topics to Address:

- Contaminants of Emerging Concern
- Private Involvement
- Resiliency vs Cost
- **Phase 1 cost split vs Phase 2+ cost split**
  - Phase 2+ cost split should be based on careful considerations of volume, treatment levels, etc and should be prorated
  - Phase 1, based on its simplicity, should be based on an even split between the parties, regardless of volume or treatment

Next Steps

- EMWD – Carollo and Brown & Caldwell to complete Biosolids Master Plan
- SBMWD – Black & Veatch to complete Biosolids Strategic Plan
- SBMWD – Regional Facility – Transition from Phase 0 to Phase 1
  - SBMWD timeline road map:
    - Staff development of DRAFT RFP – March and May 2024
    - Staff development of DRAFT MOU – March and May 2024 (follow BHB Salinity Management FS MOU/CSA)
    - Solidify partners for Phase 1 (commitment at Staff level) – May 2024
    - SBMWD to advertise RFP – May 2024
    - Governing bodies approve MOU (with approval for SBMWD to award) – May and June 2024
    - Staff recommendation of consultant selection as a group – July 2024
    - SBMWD Water Board to approve Contract w/ Consultant – August 2024
    - Issue NTP – September 2024
    - Complete Feasibility Study – September 2024 to June 2025

emwd EASTERN MUNICIPAL WATER DISTRICT

Thank you!

CITY OF SAN BERNARDINO WATER DEPT.

City Council Meeting **I. 11.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the Professional Services Agreement with Leslie Palencia, doing business as Palencia Consulting Engineers, for an amount not-to-exceed $79,280 to prepare Watershed Sanitary Survey 5-Year Updates, and determine that approval of this Agreement is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motions are provided:

1. I move that the City Council determine that approval of a Professional Services Agreement with Leslie Palencia, doing business as Palencia Consulting Engineers, is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and

2. I move that City Council approve the Professional Services Agreement with Palencia Consulting Engineers.

RECOMMENDATION:

Staff recommends that City Council determine approval of a Professional Services Agreement with Leslie Palencia, doing business as Palencia Consulting Engineers, to prepare Watershed Sanitary Survey 5-Year Updates is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act. Staff further recommends approval of a Professional Services Agreement with Palencia Consulting Engineers for an amount not-to-exceed $79,280.

DISCUSSION:

The City owns and operates two (2) conventional surface water treatment plants (SWTP) that are regulated by the State Water Resources Control Board Division of Drinking Water (DDW), which requires a watershed sanitary conditions evaluation and summary report of findings every five (5) years. These engineering reports are used by regulators and staff to ensure treatment processes align with current water quality monitoring, and watershed control practices and activities.

In accordance with the City's Purchasing guidelines, MUED staff prepared and issued a Request for Proposals (RFP) on August 28, 2024. On September 11, 2024, one (1) proposal was received from the following firm:

Name of Consultant
Palencia Consulting Engineers, Fullerton, CA

Engineering services identified in the RFP include system operations and watershed research, preliminary and final technical reports, and improvement recommendations. A selection committee evaluated and rated this proposal and determined that Palencia Consulting Engineers (Palencia) is qualified to complete this project. Palencia has successfully completed several projects of similar scope and size for other municipalities, including previous projects for the City. In accordance with Redlands Municipal Code Chapter 2.16.180, MUED and Palencia staff negotiated a reasonable and responsible consultant fee of $79,280. Staff recommends approval of a Professional Services Agreement with Palencia for an amount not-to-exceed $79,280.

Approval of the Professional Services Agreement with Palencia is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act since it can be seen with certainty that doing so will have no possibility of causing a significant effect on the environment.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Paul Mariscal, Water Utility Manager

Fiscal Impact

Fiscal Year:	FY 24/25
Revenue Generating:	N
Appropriation Required Y/N:	N
Amount:	$79,280
Budgeted Y/N:	Y
Account No.:	501900

Discussion:

There is no fiscal impact associated with this action. The FY 24/25 Water fund budget includes sufficient funding for this project.

Attachments

Palencia Consulting Engineers - Agreement

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for the provision of Watershed Sanitary Survey 5 Year Updates ("Agreement") is made and entered in this 3rd day of December, 2024 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Leslie Palencia, an individual, dba Palencia Consulting Engineers ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide Watershed Sanitary Survey 5-Year Updates services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates John Harris, Municipal Utilities & Engineering Department Director, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 Consultant shall perform and complete the Services in a prompt and diligent manner.

4.2 The term of this Agreement shall be for a period of one (1) year commencing as of the Effective Date, unless terminated earlier as provided herein.

4.3 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City

Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 Compensation: Total compensation for Consultant's performance of the Services shall not exceed the amount of Seventy-Nine Thousand Two Hundred Eighty Dollars ($79,280.00). City shall pay Consultant on a time and materials basis up to the not to exceed amount in accordance with Exhibit "B," titled ("Fee Schedule") which is attached hereto and incorporated herein by reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:

City Clerk
City of Redlands
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373
jdonaldson@cityofredlands.org
Phone: (909) 798-7531

CONSULTANT:

Leslie Palencia, Owner
Palencia Consulting Engineers
2837 Lemonwood Ct.
Fullerton, Ca. 92835
Leslie@palenciaconsult.com
Phone: (714) 293-7033

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant. Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Consultant shall secure and maintain professional liability insurance throughout the term of this Agreement in the amount of One Million Dollars ($1,000,000) per claim made.

D. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

E. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Consultant's Services. Consultant further covenants and represents that

in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Consultant are for its account only,

and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS	LESLIE PALENCIA DBA PALENCIA CONSULTING ENGINEERS
By: _____	By: _____
Eddie Tejeda, Mayor	Leslie Palencia, Owner

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A"

SCOPE OF SERVICES

The Mill Creek Watershed Sanitary Survey and the Santa Ana River Watershed Sanitary Survey will cover the time period from January 2019 to December 2023. Technical work will focus on four major areas for each report:

Task 1 - Information Collection

Consultant will develop an Agency Survey form to obtain water quality and operational data from the City. The objectives are to collect data from the period of interest as efficiently as possible by utilizing a survey form and data request package. Water quality constituents to be evaluated are turbidity, total organic carbon, *Giardia* and *Cryptosporidium*, total and fecal coliform, total trihalomethanes, total haloacetic acids, and UCMR 4/UCMR 5 monitoring. This Agency Survey will also request information on actions taken by the City to address the recommendations from the Fourth WSS Updates for both sources.

For the watershed contaminant sources, we will contact various agencies within the watershed to obtain information, search their websites for new programs, download maps, and query databases for various information such as water quality, spills, chemical usage, inspection reports, permits, and facilities identified as a concern for stormwater runoff to name a few.

Consultant's project team has the distinct advantage of having recently prepared the 2022 Watershed Sanitary Survey for East Valley Water District for the Santa Ana River. Therefore, the team already knows what agencies and specific staff to contact for information related to watershed contaminant sources.

Mill Creek contaminant sources to be investigated will include Wastewater, Recreation, Urban Runoff, Leaking Underground Storage Tanks, Floods/Erosion, Spills, Fires, and Invasive Plants. Santa Ana River contaminant sources to be investigated will include Wastewater, Recreation, Urban Runoff, Leaking Underground Storage Tanks, Seven Oaks Dam, Spills, Fires, and Management of Big Bear Lake. Additional information will be provided on the Total Maximum Daily Loads for Big Bear Lake Watershed.

Task 2 - Information Analysis

Once the water quality data has been obtained, Consultant will conduct a statistical evaluation, construct graphs over time, and look for any seasonal or geographic trends, relationships between source water quality and contaminant sources, and relationship of source water quality to treatability issues.

For treated water, Consultant will also conduct an individual regulatory evaluation for the Tate and Hinckley WTPs focusing on the following regulations:

- Surface Water Treatment Rule
- Interim Enhanced Surface Water Treatment Rule

- Long Term 2 Enhanced Surface Water Treatment Rule
- Stage 2 Disinfection/Disinfection By-Product Rule
- Unregulated Contaminant Monitoring Rule 4 and 5

Task 3 - Development of Updated Watershed Map and other Maps

The consultant team recommends a watershed map, a land ownership map and a land use map for each report. For cost saving purposes, the team assumes that the maps can be created in-house by City staff, with assistance from Consultant team. The Consultant team will provide direction on what information each map should include and map formatting. Consultant assumes that the City will locate the GIS layers needed to create the maps.

Task 4 - Development of Source Water Protection Recommendations

After the Watershed Contaminant Sources and Source and Treated Water Quality have been reviewed, the team will develop recommendations to be considered by the City to be completed over the next five years until the next watershed sanitary survey is due. This is a requirement from the DDW Watershed Sanitary Survey Guidance Manual. The Consultant team will provide recommendations that are practical and implementable within the resources of the City. These recommendations will be presented and discussed at the last meeting.

Task 5 - Report Deliverables

- Annotated outline
- Draft Report
- Final Report

Task 6 - Project Management/Meetings

In addition to the five technical areas above, project management and meetings will be an additional separate task. Project management will consist of controlling quality of the work, budget and schedule, preparing for and leading meetings, preparing meeting summaries and action items, and insuring good communication between the project team and the client project manager. This will also include monthly project updates if determined necessary by the client project manager.

There will be a minimum of one kickoff meeting and two meetings to discuss the work in progress at key points and to advise the City of Redlands staff and solicit input. Starr Consulting will teleconference for all meetings.

Meeting #1 – Kick Off Meeting
Meeting #2 – Presentation on information collection/analysis for potential contaminant sources and water quality
Meeting #3 – Presentation and discussion of evaluation and source water protection recommendations

EXHIBIT "B"
Fee Schedule

FEE SCHEDULE FOR SANTA ANA RIVER WATERSHED SANITARY SURVEY FIFTH UPDATE				
	Palencia Consulting Engineers	Starr Consulting	ODCs Other	TOTAL
Task 1. Information Collection				
1A. Utility Information	2	2		$760
1B. Ambient Water Quality Data		10		$1,900
1C. Contaminant Sources Information	50			$9,500
Task 2. Information Analysis				
2A. Water Quality/Treatment Review	2	36		$7,220
Task 3. Development of Updated Watershed Map				
Assistance with developing new maps	3			$570
Task 4. Evaluation and Recommendations				
4A. Evaluation	4	4		$1,520
4B. Source Water Protection Recommendations	4	4		$1,520
Task 5. Report				
5A. Annotated Outline	2			$380
5B. Draft Report	30	20		$9,500
5C. Final Report	8	6	$ 500	$3,160
Task 6. Project Management				
6A. Project Management	8	4		$2,280
6B. Technical Committee Meetings	6	6		$2,280
TOTAL HOURS	119	92		
HOURLY RATE	$ 190	$ 190		
TOTAL	**$ 22,610**	**$ 17,480**	**$ 500**	**$ 40,590**

FEE SCHEDULE FOR MILL CREEK WATERSHED SANITARY SURVEY FIFTH UPDATE				
	Palencia Consulting Engineers	Starr Consulting	ODCs Other	TOTAL
Task 1. Information Collection				
1A. Utility Information	2	2		$760
1B. Ambient Water Quality Data		10		$1,900
1C. Contaminant Sources Information	40			$7,600
Task 2. Information Analysis				
2A. Water Quality/Treatment Review	2	36		$7,220
Task 3. Development of Updated Watershed Map				
Assistance with developing new maps	3			$570
Task 4. Evaluation and Recommendations				
4A. Evaluation	4	4		$1,520
4B. Source Water Protection Recommendations	4	4		$1,520
Task 5. Report				
5A. Annotated Outline	2			$380
5B. Draft Report	30	20		$9,500
5C. Final Report	8	6	$ 500	$3,160
Task 6. Project Management				
6A. Project Management	8	4		$2,280
6B. Technical Committee Meetings	6	6		$2,280
TOTAL HOURS	109	92		
HOURLY RATE	$ 190	$ 190		
TOTAL	**$ 20,710**	**$ 17,480**	**$ 500**	**$ 38,690**

FEE SCHEDULE TOTAL	**$ 79,280**

EXHIBIT "C"

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

LESLIE PALENCIA,
DBA PALENCIA CONSULTING ENGINEERS

By:_____ Date: _____
Leslie Palencia, Owner

City Council Meeting **I. 12.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Adopt Resolution No. 8640 authorizing the Redlands Police Department's participation in the Tobacco Grant Program funded by the California Department of Justice for Fiscal Year 2024-25 and appropriation of the grant of $43,148.00 to the Police Department (Police Chief Tolber)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

1. I move to adopt Resolution No. 8640 authorizing the Redlands Police Department's participation in the Tobacco Grant Program funded by the California Department of Justice; and

2. I move to approve the appropriation of the grant of $43,148.00 to the Police Department.

RECOMMENDATION:

Staff recommends that Council adopt Resolution No. 8640 authorizing participation in the Tobacco Grant Program funded by the California Department of Justice, to include: Approval of the acceptance of State of California Department of Justice Tobacco Grant in the amount of $43,148.00 for FY 2024-25 to be distributed over two years; Approval of the memorandum of understanding between the City of Redlands and the State of California DOJ regarding the grant; Authorization for the Chief of Police to execute the MOU concerning the distribution of the grant; Appropriation of the grant of $43,148.00 to the Police Department.

DISCUSSION:

The California Healthcare, Research, and Prevention Tobacco Tax Act of 2016 (Proposition 56) supports efforts to create a healthier California by targeting the illegal sale and marketing of cigarettes, tobacco products, and e-cigarettes to minors. Through the Tobacco Grant Program, administered by the Office of the Attorney General, local law enforcement agencies across California can access annual grant funding to enhance these efforts. Since its inception in 2017, the program has awarded approximately $184.7 million in grant funding through a competitive process. In Fiscal Year 2019-20, the City Council accepted $57,606 in grant funds from the California Department of Justice's Tobacco Grant, enabling the Redlands Police Department (RPD) to focus on enforcing tobacco-related state laws and local ordinances. Specifically, these funds supported initiatives aimed at reducing illegal tobacco sales to minors through decoy operations, "shoulder tap" operations, inspections, and educational outreach to approximately 55 tobacco-licensed retailers in the city. These efforts mirror the RPD's successful approaches used to combat alcohol-related offenses.

This year, the RPD has once again been awarded grant funds for its continued work in tobacco education and enforcement. On October 16, 2024, RPD staff received official notification that their application for the Fiscal Year 2024-25 grant cycle was approved. These funds will further RPD's objective to curb the sale and marketing of tobacco products to underage youth in the City of Redlands. In order to participate in the Tobacco Grant Program, the Department of Justice requires a resolution from the participating agency's governing body expressing authorization to accept grant funds and to enter into an agreement regarding the terms for how these grant funds will be utilized.

ALTERNATIVES:

Council may choose to not adopt Resolution No. 8640 and not participate in the Tobacco Grant Program.

STRATEGIC PLAN:

N/A

SUBMITTED BY:

Rachel Tolber, Chief of Police

RECOMMENDED BY:

Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Chay Miller, Executive Assistant

Fiscal Impact

Fiscal Year:	2024-25
Revenue Generating:	N
Appropriation Required Y/N:	Y
Amount:	$43,148.00
Budgeted Y/N:	N
Account No.:	200202

Discussion:

There will be no fiscal impact to the General Fund.

Attachments

Additional Appropriation
DOJ MOU
Summary of Award
Award Letter
Resolution No. 8640

CITY OF REDLANDS
REQUEST FOR ADDITIONAL APPROPRIATION

DATE OF REQUEST: 11/20/2024

FINANCE USE ONLY
TRANSACTION NO:
ACCOUNTING PERIOD:

An additional appropriation is hereby requested as follows:

Department: Police

EXPENDITURE APPROPRIATION INCREASE (If applicable)

Account Description	Orgkey	Object Code	Job Ledger (If applicable)	Amount
Overtime Salaries	200202	5101	S202038	42,508
Special Program Expenditures	200202	6708	S202038	640
				$ 43,148 -

REVENUE APPROPRIATION INCREASE (if applicable)

Account Description	Orgkey	Object Code	Job Ledger (If applicable)	Amount
State Grants	200202	4401		43,148
				$ 43,148 -

JUSTIFICATION: Tobacco Grant FY24-25 & 25-26

Requested By: _____
Department Head

Recommended By Finance Director:

Yes _____ No _____ Signed _____

Comments: _____

Recommended: _____
City Manager

Approved by City Council:

Date: _____

Signed: _____
City Clerk

Tobacco Grant Program
Grant Services Branch – Local Assistance
Division of Operations

Redlands Police Department **DOJ-PROP56-2024-25-1-055**

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding ("MOU") is entered into by the Department of Justice ("DOJ") and the Redlands Police Department ("Grantee"), for the purpose of disbursing grant funds to Grantee for reimbursement of expenditures in compliance with the California Code of Regulations and the Fiscal Year 2024-25 Grantee Handbook.

Commencing January 1, 2023, the California Code of Regulations, Title 11, Division 1, Chapter 5: Department of Justice Tobacco Grant Program ("TGP Regulations") shall govern the policies and procedures of the Tobacco Grant Program.

The TGP Regulations, Request for Proposals, Grantee Handbook (dated April 2024), and Summary of Award document are hereby incorporated by reference into this MOU. Grantee will expend funds for the purposes identified in the approved Summary of Award document. Reimbursements are to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, approved by the voters as Proposition 56.

COST REIMBURSEMENT

DOJ agrees to reimburse Grantee in arrears, for Grantee's actual expenditures in performing the project or scope of work included in the approved Summary of Award document. Reimbursements for line items in the approved Budget Detail will be made upon receipt of invoices from Grantee and approval of the invoices by DOJ, in accordance with the reimbursement procedures set forth in the TGP Regulations and Grantee Handbook.

BUDGET CONTINGENCY CLAUSE

It is mutually agreed, if the Budget Act of the current fiscal year and/or any subsequent years covered under the MOU does not appropriate sufficient funds, the MOU shall be of no further force and effect. In the event this situation occurs, DOJ shall have no liability to reimburse/pay any funds to Grantee, or to furnish any other considerations under this MOU. As well, Grantee shall not be obligated to continue performing the provisions of this MOU, for which the Grantee would have been reimbursed.

If funding for any fiscal year is reduced or deleted in the Budget Act for purposes of this MOU, DOJ shall have the option to either cancel this MOU with no liability occurring to DOJ or offer an addendum to the Grantee to reflect the reduced amount.

PROJECT BREACH-TERMINATION

Failure of a Grantee to comply with this MOU or the TGP Regulations shall be treated by DOJ as a breach of contract. If an act of noncompliance occurs, DOJ may take actions described within the TGP Regulations, including termination. DOJ may terminate this MOU and be relieved of any obligation to disburse grant funds to Grantee should Grantee fail to perform the scope of work at the time and in the manner provided in this MOU.

MISCELLANEOUS PROVISIONS

Addendum – No addendum or variation of the terms of this MOU is valid unless made in writing and signed by the duly authorized representatives of the parties.

Assignment – This MOU is not assignable by Grantee in whole or in part.

Indemnification – Grantee agrees to indemnify and hold harmless DOJ, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

Certifications – Grantee certifies that it does not receive funding from a manufacturer, distributor, or advertiser of Cigarettes or Tobacco Products. Grantee further certifies that grant funds will not supplant existing state or local funds dedicated for the same purpose.

TERMS

Grant Duration: **11/1/2024 – 6/30/2028**

Award Amount				
Category of Expenditure	**Budget FY 2024-2025**	**Budget FY 2025-2026**	**Budget FY 2026-2027**	**Budget FY 2027-2028**
Personal Services	$21,254	$21,254	$	$
Operating Expenses and Equipment	$320	$320	$	$
Administrative Costs (Not to Exceed 5%)	$0	$0	$	$
TOTAL AWARD AMOUNT	**$43,148**			

The time limit for reimbursements against this award ends 6/30/2028. Requests for reimbursement received after 7/15/2028 cannot be considered by DOJ.

GRANTEE CONTACT INFORMATION

JIMMY NGUYEN, MANAGEMENT ANALYST
REDLANDS POLICE DEPARTMENT
PO BOX 1025
909-335-4751
JNGUYEN@REDLANDSPOLICE.ORG

AUTHORIZATION

DOJ and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future addendums shall be e-mailed to TobaccoGrants@doj.ca.gov, care of the Division of Operations, Local Assistance Unit, Tobacco Grant Program, and will become fully executed upon completion of signatures from all parties.

_____ _____

NAME: Rachel Tolber Date
Title: Chief of Police
Agency: Redlands Police Department

_____ _____

NAME: Date
Title:
Agency:

_____ _____

NAME: Date
Title:
Agency:

_____ _____

JENNIFER IVERY JOHNSON, Grant Manager Date
Division of Operations
California Department of Justice

_____ _____

NICOLE LEARNED, Administrative Manager Date
Division of Operations
California Department of Justice

_____ _____

CHRIS RYAN, Chief Date
Division of Operations
California Department of Justice

Tobacco Grant Program
GRANT SERVICES BRANCH – LOCAL ASSISTANCE
DIVISION OF OPERATIONS

TOBACCO GRANT SUMMARY OF AWARD

DOJ-PROP56-2024-25-1-055

REDLANDS POLICE DEPARTMENT

This Summary of Award document will be used by the Tobacco Grant Program when determining whether an activity or expense claimed was approved for funding and is reimbursable. Activities other than those presented here may not be reimbursable. A Grant Modification may be necessary for material deviations. Please consult with your Grant Program Officer *before* engaging in any activity beyond this scope.

By signing the Memorandum of Understanding, your agency agrees to the commitments outlined below and this document becomes part of the Grant Agreement.

AWARD SUMMARY

Award Amount: $43,148

Requested Amount: $43,148

Removed from Award: N/A

Reduced Line Items: N/A

Other Changes or Stipulations: N/A

IMPORTANT PROVISIONS FOR ALL GRANTEES

I. Enforcement Activities

a. Authorized - If enforcement activities were proposed, **only** activities that target retailers for illegal sales/marketing of tobacco products were approved. It is expected that the flavor ban will be enforced within one or more enforcement activities.

b. Unauthorized - Community or school patrols, or other enforcement actions related to tobacco use and possession, are **not** permitted.

II. Educational Activities

a. Authorized – Retailer and/or officer educational activities on tobacco laws and ordinances, if included, are authorized as noted below.

b. Unauthorized – School or community education efforts, including media campaigns, are **not** permitted as part of this award. All educational efforts should be directed to retailers and/or officers.

III. Removed Personnel or Other Items

a. If specific personnel or other items were removed and not funded, they cannot be reinstated during the grant term.

IV. Reduced Line Items

a. If a specific line item was reduced, the intention was to not fully fund it or the activities it represents.

V. Mileage/Fuel

a. Budgets that include mileage or fuel were amended to include both together in one line item for flexibility and the type of backup documentation available. Mileage is limited to the state rate in effect at the time of travel.

VI. Equipment

a. All equipment items must be purchased during the first year of the grant as noted on the Budget Detail. Their awarding is intended to support project goals and be used to support grant activities throughout the grant term.

Please reference the Tobacco Grant Program Grantee Handbook for more information regarding allowable costs.

GOALS AND ACTIVITIES

Retail Inspections

- Per year, **25** retailers will be inspected.
- Additional details regarding these inspections:
    - There are currently 50 licensed tobacco retail businesses in the City of Redlands and through these operations, all will be inspected within the grant period.

Minor Decoy Operations

- Per year, **4** minor decoy operations will be conducted.
- Per year, **50** retailers will be targeted through these operations.
- Additional details regarding these operations:
    - Redlands Police Department has built a strong relationship with the San Bernardino County District Attorney's Office and have received confirmation these cases will be prosecuted.

Shoulder Tap Operations

- Per year, **4** shoulder tap operations will be conducted.
- Per year, **50** retailers will be targeted through these operations.
- Additional details regarding these operations:
    - The San Bernardino County District Attorney's Office has confirmed they are successfully prosecuting these cases.

Undercover Buys

N/A

Retailer Education

- Per year, **25** retailers will receive educational materials.
- Per year, **25** retailers will receive on-site education.
- Additional details regarding these retailer education activities:

Enforcement Officer Education

- Per year, **93** enforcement officers will receive education about tobacco laws and ordinances.
- Additional details regarding these officer education activities:
    - Briefing training for each patrol team and specialized team educating them on current tobacco laws and trends. Officers that assist with the minor decoy, shoulder tap, and retail inspections will also learn tobacco laws through their experience in these operations.

Prosecution

N/A

Task Force

N/A

Other Activities

N/A

PARTNERING AGENCIES

Based upon the proposal submitted and any subsequent modifications approved by DOJ, the following agencies are expected to partner with and support the activities and fulfillment of goals referenced above:

N/A

Please notify your Grant Program Officer of any proposed changes to partnering agencies, particularly if they are included within your budget.

C A L I F O R N I A
DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

DIVISION OF OPERATIONS
OFFICE OF THE CHIEF
GRANT SERVICES BRANCH
TOBACCO GRANT PROGRAM
P.O. Box 160187
Sacramento, CA 95816-0187
Telephone: (916) 210-6422
E-Mail Address: TobaccoGrantRFP@doj.ca.gov

October 16, 2024

Richard Dean McLaughlin, Police Officer
Redlands Police Department
30 Cajon Street
Redlands, CA 92373

Re: Tobacco Grant Award Notification Fiscal Year 2024-25 (RFP: DOJ-PROP56-2024-25-1)

Dear: Officer Richard Dean McLaughlin

Congratulations! On behalf of the California Department of Justice (DOJ), Tobacco Grant Program, I am pleased to inform you that your agency's grant application for the fiscal year 2024-25 grant cycle has been approved for grant funds authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. **The total amount of your agency's grant award is $43,148.**

The Tobacco Grant Program award process is highly competitive, and for the 2024-25 grant cycle, the Department received over $50 million in requests. As noted in the application materials, grant funding prioritized support for local retailer enforcement, including enforcement of flavored tobacco bans. Consequently, some awards were approved with modifications to align with these funding priorities. Attached is a Summary of the Award and Budget Detail outlining the funding provided along with any modifications applied.

To accept the 2024-25 grant award, please complete and return a signed copy of your Letter of Intent (see template and instructions attached) by email within 15 calendar days of the date of this letter. This letter will affirm either:

1. Your agency will seek a resolution from the governing body to accept the award *(if your agency has a governing body);* OR
2. No governing body exists and no resolution is required.

Please email the signed Letter of Intent as noted above to TobaccoGrantRFP@doj.ca.gov with the subject line including the name of your agency: "FY 24-25_Letter of Intent_Redlands Police Department." Upon receipt of this information, DOJ will provide your agency with additional documents for execution/use (e.g., Memorandum of Understanding, Governing Body Resolution template, Grantee Handbook, etc.). These documents will contain more information

about the process for reimbursement and other important details. Activities for reimbursement under this grant may commence on or after November 1, 2024 depending upon your selected start date.

Should you have any questions regarding this letter or the required follow up information, please email TobaccoGrantRFP@doj.ca.gov.

Sincerely,

Jennifer Ivery Johnson

JENNIFER IVERY JOHNSON
Manager, Grant Services Branch

For ROB BONTA
Attorney General

Attachments:
Letter of Intent
Summary of Award
Budget Detail

RESOLUTION NO. 8640

RESOLUTION AUTHORIZING THE REDLANDS POLICE DEPARTMENT TO ACCEPT GRANT FUNDS IN THE AMOUNT OF $43,148.00 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO GRANT PROGRAM, AND AUTHORIZING THE AGREEMENT WITH REDLANDS POLICE DEPARTMENT AND AMENDING THE FISCAL YEAR 2025-2026 BUDGET

WHEREAS: The Redlands Police Department (RPD) is interested in participating in the Tobacco Grant Program, which is made available through the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Pop. 56) and administered by the California Department of Justice (DOJ) to support local efforts to reduce the illegal sale of tobacco products to minors in the City; and

WHEREAS: Grant funds will be used for RPD overtime costs related to tobacco education and enforcement operations, specifically decoy operations, "shoulder tap" operations, inspections, and educational outreach to tobacco-licensed retailers in the city, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands as follows:

Section 1. The Recitals set forth above are true and correct and are incorporated by reference in this Resolution.

Section 2. The Chief of the Redlands Police Department is hereby authorized, on behalf of the City, to accept grant funding in the amount of $43,148.00 from California DOJ; to execute the Memorandum of Understanding (MOU) with the Cal DOJ regarding grant funds; and to execute and submit all other necessary grant documents, including but not limited to agreements, modifications, payment requests, and amendments for the purpose of increasing funding, that may be necessary for the completion of 2025-2026 TGP.

Section 3. This Resolution shall take effect upon adoption.

ADOPTED, SIGNED AND APPROVED this 3rd day of December 2024.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 3rd day of December, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

City Council Meeting **I. 13.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the Memorandum of Understanding with the Inland Regional Narcotics Enforcement Team and authorize the Chief of Police to execute the Memorandum of Understanding (Police Chief Tolber)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. I move that City Council approve the Memorandum of Understanding with the Inland Regional Narcotics Enforcement Team; and

2. I further move that City Council authorize the Chief of Police to execute the Memorandum of Understanding.

RECOMMENDATION:

Staff recommends that City Council approve the Memorandum of Understanding with the Inland Regional Narcotics Enforcement Team and authorize the Chief of Police to sign the Memorandum of Understanding (MOU).

DISCUSSION:

The Inland Regional Narcotic Enforcement Team (IRNET) is a major narcotic investigation team which is comprised of various San Bernardino County law enforcement officers and is spearheaded by the Sheriff's department. This team is also composed of several Federal and State investigators. By its diversity alone, IRNET has numerous resources that make it a premier investigative unit within the Southern California area. IRNET is the primary means by which the Redlands Police Department addresses the proliferation of dangerous drugs in the community.

The Redlands Police Department has been a member of IRNET for decades. Currently, the Department commits one full-time police officer to work with the team. IRNET has stemmed the flow of narcotics to Redlands streets through numerous mid and high- level investigations over the years. The officer assigned to the team gains valuable experience in investigative techniques and develops priceless contacts with local, state and federal partners that have proven useful in all types of investigations. As detailed in the MOU, the assignment of the officer to the team entitles the City to 3.502% of proceeds from assets forfeited during the investigations.

The current IRNET Memorandum of Understanding (MOU) signed by the Redlands Police Department was in December 2022. In October 2024, staff received an updated MOU from IRNET for review by the Department. The updates include guidelines for federal agencies' cooperation with IRNET, the addition of another police department agency to the MOU, and updates to new department heads who have been installed in other agencies. No other changes were made to the MOU, and the distribution of forfeiture actions and seizures of assets remained at 3.502% (per officer) as stated in the previous MOU.

ALTERNATIVES:

Do not approve the IRNET MOU or authorize the Chief of Police to sign.

STRATEGIC PLAN:
N/A

SUBMITTED BY:
Rachel Tolber, Chief of Police

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Sean Flynn, Commander

Fiscal Impact

Revenue Generating: Yes
Appropriation Required Y/N: N
Budgeted Y/N: N
Discussion:
There will be no impact to the General Fund.

Attachments

IRNET MOU

MEMORANDUM OF UNDERSTANDING

Inland Regional Narcotics Enforcement Team (IRNET)

Revised 10/23/2024

MEMORANDUM OF 1
UNDERSTANDING 1
Inland Regional Narcotics 1
Enforcement Team 1
(IRNET) 1
Revised 12/13/2021 1
ARTICLE I. NAME 1
ARTICLE II. PURPOSE 1
ARTICLE III. EXECUTIVE BOARD 1
ARTICLE IV. AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING 1
ARTICLE V. DISTRIBUTION FROM FORFEITURE ACTIONS AND SEIZURE OF ASSETS 2
ARTICLE VI. FEDERAL LAW ENFORCEMENT 2
ARTICLE VII. ORGANIZATIONAL OPERATING PROCEDURES 3
A. Site Location 3
B. Structural Command 3
C. Case Initiation 3
D. Enforcement Manpower 3
E. Prosecutorial Support 3
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2. Special Program Attorney 3
F. Equipment Pool 3
G. Request for Assistance 4
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I. Undercover Documents 4
J. Operating Standards 4
K. Personnel 4
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A. Special Appropriation Fund 5
B. Asset Sharing 5
ARTICLE IX. ADMINISTRATIVE GUIDELINES 5
A. Case Information 5
B. Document Security 6
C. Undercover Documentation 6
D. Firearms 7
E. Qualification 7
F. Other Defensive Equipment 7
1. Handcuffs 7

2. Equipment 7
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H. Release of Information 8
1. General Information for Release 8
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I. Multi-Agency Administrative Concerns 9
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B. Notification 10
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2. Request Memorandum 15
3. Follow-up Memorandum 16
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Drug Enforcement Administration 21
Federal Bureau of Investigations 22
Montclair Police Department 23
Ontario Police Department 24
Redlands Police Department 25
Rialto Police Department 26
Riverside County Sheriff's Department 27
San Bernardino Police Department 28
San Bernardino County Sheriff's Department 29
U.S. Department of Homeland Security 30
Upland Police Department 31

ARTICLE I. NAME

The name of this organization shall be the **Inland Regional Narcotics Enforcement Team (IRNET).**

ARTICLE II. PURPOSE

The purposes of this organization are:

The identification and conviction of high-level drug traffickers and the seizure of assets derived through drug trafficking.

The targeting, investigation, and prosecution of individuals who organize, direct, finance, or otherwise engage in high-level drug trafficking enterprises or money laundering with high priority emphasis on those subjects engaged in the importation of drugs for sale into San Bernardino and Riverside Counties.

Members will conduct coordinated drug enforcement efforts throughout the Inland Region, encouraging maximum cooperation between all law enforcement and prosecutorial agencies.

ARTICLE III. EXECUTIVE BOARD

An Executive Board will direct the affairs of this organization. The members of this Board will be the Sheriff of San Bernardino County, the Sheriff of Riverside County, the Chiefs of all participating Police Departments, and the Special Agents in Charge of the participating federal and state law enforcement agencies or their designees.

Starting January 1, 2022, the IRNET Executive Board will attempt to meet bi-annually (two times a year). Due to scheduling conflicts, it is difficult to forecast yearly bi-annual meeting dates; however, the Executive Board must meet annually at a minimum. All meetings are scheduled at the Sheriff's Department Gangs/Narcotics Division Commander's request to maintain this requirement.

ARTICLE IV. AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING

The Executive Board may amend any Article of this Memorandum of Understanding by a two-thirds (2/3) vote of the quorum.

ARTICLE V. DISTRIBUTION FROM FORFEITURE ACTIONS AND SEIZURE OF ASSETS

IRNET investigators shall conduct thorough investigations, including identifying all assets qualifying for forfeiture proceedings. In every instance, civil and criminal forfeiture statutes will be explored.

Assets seized federally are subject to an administrative cost of 20% for the Department of Justice or 30% for the Department of Treasury. According to equitable sharing guidelines, any forms submitted for equitable sharing by agencies outside of IRNET will reduce IRNET agency percentages. Assets seized under State law are subject to an administrative cost of 35% for the State of California.

It is agreed that each IRNET participating agency may submit a claim for an equitable share of any remaining funds based on the participating agency's respective contribution to the IRNET organization. IRNET participating agencies agree that each agency will be awarded 3.502% per personnel assigned to IRNET. Sworn personnel assigned to IRNET are as follows: ABC – 1, Montclair PD – 1, Redlands PD – 1, Rialto PD – 1, Riverside SO – 1, Ontario PD – 1, San Bernardino PD – 1, Upland PD – 1, and San Bernardino County SO – 12. It is agreed that SBSD will receive an additional 21%, which will be returned to the IRNET program to cover operating costs, and an additional 12.462%, which will be used to pay Confidential Informants. Therefore, the agreed-upon equitable share of the assets seized shall be:

ABC Share –3.502%
San Bernardino PD Share – 3.502%
Montclair PD Share – 3.502%
Ontario PD Share – 3.502%
Redlands PD Share – 3.502%
Rialto PD Share – 3.502%
Riverside Sheriff's Dept. Share – 3.502%
Upland PD Share – 3.502%
SBSD Share – 71.984%

All IRNET participating members will be responsible for submitting their forms on behalf of their agency for an equitable share of seized assets. All returned assets will be distributed under applicable federal and state law and follow the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*.

ARTICLE VI. FEDERAL LAW ENFORCEMENT

Consistent with Article II, the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), and Department of Homeland Security (DHS) are committed to working with IRNET in order to target high-level drug trafficking and money laundering organizations operating in San Bernardino and Riverside Counties. Each federal agency may designate one or more federal agents to be co-located with IRNET team members in order to facilitate coordination and cooperation between IRNET and the federal agency. Each designated federal agent shall operate consistent with his/her home agency policies regardless of whether those policies are consistent with Articles VII-XI. All forfeitures from any joint investigation between IRNET and DEA, FBI, or DHS shall be shared as outlined in Article V.

ARTICLE VII. ORGANIZATIONAL OPERATING PROCEDURES

A. Site Location

The Executive Board will approve the site location of this project.

B. Structural Command

The Sheriff's Department, Gangs/Narcotics Division, will assign a designee with the rank of lieutenant or higher. This person will report directly to the Executive Board on all matters of IRNET concern.

C. Case Initiation

All IRNET investigations shall regularly be reviewed by the Sheriff's Department Gangs/Narcotics Division lieutenant or his designee. The type of enterprise, the impact on the community, the current caseload, the available workforce and equipment, and workable investigative leads will determine the areas of discretion in setting priorities for these cases.

D. Enforcement Manpower

This project will bring together the highest level of expertise from contiguous and, at times, overlapping jurisdictions to focus jointly on major drug trafficking. Personnel will generally be limited to 50 investigative officers.

E. Prosecutorial Support

At the inception of this project, it shall be incumbent upon the Executive Board members to coordinate a firm and positive relationship between the United States Attorney and the State Attorney designees.

1. Cross-Designation of Attorneys

Cross-designating local and federal prosecutors may enhance collaboration between federal prosecutors and their state and local colleagues.

2. Special Program Attorney

As previously recommended, consistency on how to best proceed in certain instances could best be achieved by allowing the program direct access to one (1) attorney assigned for that specific purpose.

F. Equipment Pool

The San Bernardino County Sheriff's Department will supply IRNET members with specialized items, mobile devices, and office equipment (desks, chairs, typewriters, file cabinets, phones, computers, office supplies, etc.).

The San Bernardino County Sheriff's Department will not supply vehicles to personnel assigned to the task force. Member agencies should assign vehicles appropriate for use in covert surveillance operations. All vehicle maintenance shall be the responsibility of the member agency. The participating agency should provide their investigator with a department radio and mobile device to assist with investigations.

G. Request for Assistance

This program's policy is to respond to a request for case development assistance from any law enforcement agency whose situation demands expertise or resources beyond its existing limitations.

H. Reporting Format

The San Bernardino County Sheriff's Department standard report forms and case report incident numbers shall be utilized for case development and to track program activity. An internal numbering system will also be used to account for all activities.

I. Undercover Documents

Documents used to support or enhance undercover operations will be encouraged. These will include, but will not be limited to, driver's licenses, credit cards, checking accounts, and passports. Procuring, utilizing, and controlling these documents will ensure that they are properly accounted for and used only for authorized purposes.

J. Operating Standards

All matters governing operating procedures will balance civilians' rights and law enforcement's needs to detect, arrest, and prosecute individuals engaged in major illicit drug activity.

Effective control of major illicit drug traffickers depends to a large degree on the close working relationship among agencies at all levels of law enforcement. Therefore, all IRNET personnel will assist to the fullest extent possible in developing inter-agency cooperation.

K. Personnel

Their respective department head must approve the assignment of federal, state, and local officers to IRNET. With Executive Board approval, the commander or his designee of the Sheriff's Gangs/Narcotics Division may reject any nominee based on the officer's training, past performance, or other factors bearing on suitability.

Federal, state, and local officers assigned to IRNET will work full-time unless special Executive Board arrangements have been made. Officers will be under the direct daily supervision of the Sheriff's Department Gangs/Narcotics Division lieutenant and follow all policies, procedures, and guidelines enacted explicitly by IRNET. Upon assignment to IRNET, all members shall read the IRNET policy manual. The member will sign an Inter-Office Memorandum (IOM) indicating they

read the policy. A copy of the IOM will be filed at IRNET and provided to the member. Should any IRNET policies or procedures conflict with their own department rules and regulations, the individual member will immediately bring said conflict to the attention of his/her IRNET supervisor. The supervisor will, in turn, bring the matter to the attention of the IRNET Manager, who will take the necessary action to rectify the situation.

L. Life of this Agreement

This agreement is effective on the date two of the parties of this agreement sign it. Any party may terminate their involvement with this agreement on 30 days advance written notice.

ARTICLE VIII. FISCAL PROCEDURE

A. Special Appropriation Fund

SBSD shall establish a Special Appropriation Fund to which members of IRNET may charge expenditures as necessary to perform the program's duties. In general, such charges shall include extraordinary or special expenses incurred in investigating major narcotics traffickers.

This fund's utilization, responsibility, accountability, and control shall be determined exclusively by the lieutenant overseeing IRNET in the Sheriff's Department. It shall conform to standards as required by policy and procedure for the San Bernardino County Sheriff's Department. Federal agencies will adhere to federal law and respective agency policies and procedures for any expenditures and reimbursements of expenses incurred by or through the federal agent.

B. Asset Sharing

IRNET will provide an audit trail showing that the assets seized are following applicable state and federal law. IRNET's finance specialist will notify partner agencies of a seized asset so the required forms can be submitted.

Each IRNET member agency will receive a monthly activity report, which will include activity and seizures by month and year to date.

ARTICLE IX. ADMINISTRATIVE GUIDELINES

A. Case Information

Large-scale narcotics investigations are sensitive. Protecting sources of information and managing information about areas of narcotics/drug-related activity are essential. Information and reports will be disseminated on a need-to-know basis in compliance with existing state and federal laws and, when appropriate, with the Department of Justice guidelines.

Written reports are vital to the conduct of operations. They are a formal means of communicating among participating agencies, other agencies, and the court. In composing an investigation report, the officer should remember that it will be read by someone else and will most likely form the basis for action or inaction by the reader. The report may also be read by someone seeking to discredit its contents or IRNET. Investigative reports will be completed promptly and describe activities fully, exactly, and plainly. All case reports will be kept in the IRNET office until the case's conclusion.

Statistical information regarding arrests and narcotics seized will be forwarded to the jurisdictional agency where such activity occurred to maintain proper information reporting procedures to the State Department of Justice.

Questions about the appropriateness of releasing case information will be referred to the lieutenant of IRNET.

B. Document Security

All reports and records will be designated "Confidential" ("Unclassified" for the FBI). When unattended, this material will be secured under lock and key. Access to all files is on a need-to-know basis.

IRNET will not keep intelligence files. Case files actively being worked on will be kept under the direct security of IRNET until the investigation is concluded. Federal agencies will maintain their files in compliance with the Freedom of Information Act.

If IRNET feels certain case information should be considered "intelligence," the entire file will be sent to the appropriate agency and filed under that department's guidelines for intelligence information.

Investigative reports or official records will never be kept or stored outside the designated office of IRNET or the San Bernardino County Sheriff's Records Bureau.

Reports will always be stored, and information will be disseminated strictly by applicable local, state, and federal laws.

C. Undercover Documentation

Should IRNET require assigned officers to assume a covert identity, arrangements will be made to issue each IRNET officer as required:

1. A California Driver's License; and

2. Documents to support covert identification as they become available.

   The IRNET lieutenant will maintain records and photostatic copies of all identities issued to officers. These documents shall only be used while the officers are on duty and working in an official capacity, and the use of the covert identity is required to further the case. The IRNET lieutenant may deem additional documentation, such as credit cards, a credit rating

with TRW, a passport, or a social security card, to support identity. The need for these items will be evaluated on a case-by-case basis. In every situation requiring assigned officers to obtain undercover documentation, their respective department heads will be advised that the required application forms have been submitted.

D. Firearms

Every officer assigned to IRNET will carry a firearm following their department's policies and procedures. Officers may carry authorized firearms while off duty; however, applicable departmental policies about the use of firearms shall apply.

E. Qualification

The IRNET member's department must approve any firearm an officer carries and meet minimum departmental qualifications. The San Bernardino County Sheriff's Department standards will apply if no departmental requirements exist, and officers will qualify on a trimester schedule.

F. Other Defensive Equipment

1. Handcuffs

Officers will carry A set of handcuffs when engaged in any enforcement activity (excluding undercover work).

2. Equipment

The Board may authorize the purchase and use of equipment to assist IRNET in accomplishing its purpose.

3. Protective Garments

All IRNET officers will have a bulletproof (protective) vest available. Officers shall wear their vests in arrest and search situations.

4. Operation Jackets

Members of IRNET shall wear the approved operation jackets/vests during arrests, searches, and similar enforcement situations.

G. Press Release

IRNET will cooperate with the media to obtain information on matters of public interest. However, certain information must remain confidential to protect the accused's Constitutional Rights, avoid interfering with an IRNET investigation, or because it is legally privileged.

IRNET will function as a unit. All members will refer to themselves as members of IRNET. If asked what agency they are employed by, the member should identify their respective agency and their assignment to the “Inland Regional Narcotics Enforcement Team."

The IRNET lieutenant will designate the "Press Information Officer." Members of IRNET will not release information to the press unless otherwise directed to do so by the IRNET lieutenant.

H. Release of Information

The IRNET lieutenant will be available to assist in disseminating or coordinating such information. The facts of each situation will determine the information to be released and will be distributed at the direction of the Executive Board. Generally, a description of the circumstances which do not prejudice the rights of the suspect(s) or interfere with an investigation will be made.

1. General Information for Release

a. Type of crime (statutes violated, etc.)

b. The extent of injury or damage

c. Value of drugs seized

d. Date and time of crime discovery

e. Length of investigation

f. Suspect name and age, if adult

g. Factual details of the incident

2. Information NOT for Release

a. Prior criminal record, character, or reputation of accused.

b. The existence or contents of any confession, admission, or statement given by the accused or failure of the accused to make any statement.

c. The identity, testimony, or credibility of any prospective witnesses.

d. The possibility of a plea bargain.

e. Any opinion as to the guilt or innocence of the accused.

I. Multi-Agency Administrative Concerns

1. Civilian Complaints

Any complaint from an individual alleging misconduct by IRNET personnel will be directed to the IRNET lieutenant or, in his absence, a supervisor, and a written report will be submitted to the Sheriff's Department Gangs/Narcotics Division commander for evaluation.

The IRNET lieutenant will notify the officer's respective agency and facilitate their investigation of the incident.

It will be the policy of IRNET to receive, record, and properly direct all citizen complaints against its members without exception.

2. Employee Evaluation

IRNET recognizes that all agencies have at least annual employee evaluations. When such evaluations are due, the affected employee's supervisor will assist the appropriate law enforcement supervisor in completing a fair and objective evaluation for the rating period.

3. Injuries Sustained On-Duty

When an IRNET officer is injured on duty, it will be necessary to follow the procedures required by the officer's agency, including notification of the specific agency involved. In emergencies, the officer will receive immediate medical attention most expediently. To assist the supervisors in ensuring an officer's injury is treated without unnecessary delay, officers assigned to IRNET will supply their supervisor with a packet containing the forms and application instructions for processing per Sheriff's Department policies and procedures.

4. On-Duty Motor Vehicle Accidents

If an IRNET Officer is involved in an accident while on duty, a long-form accident report will be completed by the jurisdictional agency. Copies will be forwarded to the officer's agency and the IRNET lieutenant for further review and necessary action. In any on-duty motor vehicle accident, whether injury or non-injury, the IRNET lieutenant or his designee will immediately notify the member agency so they can notify their appropriate Risk Management/Civil Liabilities Division per Sheriff's Department policies and procedures.

J. Administrative Policy

All members of IRNET will be expected to conform to their department's policy and procedure and any additional policies and procedures set forth by IRNET (such as performance expectations, punctuality, and chain of command).

ARTICLE X. INVESTIGATIVE GUIDELINES

A. Outside Agencies - Requests For Assistance

IRNET will respond to requests for case development assistance from any law enforcement agency whose situation demands expertise or resources beyond its existing capabilities. The IRNET lieutenant will review all such requests as soon as practicable after receiving them.

The Sheriff's Department Gangs/Narcotics Division commander will be informed of all requests for assistance made by non-participating agencies.

IRNET recognizes that Southern California's jurisdictional makeup lends itself to investigative overlay during narcotics case development. Therefore, IRNET will strictly adhere to the following notification procedures to minimize any chance of conflicting with the enforcement routine of the affected jurisdiction.

B. Notification

Before opening an active case, IRNET will contact the local agency of jurisdiction and check to see if that department is already actively working on a case on the subject(s) of IRNET's investigation. IRNET will also contact adjacent jurisdictions and LACRCIC/WSIN to see if any agency has information on the subjects.

After opening a case, IRNET will utilize the guidelines of LACRCIC/WSIN to identify the case and subjects being worked on, facilitating communications between investigating agencies and eliminating duplication of effort.

Note: IRNET will communicate closely with the affected jurisdiction throughout its investigation. If the agency in question has an open, active case centered on that target, IRNET will not open a separate case unless requested to do so by the affected agency. (See Requests for Assistance.)

When executing Search or Arrest Warrants, the following procedure will be followed, and, when appropriate, at least one uniformed officer from the jurisdictional agency will be requested and utilized.

Members of IRNET will notify the jurisdictional agency Watch Commander regarding the type of activity, the location, and the approximate operation time.

IRNET will also notify the narcotics detail of the affected agency:

1. To prevent a duplication of effort.

2. To protect undercover officers.

3. A means to gather additional intelligence.

C. Undercover Operations

IRNET, by its nature, will conduct undercover operations on numerous occasions. Specifically, this will entail introducing undercover officers to narcotics traffickers to purchase drugs or infiltrate their organizations. The following guidelines will be adhered to as to ensure officer safety and proper case development (Federal agencies will additionally observe DOJ guidelines):

1. Preparation and Planning

a. Discuss the purpose and intention of the operation with your supervisor. Depending on the magnitude of the investigation, prior approval may be required from the IRNET lieutenant to the Executive Board.

2. Determine Logistical Needs

a. **Manpower**

An IRNET supervisor will assess each case with the IRNET lieutenant to determine if special tactics or the utilization of a special weapons team will be required. Jurisdictional responsibilities will be recognized.

b. **Equipment**

1. Communications

2. Wireless Transmitter/Receiver with Recorder

3. Helicopter

4) "Flash Roll"

c. **Plan Formulation**

1. Indicate the scenario the Undercover Officer will utilize.

2. Designate a Case Agent.

3. Prepare a case history on the violators involved.

d. **Operational Plan**

1. The Case Agent will submit a written operational plan on all narcotics investigations, including buy/busts, arrest and search warrant service, and undercover surveillance cases. The IRNET lieutenant will approve all operational plans. In cases involving narcotics deliveries out of state or reverse operations more than 10 kilos in weight, the captain of the

Sheriff's Department Gangs/Narcotics Division (SBCSD) will be notified before beginning the operation.

2. Plan Format

   a. The written plan will include suspect information, criminal history, pictures, vehicles, and associates.

   b. The suspect's method of operation and other criminal tendencies.

   c. Maps, diagrams, and addresses.

      1. Clothing description
      2. Undercover vehicle
      3. Money flash vehicle.
      4. Provide a description of the clothing of undercover officers and confidential informants, if involved.
      5. Arrest and trouble signal (visual and audio)
      6. List all officers involved, including their assignment and vehicle and equipment responsibilities.
      7. Copies of the plan will be distributed to all involved officers.

   d. Notification of the law enforcement agency where the operation will take place will be noted on the plan, including who was notified.

   e. Communication channel frequency for the operation and necessary clearances from Central Dispatch. (An alternative frequency should be included in case of communication problems on the primary channel).

   f. Before starting, a complete briefing will be conducted utilizing the written plan.

   g. The sergeant assigned to the IRNET team will approve all operation plans before their implementation.

e. Undercover Operation (U/C)

1. The U/C will not deviate from the written plan unless he/she can obtain supervisory approval during the operation.

2. When the arrest signal is given, the U/C will not be involved in the actual arrest unless the situation dictates his/her intervention.

3. If the U/C is robbed by the suspects during the operation for the flash money, he/she will immediately give the trouble signal and rely on the cover/surveillance units to take appropriate action.

4. The U/C officer will never "front" any portion of the flash roll. Additionally, he/she will not "front" any special funds for narcotics purchases without prior supervisory approval.

5. The U/C officer will never meet with suspects in a narcotics investigation without proper surveillance and cover units. An IRNET sergeant must notify and approve any meeting between a suspect and CI.

6. Section 11367 of the Health and Safety Code provides immunity from prosecution to authorized peace officers or other agents while investigating violations of the Health and Safety Code.

D. Use of Intoxicating Beverages/Drugs

1. IRNET Personnel will not use or possess any intoxicating beverage before reporting for duty to the extent that they are impaired, nor will they use intoxicating beverages while on duty. Members will adhere to their respective department policies for the use of intoxicating beverages. IRNET personnel, with the consent of their superior officer, may drink alcoholic beverages while on duty when necessary to accomplish a police purpose.

    a. IRNET personnel who have approval from a superior to drink while involved in a covert operation must:

        1. Not drink to such a degree that their judgment may be impaired.

        2. Not drive a vehicle after such assignment, until reaching an appropriate state of sobriety.

    b. IRNET personnel will ensure that all persons under their control and who have used alcoholic beverages can perform their tasks without becoming a danger to themselves or others.

2. IRNET officers shall not maintain drugs or paraphernalia for use or provide them for use.

3. IRNET personnel shall not use any narcotics or drugs. The only exception would be in a life-threatening situation. If in the best judgment of the employee, failure to use a drug or narcotic could result in death or serious injury, that employee may participate in the use. IRNET personnel will notify their supervisor if they are taking prescribed medication that may interfere with the performance of their job duties.

    During some covert investigations, it may become necessary to simulate the use of narcotics, for example, simulating the smoking of marijuana or the inhalation of stimulant drugs.

a. As soon as possible after use or simulation, a supervisor will examine the officer and, if necessary, medical personnel to determine the extent of intoxication or effect. A complete report by the officer and his supervisor will be submitted regarding the circumstances of the use of simulation and the effects thereof. Based on this examination and report, the IRNET lieutenant will take appropriate action, if necessary.

4. The investigative staff will ensure that informants under their direction have read and understood the provisions of the Confidential Agreement Form regarding the use of alcohol, drugs, and narcotics.

E. Investigative Expenses

IRNET officers will expend program funds during narcotic investigations in the performance of their duties. This area includes narcotic purchases, program maintenance, and operational expenses. (Federal agents will adhere to their respective agencies' policies.)

1. Narcotic Purchases

With prior supervisory approval, IRNET officers will be available to expend funds for narcotics.

2. Program Maintenance

This will include meals, gasoline, lodging, and money for confidential informants and/or witnesses. Another officer will be present while disbursing these funds or obtaining a signed receipt from the recipient. This is to protect the credibility of IRNET officers. On rare occasions, it is conceivable that an officer will not be able to adhere to the above policy. In those instances, the officer can disburse funds and later advise a supervisor of the circumstances.

3. Operational Expenses

This will include officer expenses in an undercover capacity for food, gasoline, lodging, vehicle rental, special equipment, and any other item deemed necessary by the supervisor to enhance the successful completion of an operation.

F. Confidential Informant Procedures

IRNET sergeants will be responsible for ensuring that investigative personnel follow the following procedures while utilizing informant operatives. While assigned to IRNET, federal agents responsible for managing IRNET informants will follow their respective agency's policies while complying with the below-listed IRNET policies.

1. Informant Files

An IRNET-coded file will be maintained on each informant operative, which will minimally consist of the following:

a. Background Information Sheet and Photograph

b. CII and/or FBI Rap Sheet

c. A report of the prospective investigations in which officers anticipate engaging the informant.

d. A list of investigations in which the informant has participated.

e. De-briefing of current criminal activity that the informant knows.

f. Copies of authorization and follow-up memorandums (if applicable).

g. Informant files shall be kept pursuant to member agency policies and procedures.

h. The IRNET lieutenant shall maintain a copy of informant files in compliance with the San Bernardino County Sheriff's Department policy.

2. Request Memorandum

The investigator wishing to use an informant who is currently charged or is going to be charged will initiate a memorandum requesting authorization:

a. Memorandum addressed to the IRNET lieutenant and District Attorney or United States Attorney from an IRNET supervisor.

b. Contain a summary of charges.

c. Authorization from the arresting officer or agency.

d. A general overview of proposed investigations (do not list the suspect's name).

e. The type of investigative assistance the informant is expected to provide (information, obtain evidence, a covert operative, testify, etc.).

f. A paragraph outlining the informant's understanding of the District Attorney's and IRNET's involvement specifically states that no promises of leniency or specific types of sentencing can be made, and the defendant must enter a guilty plea on the charges. The Court will ultimately handle the disposition and sentencing of the case with which he/she is presently

charged. The District Attorney and IRNET can only make recommendations based on their evaluation of the informant's participation in the investigations.

g. Attachments:

i. Informant's current CII and/or FBI Rap Sheet

ii. Confidential Agreement Form

iii. Consent Form

iv. Copy of Crime Reports (if possible)

3. Follow-up Memorandum

After the investigations are completed, a follow-up memorandum shall be written to the District Attorney or United States Attorney outlining the informant's assistance. It will contain the following:

a. Present status of the case pending against the informant.

b. Investigations.

c. A general appraisal of aid rendered by the informant (very successful, did not meet the commitment, seemed insincere, etc.).

d. If an informant fails to meet his/her commitments and make himself/herself available to and participate with the investigating officers, the IRNET lieutenant and District Attorney or United States Attorney will be advised immediately by inter-office memorandum. The IRNET lieutenant shall review all follow-up and status memorandums written to the District Attorney or United States Attorney concerning the Confidential Informants and then hand-carry to the District Attorney or the United States Attorney.

G. Informant Identification

The informant's identity must always be known to the supervisor and IRNET lieutenant.

1. Officers are reluctant to divulge the names of their informants, so access to informant files must be limited to a "need-to-know basis" only.

2. Knowing the name of the informant is not enough. A complete identification package will be maintained.

H. Planning Operations Involving Informants

Planning includes proper time, workforce, and logistical support.

1. The case agent must control the direction of the operations and the informant. They must never have to act when there are not enough team members or equipment.

2. The entire relationship and direction must come from the officer.

    a. It is not uncommon for the informant to attempt to become involved in planning.

    b. The informant should not be present at briefings.

I. Undesirable Informants

When a case agent is aware an informant is undesirable, all contact with that informant should cease, and the reasons should be noted in his/her informant package. This information will be disseminated throughout the narcotic enforcement community.

When a case agent determines it necessary, informants will be checked through LACRCIC/WSIN to see if they have been "blackballed" before utilizing them.

J. Shooting Incidents

Any member of IRNET who discharges his weapon during the performance of duty will immediately notify the:

1. Jurisdictional agency of the area in which the discharge took place.

2. IRNET lieutenant or on-call Sheriff's Duty Captain.

    a. San Bernardino Sheriff's Duty Matrix and current officer-involved policies and procedures shall be complied with.

3. The respective department's Watch Commander from which the officer is employed.

    In those cases where death or serious injury is related to an officer-involved shooting or the operation of a motor vehicle, the jurisdictional agency will handle the full investigation according to departmental policy and procedure.

4. IRNET MOU does not supersede the policy of any member agency.

K. Evidence

1. Collection, Storage, and Testing

IRNET will utilize the facilities of the San Bernardino County Sheriff's Department to maintain a proper evidence chain on all items collected in pursuit of case preparation. All evidence obtained during an investigation will be tagged and placed in an appropriate evidence locker without delay.

In addition, when handling seized narcotics or money, no less than two (2) officers will be detailed to move or count such contraband. Further, no less than two (2) officers will be allowed to maintain security on such items at any time after seizure and before placement in secure storage.

As a matter of routine, the seized currency will be placed in a plastic bag designed for that purpose. The case agents will seal, date, and initial this receptacle, which will only be opened by the appropriate federal or state agency.

Under normal circumstances, currency seized because of IRNET investigations will be forfeited through a state or federal government agency. Because of this, the money will be turned over as soon as possible after the seizure, and they will conduct an exact count of the cash. Any deviation from these procedures will require the prior approval of the IRNET lieutenant.

ARTICLE XI. FISCAL GUIDELINES

A. Payroll Checks and Balances

1. Payroll

Their respective agency will pay all personnel assigned to IRNET.

2. Sick Time

All personnel will utilize sick time following their agency's policies and procedures.

Sick time will be reported to the IRNET supervisor. IRNET will notify the officer's agency to ensure proper notification and timekeeping.

3. Overtime

All personnel will attempt to contact/notify the supervisor for approval before working overtime.

All personnel will, as required, work beyond their normal workday or respond on callouts as deemed necessary by the IRNET lieutenant or supervisor.

Each local agency will have any overtime worked by their respective personnel assigned to IRNET reimbursed by the HIDTA grant up to the federal cap on overtime reimbursement. All overtime worked after HIDTA funds are expended will be the sole responsibility of each respective agency.

B. Fiscal and Voucher Procedure

Investigative funds are authorized expenditures incurred by officers while working undercover or on surveillance. They must directly relate to the continuing development of an investigation or informant. The Sheriff of San Bernardino County will provide the initial funding for this item, and funds will be distributed from the Sheriff's Department Special Appropriation Fund.

A voucher will include a statement explaining why the money was spent. By signing the voucher, the officer attests to the validity and necessity of the expenditure.

a. Date
b. Amount
c. Reason(s)
d. Signature of requester

It shall be submitted to a Sergeant for review and authorization signature of the IRNET lieutenant.

ARTICLE XII. SIGNATURE PAGES

California Department of Alcoholic Beverage Control

The signatures affixed below signify the California Department of Alcoholic Beverage Control agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Armando Gonzales, Division Chief Date
California Department of Alcoholic Beverage Control

Drug Enforcement Administration

The signatures affixed below signify the Drug Enforcement Administration agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Matthew W. Allen, Special Agent in Charge Date
Drug Enforcement Administration

Federal Bureau of Investigations

The signatures affixed below signify the Federal Bureau of Investigations agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Ted Docks, Special Agent in Charge Date
Federal Bureau of Investigations

Montclair Police Department

The signatures affixed below signify the Montclair Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Jason Reed, Chief of Police Date
Montclair Police Department

Ontario Police Department

The signatures affixed below signify the Ontario Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Mike Lorenz, Chief of Police Date
Ontario Police Department

Redlands Police Department

The signatures affixed below signify the Redlands Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Rachel Tolber, Chief of Police Date
Redlands Police Department

Rialto Police Department

The signatures affixed below signify the Rialto Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Mark Kling, Chief of Police Date
Rialto Police Department

Riverside County Sheriff's Department

The signatures affixed below signify the Riverside County Sheriff's Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Chad Bianco, Sheriff-Coroner Date
Riverside County Sheriff's Department

San Bernardino Police Department

The signatures affixed below signify the San Bernardino Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Darren Goodman, Chief of Police Date
San Bernardino Police Department

The signatures affixed below signify the agencies agreed to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Shannon D. Dicus, Sheriff-Coroner Date
San Bernardino County Sheriff's Department

U.S. Department of Homeland Security

The signatures affixed below signify the U.S. Department of Homeland Security agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Eddy Wang, Special Agent in Charge Date
U.S. Department of Homeland Security

Upland Police Department

The signatures affixed below signify the Upland Police Department agrees to the contents of this Memorandum.

This Memorandum of Understanding outlines the organizational operating policies and procedures for the Inland Regional Narcotics Enforcement Team (IRNET).

As Officers of the Executive Board and representatives of the IRNET member agencies, the signatures affixed below signify our agreement to the contents of this Memorandum:

_____ _____

Marcelo M. Blanco, Chief of Police Date
Upland Police Department

City Council Meeting **I. 14.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the submission of a Facility Request Form to the University of Redlands for use of its facilities from January 1, 2025 through December 31, 2026 for the purpose of Redlands Police Department training, presentations, and testing and authorize the Chief of Police or her designee to execute the request form and related facility use documents (Police Chief Tolber)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

1. I move that City Council approve the submission of a Facility Request Form to the University of Redlands for use of its facilities January 1, 2025 through December 31, 2026 for the Redlands Police Department to conduct training, testing, and presentations; and

2. I further move that City Council authorize the Chief of Police, or her designee, to execute the facility use request form and other related facility use documents for Redlands Police Department to conduct training, presentations, and testing from January 1, 2025 through December 31, 2026 at the University of Redlands.

RECOMMENDATION:

Staff recommends that Council authorize the Chief of Police, or her designee, to execute the facility request form and other related facility use documents between the City of Redlands and the University of Redlands for the use of its facilities to conduct training, presentations, and testing from January 1, 2025, through December 31, 2026.

DISCUSSION:

The Redlands Police Department may find the need to periodically use facilities at the University of Redlands to conduct training, testing, and/or presentations. Currently, the Redlands Police Department lacks adequate facilities and the proper equipment to carry out training, presentations, and/or administer testing. At times, the Department needs to be able to utilize facilities at short notice. The University of Redlands has offered the use of their facilities to the Redlands Police Department for training, presentations, and testing free of charge. All events conducted by the Department will have city employees present. The University of Redlands has prepared a Facility Use Request Form for the time period between January 1, 2025, through December 31, 2026, for consideration. The agreement will allow Redlands Police Department members to use the facilities at the University of Redlands from January 1, 2025, through December 31, 2026, without having to complete a separate agreement on each occasion. The current Facility Use Request and agreement with the University of Redlands is set to expire on December 31, 2024.

ALTERNATIVES:

Attempt to locate another suitable location for instruction which may incur additional costs.

STRATEGIC PLAN:

Not applicable

SUBMITTED BY:

Rachel Tolber, Chief of Police

RECOMMENDED BY:

Charles M. Duggan Jr., City Manager

REVIEWED BY:

Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:

Stephen Crane, Deputy Chief

Fiscal Impact

Fiscal Year: 2025/2026
Revenue Generating: N
Appropriation Required Y/N: N
Budgeted Y/N: Y
Discussion:

The University of Redlands has offered the use of their facilities to the Redlands Police Department for training, presentations, and testing free of charge.

Attachments

Facility Request Form

University of Redlands
DEPARTMENT OF PHYSICAL EDUCATION AND ATHLETICS

FACILITY REQUEST FORM

City of Redlands	Stephen Crane	11/05/2024
Sponsoring Organization	Representative in Charge	Date of Application

1270 W. Park Avenue	(909)557-6200	scrane@redlandspolice.org
Address	Phone #	Email

Facility Requested: Ashel Cunningham Track Attendance: TBD Participation: PT Test

Name of Event: Police Training

01/01/2025-12/31/2026	TBD to TBD
Day of Week Month/Day/Year	Event Times

OTHER:

Is there any charge associated with your contest/activity? (membership dues, entry or admission fees) ____ Yes X No ____ Amount

THE SPONSORING AGENT/ORGANIZATION AND REPRESENTATIVE IN CHARGE AGREE AS FOLLOWS:

A. **INDEMNITY**: Each party shall defend, indemnify and hold, its officers, agents, and employees harmless from and against any and all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorney's fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the indemnifying party, its agents, or employees.

B. **INSURANCE**: Sponsoring Organization shall procure at its own expense, and maintain during the term of this Agreement, the following policies of insurance in connection with the use of University facilities, as outlined in this Agreement:

a. Comprehensive General Liability insurance must list "The University of Redlands, its trustees, officers, employees, and representatives are named as an additional insured. Coverage is primary and noncontributory. Waiver of Subrogation applies."
b. A certificate of insurance should be issued by the carrier in the amount of $1,000,000 for each occurrence and $2,000,000 for general aggregate.
c. If the guests include persons under the age of eighteen (18), then the General Liability insurance policy must provide coverage for sexual misconduct (including by definition sexual molestation, abuse, and harassment) with limits of no less than $1,000,000 per occurrence/$2,000,000 aggerate. Note: If the General Liability coverage has any sub-limits or exclusions inconsistent with the above that apply to coverage for sexual misconduct the Certificate of Insurance must define those limits and exclusions.
d. If the event includes the use of an automobile for the purposes of the activity, automobile insurance is required by the carrier in the amount of $1,000,000 for each occurrence and $2,000,000 for general aggregate.
e. If the client is bringing workers on campus for the event, workers compensation coverage is required at the state-mandated limits.
f. Each insurance policy shall be issued by an insurance company authorized to do business in the state of California or eligible surplus lines insurer acceptable to the State and having agents in California to whom service of process may be made, and currently rated by A.M. best as "(A-) IX" or better.
g. The policy start and end date must encompass the event date(s).
h. Subcontractors are also required to provide these insurance requirements.

Upon execution of this Agreement, Sponsoring Organizations shall obtain and deliver certificates evidencing such insurance from its insurers.

Said policies shall name the "University of Redlands" as an additional insured and loss payee, but only with respect to liability arising out of the use of university facilities, as outlined in this Agreement, and shall contain covenants requiring thirty (30) days written notice to the University before cancellation of such coverage. These policies shall be primary and noncontributory with any insurance carried by the University. A waiver of subrogation in favor of the University must be provided with respect to Worker's Compensation, Auto Liability and General Liability.

It is preferable that the Certificate of Insurance cover an entire year and not name specific contests to avoid having to secure a Certificate for each appearance on the University campus. **All Certificates must be submitted to the University at least 14 days prior to the facility use.**

C. Sponsoring Organization officials are responsible for the conduct of their members and guests using the facility and will be financially responsible to reimburse the University of Redlands for all damage to the fields, buildings, furniture, fixtures, or equipment which

occur during any scheduled activity of the Sponsoring Organization. Sponsoring Organization is responsible for leaving the facility in appropriate condition and will be billed for the cost of any clean-up performed by the University.

D. Sponsoring Organization/representative agrees to abide by all rules and regulations of the University of Redlands and the laws for the State of California and the United States of America, and to obey all rules and regulations promulgated by University officials for the use of the property.

E. The University of Redlands bears no expense for any publicity, advertising, or other expenses. The University may be listed as the event site in all promotional materials and advertising, but shall not be represented as a sponsor, co-sponsor, or agent for the event.

F. The University of Redlands shall not be responsible for any loss of or damage to Sponsoring Organization's property, or the property of its employees, contractors or agents, located on the University of Redlands premise unless such loss or damage is directly caused by the negligence or willful misconduct of the University of Redlands or its employees.

G. The University of Redlands may terminate this Agreement at any time and for any reason with written notice to the Sponsoring Organization. . The Sponsoring Organization may terminate this Agreement at any time and for any reason with written notice to the University.

H. This Agreement constitutes the entire agreement between the parties with respect to its subject matter and supersedes all prior agreements, written or oral. This Agreement may only be amended by a written instrument signed by the authorized representatives from both parties.

RENTAL FEE: A fee will be assessed to groups who are not directly associated with the University of Redlands. Facility rental fees are based on hours of use and services requested. Fees are determined by the Director of Athletics.

Upon approval of the request, a copy of this form will be emailed to the representative in charge and will serve as confirmation of rental request and as a statement of fees charged.

AMOUNT DUE $ _____ PAYMENT DUE DATE is no later than the first date of facility rental.

REQUIRED SIGNATURES:

Sponsoring Representative	**Date**	**U of R Director of Athletics**	**Date**

Please send completed FACILITY REQUEST FORM and CERTIFICATE OF INSURANCE to:

Jill Muratet, Athletics
University of Redlands
P.O. Box 3080
Redlands, CA 92373-0999

jill_muratet@redlands.edu
909-748-8012
FAX 909-335-4088

City Council Meeting **K. 1.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: **PUBLIC HEARING** to consider Resolution No. 8641 related to the development applications for the proposed "Tennessee Village" project located on a 13.48-acre site located on the east side of Tennessee Street approximately 600 feet north of West Lugonia Avenue within the Special Development (EV/SD) District of the East Valley Corridor Specific Plan (APN: 0167-171-15-0000):

(Mayor to declare the meeting open as a public hearing)

A. **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program** prepared for the project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines.
B. **Socio-Economic Cost/Benefit Study** prepared for the proposed project as required by Measure U.
C. **Amendment No. 50 to Specific Plan 40** – A request to amend the East Valley Corridor Specific Plan (Specific Plan No. 40) to remove the project site consisting of 13.48 acres (gross) from the boundaries of Specific Plan 40 area.
D. **Zone Change No. 477** – A request to change the zoning designation of the 13.48 (gross) acre project site from Special Development (EV/SD) District to General Commercial (C-3) District.
E. **Tentative Parcel Map No. 20688** – A request to subdivide the entire project site into four parcels consisting of 1.37 net acres, 1.49 net acres, 5.02 net acres, and 4.88 net acres in size for development purposes.
F. **Conditional Use Permit No. 1173** – A request to construct a mixed-use project consisting of 460 apartments and approximately 18,000 square feet of commercial space on a vacant 13.48-acre site as allowed in the C-3, General Commercial District.
G. **Commission Review and Approval No. 956** – A request for site plan approval and architectural design review to construct a mixed used development composed of 460 apartment units

within ten buildings and approximately 18,000 square feet of commercial space. The residential units include one-bedroom, two-bedroom, and three-bedroom floor plans ranging from 755 to 1,599 square feet each.

H. **Density Bonus Agreement with Declaration of Affordable Housing Covenants and Restrictions** – A request to approve a Density Bonus Agreement which sets forth the terms and conditions to allow the Density Bonus Units and increased density for the project, the concessions and waivers that the developer is entitled to pursuant to State law, and affordability covenants to ensure the affordability of twenty (20) apartment units for Very Low Income households. (Development Services Director Desatnik)

PROCEDURE FOR PUBLIC HEARING:

1. Mayor declares the meeting open as a public hearing.
2. Mayor calls upon Department Director for report.
3. Mayor calls for questions/comments from members of the City Council.
4. Mayor calls upon applicant, or his/her representative, for comments and testimony.
5. Mayor calls for comments/questions/testimony from members of the public
   (3 minutes per speaker).
6. Mayor calls upon City Clerk to note any written comments received.
7. Mayor calls upon the applicant, or representative, for rebuttal comments (5 minutes).
8. Mayor closes the public hearing.
9. City Council considers the motion and votes.

MOTION(S):

If the City Council determines the recommendation is appropriate, the following motion is provided:

I move that the City Council adopt Resolution No. 8641 and approve the Tennessee Village Mixed Use Project.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commission Chair Karah Shaw absent) to adopt Resolution No. 1688 recommending approval of the project entitlements and the Density Bonus Agreement to the City Council.

During the meeting, the Commission discussed site design, the density bonus, requirements for the project to provide electic vehicle charging and the timing of project phasing. The Commission was supportive of the project and its design, and suggested possible improvements related to service for electric vehicles and electric appliance service for residential units. Following the Planning Commission meeting, the applicant agreed to a condition of approval requiring all garage parking spaces to be EV charger ready. This change exceeds the typical building code standards. The current building code requires 169 EV ready spaces which could be placed anywhere on the residential portion of the site, including unenclosed outdoor spaces. This condition of approval includes nine additional spaces (a total of 178) that are all located within garage spaces where they are the most beneficial to the residents.

BACKGROUND:

The project site currently consists of vacant and unimproved land. Historic aerial surveys indicate that the site previously supported agricultural uses (citrus groves); however, agricultural use of the property ceased between 1980 and 1984 based upon historic aerials of the project area.

Recent residential developments in the vicinity have been driven in large part by the construction of Citrus Valley High School founded in 2009 (located one-half mile to the north of the proposed project site), and further residential and commercial construction in the area can be expected.

In 2020, the Heritage Specific Plan (Specific Plan No. 62) located on the northwest corner of San Bernardino Avenue and Texas Street was approved (and now fully constructed). This project allowed the construction of 207 homes on the 37-acre site.

In 2021, the Bergamot Specific Plan (Specific Plan No. 64) located north of Domestic Avenue and west of Texas Street, was approved for the construction of 317 homes on 38 acres within three neighborhoods with lot sizes ranging from 1,900 sf to over 7,200 square feet. This project is currently under construction.

In 2024, the Bergamot Specific Plan was amended to include an additional 14.6 acres located west of Citrus Valley High School and north of Pioneer Avenue, for the construction of an additional 117 single-family homes. This project is currently in the process of obtaining building permits.

In 2024, the Lugonia Village multifamily residential project was approved by the City Council. This project is located north of Lugonia Avenue, South of Pennsylvania Avenue and west of Karon Street (directly to the east of the proposed project). The Lugonia Village project includes a total of 541 residential units in three distinct neighborhoods and includes single-family homes, townhomes, and apartments.

2021-2029 Housing Element: The City's new 2021-2029 Housing Element was certified by the California Department of Housing & Community Development (HCD) on September 26, 2022. State Law requires it to include housing programs that identify adequate sites to accommodate the jurisdiction's share of the Regional Housing Needs Allocation (RHNA); assist in the approval of housing for Very Low- and Low-income households; and remove or mitigate governmental constraints that inhibit building more affordable housing.

Project Description:

The applicant proposes to develop a vacant property 13.48 acres in size (12.79 acres net) with ten buildings, which include a mix of residential and commercial uses. The site is located on the east side of Tennessee Street and approximately 600 feet north of West Lugonia Avenue (see Attachment A – Location Map and Aerial Photo).

The proposal includes 460 residential units and approximately 18,000 square feet of commercial space. The mixed-use buildings are placed adjacent to Tennessee St. and include commercial space on the first floor, with the residential units above, and six live/work lofts (consisting of retail/office space on the first floor and the residential unit on the second floor). Commercial uses within the project are located near the southwestern corner of the project site in Building 8 and Building 10. The remainder of the buildings within the project are residential apartments only (see Attachment B – Site Plan).

As currently proposed, there are two primary points of entry into the project, one located off Tennessee Street and one from a proposed future extension of Pennsylvania Avenue. A third access point is located on the southern boundary of the site (to the property to the south that is currently vacant), which may provide entry and exit into any future development that may occur on the vacant parcel located to the south (possibly a shopping center).

There are approximately 190,000 square feet of common/private open space proposed. Proposed outdoor amenities include a walk-through linear park leading to a pool area in the Proposed outdoor amenities include a walk-through linear park leading to a pool area in the center of the project, as well as other open space areas. Additionally, Building 9 will hold leasing offices, a foyer, a mail room and other amenities that may include office/meeting spaces, a kitchen, and movie theater.

The apartment units include 1-bedroom, 2-bedroom, and 3-bedroom units in varying floor plans and sizes. The average sizes of the apartments are: 935sq. ft. for the 1-bedroom units; 1,230sq. ft. for the 2-bedroom units; and 1470sq. ft. for the 3-bedroom units. Attachment C: Project Data includes unit square-footage, unit mix per building, and other project data.

The project will be developed in two phases (See Attachment D). Phase 1 is

made up of the central, western and southwestern portions of the site, which includes the commercial buildings and apartments within buildings 8 through 11 (225 units). Phase 1 would also include construction of all project access points. Phase 2 consists of the remaining apartments (235 units) located on the northern and eastern portions of the site (Buildings 1 through 6). The required inclusionary units will be split evenly between the two project phases with ten in each phase. The Inclusionary Housing Agreement and the project's Conditions of Approval require that all inclusionary units within the first phase are constructed prior to issuance of a Certificate of Occupancy for any unit within the second phase.

To construct the proposed project, the applicant proposes legislative applications including a Specific Plan Amendment, Zone Change, Density Bonus Agreement, and Inclusionary Housing Agreement.

Specific Plan Amendment: A request to amend the East Valley Corridor Specific Plan (Specific Plan 40) land use map to remove the entire 13.48-acre project site from the Special Development (EV/SD) District.

Zone Change: A request to amend the Zoning Map to designate the project site as “Multiple Family Residential (R-3) District” in accordance with RMC Title 18 (Zoning Regulations).

Density Bonus: A total of 20 residences within the apartment community would be restricted for rental only to Very Low-income households. Therefore, the project is eligible for a Density Bonus and concessions/waivers pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.).

ANALYSIS:

The proposal and project plans were fully evaluated in the staff report prepared for the September 24, 2024, Planning Commission meeting (see Attachment E). Analysis from the previous report is summarized below.

A) General Plan

The General Plan designation of the property is ‘Commercial’ (see Attachment F). The Commercial land use category designates areas for the development of a wide range of commercial uses, including neighborhood-serving stores and convenience centers, regional commercial centers, and commercial recreation. Sites with this designation may be developed with a stand-alone commercial use, two or more commercial uses, or mixed uses. The Commercial land use category may permit residential and mixed uses consistent with the underlying zoning district. The proposed mixed-use project is consistent with the existing General Plan Designation.

B) Specific Plan Amendment and Proposed Zoning

The project is located in the Special Development District (EV/SD) District of the East Valley Corridor Specific Plan, which allows for a wide range of commercial, industrial, and office uses (See Attachment G-1: Existing Zoning Map). Residential uses are not permitted in this district of the Specific Plan. The applicant is proposing a Specific Plan Amendment to remove the subject parcel from the East Valley Corridor Specific Plan, in conjunction with a Zone Change to General Commercial (C-3) in accordance with Title 18 of the Redlands Municipal Code (See Attachment G-2: Proposed Zoning Map).

The C-3, General Commercial District allows a wide variety of commercial retail and service uses. It also allows residential uses subject to approval of a conditional use permit either as a mixed-use development, or as a multifamily-attached residential project. To establish a mixed-use within the General Commercial District, a Conditional Use Permit is required. Under C-3 zoning (which allows multifamily residential uses based on R-3 density), the base density for this project site would be a maximum of 384 units.

C) Density Bonus

Pursuant to State law, as well as Section 18.228.030(A) of the Redlands Municipal Code, a density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and of the City's General Plan as of the date of application. Projects that deed restrict 5% of the project’s base units for rent to very low-income residents are eligible for a density bonus. The allowable density bonus by State law is up to a 20% increase above the base unit count.

A total of 20 units (or 5%) within the project would be restricted for rental only to Very Low-income households and would be distributed throughout the project site. Therefore, the project is eligible for a Density Bonus pursuant to State Density Bonus Law (Gov. Code Section 65915 et seq.). Through a Density Bonus Agreement, as specified by State law, the applicant may request and be entitled to reductions to on-site parking requirements, incentives and/or concessions, and unlimited waivers or reductions to any development standards that would physically preclude the development of a project at the allowable density.

Within the C-3 District, the allowable density of development is one residential unit for every 1,450 square feet of net land area. The project site is 12.76 net acres (or 555,825.6 square feet), which allows up to 384 units. By providing 20 affordable housing units, the allowable density bonus is equivalent to 20% of the allowable base unit count (384 DU x 0.2 = 76 units). Approval of the project and the related density bonus agreement would allow a total of 460 units (384 + 76 = 460).

As shown in Table 1, the applicant is requesting a density bonus that may be

approved based on the General Plan density and the allowable density bonus.

Table 1. Proposed Project Density

Project's Net Acreage	*Allowable Density*	*Base Units Allowable*	*Density Bonus Units Allowable*	*Total Units*
12.76 acres or 555,825.6 sq. ft.	One unit per 1,450 sq. ft.	384	76	460

The applicant will be required to enter into a Density Bonus Agreement with the City, which requires that 20 units within the project only be rented to very low-income residents for a minimum period of 55 years. The agreement also includes verification and reporting requirements. The Density Bonus Agreement and Inclusionary Housing Agreements are required to be approved by the City Council, drafts of which have been included as Attachment H-1 and H-2 respectively.

D) Commission Review & Approval and Conditional Use Permit

New construction over 500 square feet is subject to review by the Planning Commission per Redlands Municipal Code (RMC) Chapter 18.12 and requires Commission Review and Approval for architecture and site plan review. In addition, the project's proposed mixed-use requires a Conditional Use Permit within the C-3 District as specified in RMC Chapter 18.92.080(B). Project design details are discussed below.

Site Design: The project site is a 12.7-acre property located on the east side of Tennessee Street approximately 600 feet north of Lugonia Avenue. The site is approximately 815' wide (east to west) and 720' long (north to south), approximately rectangular, and south of the future extension of Pennsylvania Avenue. Primary vehicular access to the site will be from Tennessee Street and Pennsylvania Avenue. The site plan also includes a potential access point along the south of the project site which may provide access to a future development.

Development Standards: The proposed zoning is C-3 District, and the density standards of the Multiple Family Residential (R-3) District are utilized. While the density standards of the R-3 District apply to the project, the development standards for the C-3 District apply to all other aspects of the project. The project meets the development standards of the C-3 District. Table 3 below summarizes the proposed development's consistency with the development standards (see Attachment I for a complete list of applicable development standards).

Table 2: Summary of Development Standards - C-3 (General Commercial)

Development Standard	*Requirement*	*Proposed*	*Complies?*
Lot area	No Requirement	1.37 acres 1.49 acres 5.02 acres 4.88 acres	Yes

Lot Coverage	No Requirement	31%	Yes
Setbacks	No Requirement	Tennessee St. 25’ Pennsylvania Ave. 18’ Side (South) 55’ Side (East) 10’	Yes
Floor Area Ratio	4.0	1.1	Yes
Building Height	No Maximum Height	4 stories, up to 52’	Yes
Landscaping	No Requirement	15% of the site	Yes
Parking Lot landscaping	7% Minimum	15% of the parking area	Yes
Total Open Space	None Required	152,560 sq. ft.	Yes
Private Open Space	None Required	76-200 sf per unit provided	Yes

Open Space and Amenities: Within the C-3 Zoning district there is no open space requirement. The project includes four open space areas ranging in size from nearly 3,000 square feet to over 22,000 square feet. The two main outdoor open space areas are located in the center of the project, in the courtyard of Building 9 (14,000 square feet) as well as the courtyard between Buildings 3, 5, and 6 (22,499 square feet). Seating areas, barbeques, a pool, spa, and fire pits are located within these larger outdoor open space areas. The project also includes several indoor amenities that include a gym, theater, office space, and golf simulator.

Site Landscaping: The Landscape Plan (Attachment J) includes a variety of hardscape elements and plant materials which includes trees, shrubs, vines, and groundcover. The project will incorporate 12 tree species, primarily including Brisbane Box, Afghan Pine, Fruitless Olive and Strawberry Trees. Within the C-3 District, there is no minimum overall landscape standard for the site. The project provides over 84,000 square feet of landscaped area, which equates to 15% of the total project area.

A minimum of 7% of the parking lot area is required to be landscaped, which equates to 20,553 square feet. The complete project provides 44,886 square-feet (or 15%) of the parking area as landscaped area, which exceeds the minimum requirement.

Parking: The applicant is providing parking consistent with State Density Bonus Law contained in California Government Code 65915(p)(1), for the residential portion of the project. The project would be required to provide 571 total parking spaces for the 460 units in the residential portion of the project based on what is required by State Density Bonus Law. The project includes 17,899 square feet of neighborhood-serving commercial space, which requires a parking rate of one space per 200 square-feet of floor area (89 commercial spaces). Therefore, the

entire project would require a total of 660 spaces, and the proposal provides 764 spaces (exceeding the minimum number by 104 spaces). Page G-1.0 of the project plans provides detailed project data including number of resident parking spaces, commercial spaces, types of spaces (e.g., garage, carport, subterranean), etc.

The applicant is requesting a waiver for parking stall dimensions pursuant to Gov. Code § 65915 et seq. (to reduce the depth by 2 feet). City standard parking spaces are required to be 19 feet deep. In certain locations, the project provides surface parking stalls that are 9 feet wide by 17 feet in clear length. As proposed, the parking stalls include 17 feet of paving plus 2 feet of overhang into planter areas, for a total depth of 19 feet.

Walls, Fences, and Gates: All entry points to the residential portions of the project are proposed to have controlled access for security. Three vehicle gates are proposed: two at the southwest portion of the site (with access from Tennessee St.), and one at the northeast corner (with access from a proposed extension of Pennsylvania Ave.). The commercial portions of the project (the southwest corner of the site) will not have gates. A total of 93 parking spaces are placed on the exterior side of the residential entry gates, and therefore vehicular access would not be limited for the commercial portion of the project site.

Architecture: The proposed building design is inspired by the Modern Industrial architectural theme. Towers and varied roof lines, arches, and various horizonal projections provide significant visual interest on all sides of the buildings. Materials include stone veneer, brick veneer, Limestone cladding, and ceramic tile as well as decorative metal sunshades, awnings, and balcony railings. Stucco colors include varying shades of grey: Aesthetic White (SW 7035), City Loft (SW 7631), Quarry Stone (SW 9603), Soakdubg Gray (SW 6074), and Ironclad (SW 9570). Roofline treatments include squared cornice, such as decorative tile or high-density foam with cementitious finish. Table 4 summarizes the buildings sizes, heights, and treatments.

Proposed architectural elevations are provided as Attachment K-1 (Project Material and Elevations). Floor plans are included as Attachment K-2, and architectural 3-D renderings are provided as Attachment K-3. Analysis of the project’s consistency with the City’s Architectural Guidelines is included as Attachment K-4, and staff believes the project to be consistent with the architectural guidelines.

E) Tentative Parcel Map

The applicant is proposing to subdivide the 12.76-acre (net) subject site into four new parcels. As proposed, Parcel 1 will be 1.37 gross acres, Parcel 2 will be 1.49 acres, Parcel 3 will be 5.02 acres and Parcel 4 will be 4.88 acres. Within the C-3 District, there are no minimum lot sizes and no required lot dimensions. As proposed the resulting lots will be consistent with the Redlands Municipal Code

requirements. A Condition of Approval has been added requiring the applicant to provide shared access across all parcels within the project. A copy of the Tentative Parcel Map is included as Attachment L.

F) Socio-Economic Cost / Benefit Study

In accordance with the Principals of Managed Development Element of the General Plan, a Socio-Economic Cost/Benefit Study (Attachment M) has been completed for the project. Based on the cost/benefit model utilized by the City, the project provides a positive cost/benefit ratio of 1.75 over the period of 2025-2034 (and results in positive net revenue to the City after development). This project will provide the City approximately $564,399 in revenue (exceeding costs to the City of $322,042) which results in revenue of $242,357 annually and the project will not create a physical blight or overburden public services in the community.

ENVIRONMENTAL REVIEW:

The City retained an environmental consultant to fully analyze the project and prepare an Initial Study in accordance with the California Environmental Quality Act (CEQA) (see Attachment N-1– ISMND). In accordance with the CEQA Guidelines, the Initial Study/Mitigated Negative Declaration (IS/MND) was made available for public review and comment for 30 days (State Clearinghouse No. 2024040956). A Notice of Intent was filed with the County Clerk on April 24, 2024, and with the State Clearinghouse. The IS/MND was circulated for 30 days between April 24, 2024, and May 27, 2024. The public review Initial Study and Mitigated Negative Declaration was also made available via the City's website (www.cityofredlands.org/post/environmental-documents).

One public comment letter was received from Lozeau Drury, LLP, an environmental law firm representing Supporters Alliance for Environmental Responsibility ("SAFER"). Comments within the letter focus on Air Quality and Biological Resources. There is no information or evidence identifying any potentially significant impacts as a result of the project, and the city's environmental consultant has provided a written Response to Comments document (see Attachment N-2).

The Initial Study recommends a Mitigated Negative Declaration with 13 mitigation measures that pertain to Biological Resources, Cultural Resources, Geological Resources, Noise, and Tribal Cultural Resources. All mitigation measures will ensure that any environmental effects are less than significant. After mitigation, no significant effects were identified as a result of the project, and the recommended mitigation measures will be incorporated into the project as mandatory Conditions of Approval. The Mitigation/ Monitoring and Reporting Program details the mitigation measures and is included as Attachment N-3.

ALTERNATIVES:

1. The City Council may continue the public hearing and direct staff to address any issues or bring back additional information; or
2. The City Council may wish to deny the project, continue the public hearing and direct staff to prepare findings supporting denial of the project.

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

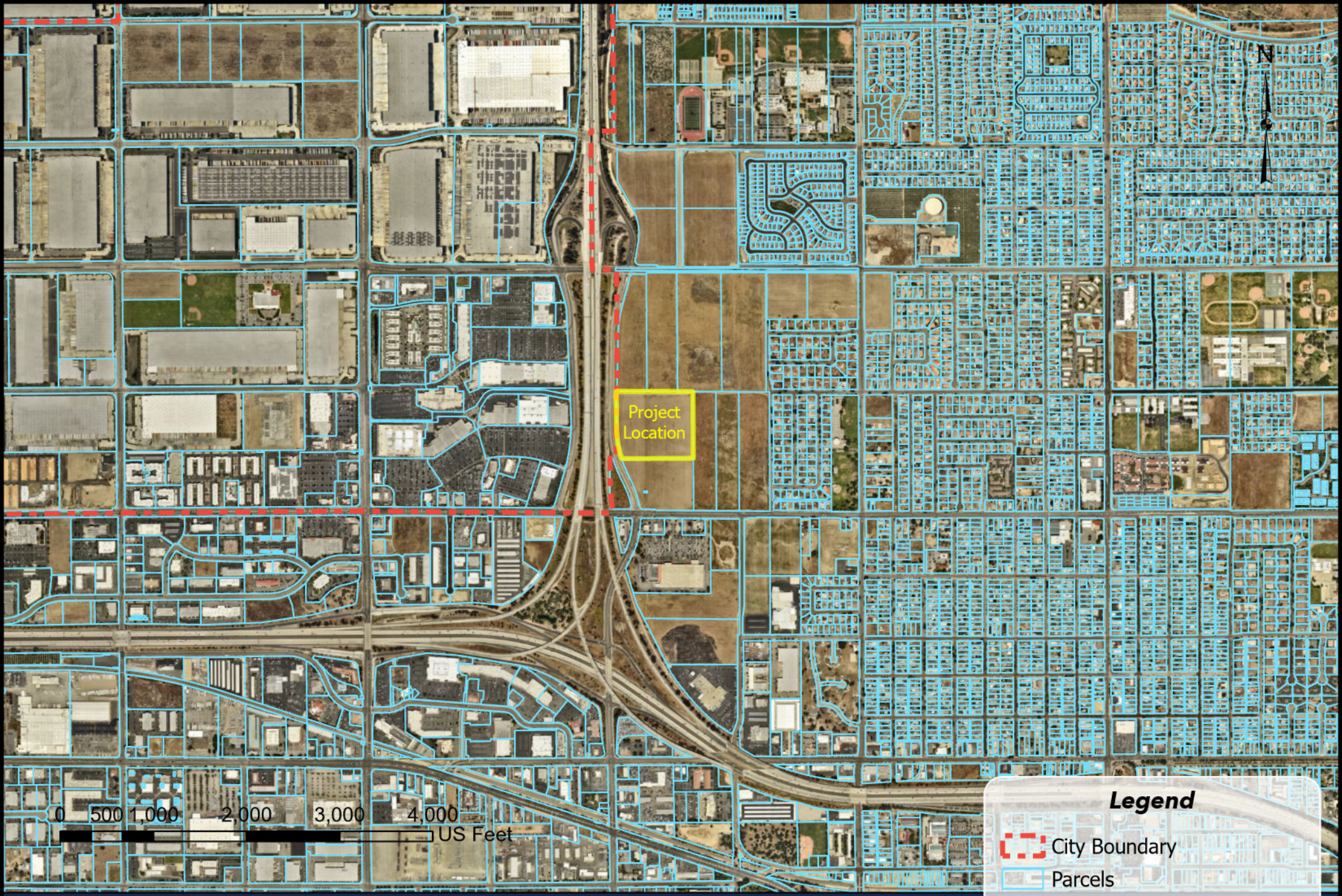
REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Christopher Boatman, Assistant City Manager
Danielle Garcia, Management Services /Finance Director

PREPARED BY:
Sean Reilly, Principal Planner

Attachments

Attachment A: Location Map
Attachment B: Site Plan
Attachment C: Project Data Sheet
Attachment D: Phasing Exhibit
Attachment E: September 24, 2024 Planning Commission Staff Report
Attachment F: General Plan Land Use Map
Attachment G-1: Zoning Map (Existing)
Attachment G-2: Zoning Map (Proposed)
Attachment H-1: Density Bonus Agreement
Attachment H-2: Inclusionary Housing Agreement
Attachment I: Table of Development Standards
Attachment J: Landscape Plans
Attachment K-1: Building Materials and Elevations
Attachment K-2: Floor Plans
Attachment K-3: Architectural 3-D Renderings
Attachment K-4: Consistency with Architectural Guidelines
Attachment L: Tentative Parcel Map No. 20688
Attachment M: Socio-Economic Cost/Benefit Study

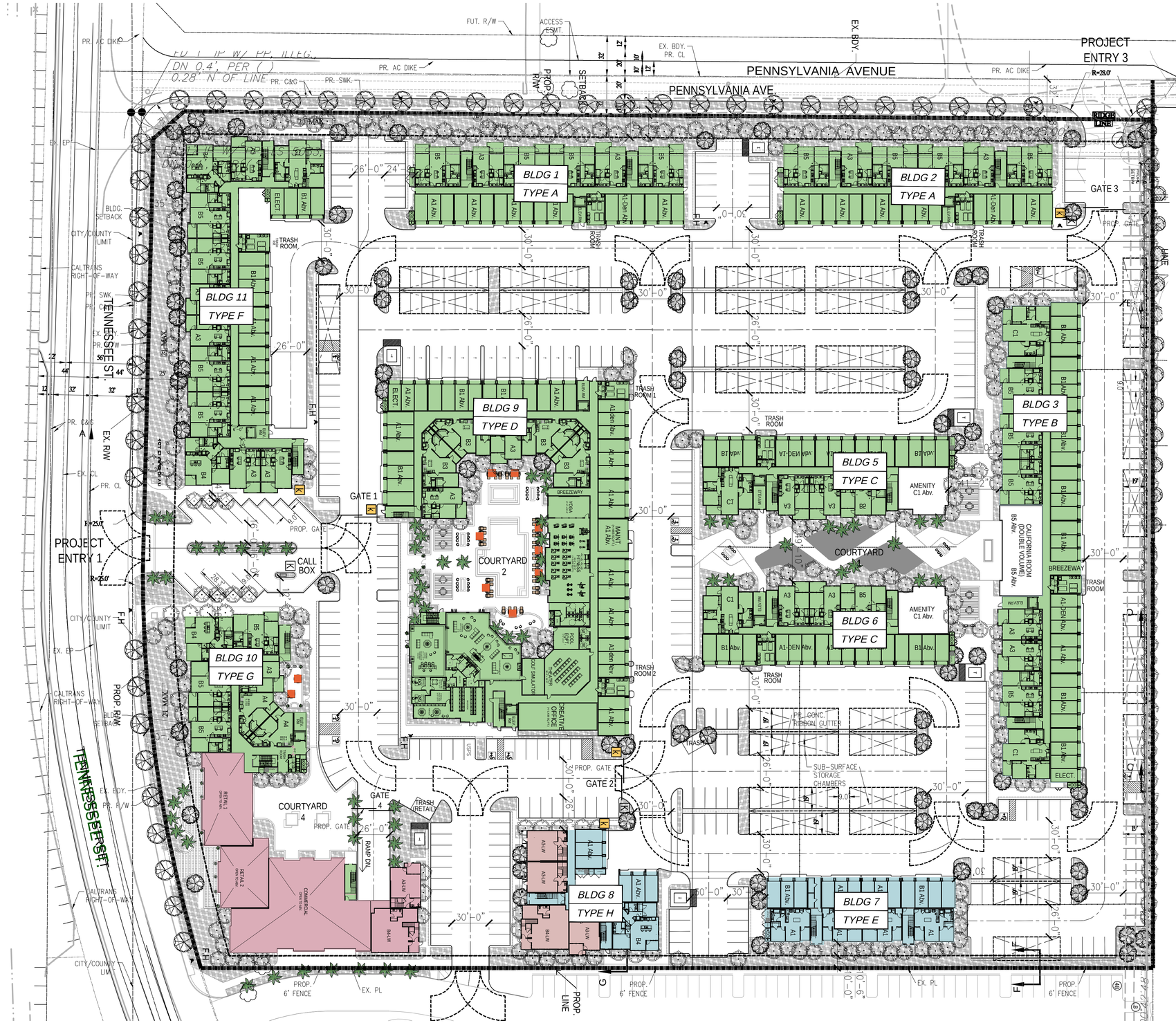
Attachment N-1: Initial Study/Mitigated Negative Declaration
Attachment N-2: Responses to Comments
Attachment N-3: Mitigation Monitoring and Report Program
Attachment O-1: Resolution No. 8641
Attachment O-2: Engineering Conditions of Approval



City of Redlands

Location Map

Author: Redlands GIS **Date:** 8/29/2024



NOTE:
THE MONUMENT WALL/WIGNS ARE UNDER A SEPARATE PERMIT. SEE L-1.0

RETAIL/ COMMERICIAL

3 STORY

4 STORY

NORTH

1"=40'-0"

0 20' 40' 80' 120'

APN: 0167-171-07
0167-171-14
APN: 0167-171-15

A-1.0

TENNESSEE VILLAGE

REDLANDS, CA 92374

CONCEPTUAL SITE PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

A. PROJECT SUMMARY

	DATA
EXISTING ZONING:	EV/SD
PROPOSED ZONING:	C-3
GENERAL PLAN DESINATION:	COMMERCIAL
PROPOSED GENERAL PLAN DESINATION:	COMMERCIAL
PROPOSED TOTAL # OF DWELLING UNITS:	460
GROSS/NET ACREAGE:	13.48 AC / 12.79 AC
PROPOSED GROSS DENSITY OF UNITS:	34.12 DU/AC / 35.97 DU/AC
PROJECT APNS:	0167-171-15
F.A.R :	1.1
DENSITY CALCULATION	
UNIT COUNT (NO DENSITY BONUS)	384 UNITS
20% DENSITY BONUS	76 UNITS
TOTAL UNIT COUNT (WITH DENSITY BONUS)	460 UNITS

PARKING SUMMARY

1.1: TOTAL RESIDENTIAL PARKING REQUIRED

PER STATE REQUIREMENTS	UNITS	RATIO	QTY.
1 BDRM. UNITS	239	1.0	239
2 BDRM. UNITS	195	1.5	293
3 BDRM. UNITS	26	1.5	39
SUB-TOTAL	460	-	571

1.2: TOTAL RESIDENTIAL PARKING PROVIDED

TOTAL PARKING PROPOSED	QTY.	%
TOTAL OPEN STALL	178	26%
TOTAL GARAGE	178	26%
TOTAL CARPORTS	221	33%
TOTAL TANDEM	13	2%
TOTAL SUBTERRANEAN STANDARD STALL	56	8%
TOTAL SUBTERRANEAN TANDEM	27	4%
TOTAL PARKING	673	100%

PARKING TO UNIT RATIO	1.46 / DU

2.1:TOTAL COMMERCIAL PARKING REQUIRED

1 STALL PER 200 SQ.FT.
RETAIL / COMMERCIAL SQ.FT. = 17,899 SQ.FT /200SQ.FT.= 89 STALLS

2.2: TOTAL COMMERCIAL PARKING PROVIDED

TOTAL PARKING PROPOSED	QTY.	%
TOTAL OPEN STALL	91	100%
TOTAL PARKING	91	100%

D. TOTAL RESIDENTIAL BUILDING FOOTPRINT SQ. FT.

BLDG. DEST.	BLDG. TYPE	BASEMENT SQ. FT.	1st FL. SQ. FT.	2nd FL. SQ. FT.	3rd FL. SQ. FT.	4th FL. SQ. FT.	AMENITY	ROOF DECK	1 ST LEVEL OF LIVE-WORK SQ.FT.	2ND LEVEL OF LIVE-WORK SQ.FT.	RETAIL SQ.FT.	TOTAL SQ. FT.
1	A	-	13,949	13,964	14,111	13,864	-	-	-	-	-	55,888
2	A	-	13,949	13,964	14,111	13,864	-	-	-	-	-	55,888
3	B	-	24,633	22,424	25,149	24,890	2,474	-	-	-	-	99,570
4	-	-	-	-	-	-	-	-	-	-	-	-
5	C	-	13,409	12,527	12,759	12,527	1,500	-	-	-	-	52,722
6	C	-	13,409	12,527	12,759	12,527	1,500	-	-	-	-	52,722
7	E	-	7,894	7,809	8,059	-	-	-	-	-	-	23,762
8	H	-	4,427	3,780	8,377	-	-	-	3,914	4,007	-	24,505
9	D	-	24,797	30,405	38,967	38,967	13,502	6,222	-	-	-	152,860
10	G	29,974	10,181	9,629	24,132	23,841	-	-	2,366	2,363	11,619	114,105
11	F	-	21,301	20,867	21,258	20,867	-	-	-	-	-	84,293
TL	-	29,974	147,949	147,896	179,682	161,347	18,976	6,222	6,280	6,370	11,619	716,315

E.UNIT SIZE (RENTABLE):

UNIT TYPE	RENTABLE UNIT SF	QTY	%	TOTAL UNIT SF
A1	755	109	24%	82,295
A1-DEN	938	21	5%	19,698
A3	766	97	21%	74,302
A4	765	5	1%	3,825
A4-DEN	925	3	1%	2,775
A3-LW	1,461	4	1%	5,844
B1	1,097	53	12%	58,141
B3	1,111	24	5%	26,664
B4	1,246	20	4%	24,920
B5	1,139	96	21%	109,344
B4-LW	2,559	2	0%	5,118
C1	1,342	20	4%	26,840
C1-DEN	1,599	6	1%	9,594
TOTAL	-	460	100%	449,360

AVERAGE UNIT SIZE:	977 SF

F. BUILDING DATA

BLDG. NO.	TYPE	LEVEL	CONST. TYPE	OCCUPANCY GROUP	SPRINKLER SYSTEM
	A	4 STORY	V-A	R2/U	NFPA 13-R
	A	4 STORY	V-A	R2/U	NFPA 13-R
	B	4 STORY	V-A	R2/U	NFPA 13-R
	-	-	-	-	-
	C	4 STORY	V-A	R2/U	NFPA 13-R
	C	4 STORY	V-A	R2/U	NFPA 13-R
	E	3 STORY	V-A	R2/U	NFPA 13-R
	H	3 STORY	V-A	R2/U/A/B	NFPA 13-R
	D	4 STORY	V-A	R2/U/S2/M/B	NFPA FULL 13
	G	4 STORY	V-A / I-A	R2/M/A/B/S2	NFPA FULL 13
	F	4 STORY	V-A	R2/U	NFPA FULL 13

G. SITE COVERAGE DATA

	SQ. FT	AC	PROPOSED
BUILDING COVERAGE	184,824	4.24	31%
ROAD & PARKING COVERAGE	241,027	5.53	41%
OPEN/ LANDSCAPE COVERAGE	161,337	3.70	27%
SUB-TOTAL	587,188	13.48	100%

C. TOTAL BUILDING / UNIT MIX

BLDG. NO.	TYPE	LEVEL	1 BDRM.					LIVE WORK	2 BDRM.				LIVE WORK	3 BDRM		TOTAL UNITS	TOTAL GARAGES
			A1	A1-DEN	A3	A4	A4-DEN	A3-LW	B1	B3	B4	B5	B4-LW	C1	C1-DEN		
			755 SF.	938 SF.	766 SF	765 SF	925 SF	1,461 SF	1,097 SF	1,111 SF.	1,246 SF.	1,139 SF.	1,559 SF	1,342 SF.	1,599 SF.		
1	A	4 STORY	15	3	8	0	0	0	0	0	0	16	0	0	0	42	18
2	A	4 STORY	15	3	8	0	0	0	0	0	0	16	0	0	0	42	18
3	B	4 STORY	3	3	8	0	0	0	21	0	0	20	0	8	0	63	32
5	C	4 STORY	6	3	8	0	0	0	6	0	0	4	0	4	3	34	17
6	C	4 STORY	6	3	8	0	0	0	6	0	0	4	0	4	3	34	17
7	E	3 STORY	16	0	0	0	0	0	4	0	0	0	0	0	0	20	13
8	H	3 STORY	4	0	3	0	0	3	0	0	4	0	1	0	0	15	6
9	D	4 STORY	35	6	16	0	0	0	10	24	0	2	0	0	0	93	41
10	G	4 STORY	0	0	18	5	3	1	0	0	8	18	1	0	0	54	0
11	F	4 STORY	9	0	20	0	0	0	6	0	8	16	0	4	0	63	16
SUB-TOTAL	-	-	109	21	97	5	3	4	53	24	20	96	2	20	6	460	178
	-	-	235					4	193				2	26			
	-	-	239						195					26			
	-	-	52%						42%					6%		100%	

2022 CBC

TOTAL STALLS 673

RESIDENTIAL PARKING PROVIDED

ASSIGNED PARKING 0

GUEST INCLUDED WITHIN THE RESIDENTIAL REQUIREMENT ABOVE 0

ASSIGNED PARKING MIX	STALLS
RESIDENTAIL ASSIGNED	0
GUEST UNASSIGNED	0

ACCESSIBLE STALLS

RESIDENTIAL STALLS	STALLS	FACTOR	STD.		VAN 1/8		TOTAL
RESIDENTIAL	673	2% (CBC 1109A.4)	12	+	2	=	14
RETAIL	91	5% (CBC 1109A.5)	4	+	1	=	5

ELECTRIC VEHICLE STALLS

RESIDENTIAL AND ACCESSARY USE	STALLS	FACTOR		STD.		1/25 - 8' AISLE		TOTAL
ASSIGNED PARKING	673	40%		259	+	11	=	270
EV Chargers		5%	34					
EV Ready - Low Power		25%	169					
EV Capable		10%	67					
RETAIL	91	40%		35	+	2	=	37
EV Chargers		5%	5					
EV Ready - Low Power		25%	23					
EV Capable		10%	9					

*All accessible stalls are provided at initial buildout.
*CGC 4.106.4.2.2

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood storage battery, fuel cell, photovoltaic array or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles. For purposes of the California Electrical Code, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not included.

ELECTRIC VEHICLE (EV) CHARGER. Off-board charging equipment used to charge an electric vehicle.

ELECTRIC VEHICLE (EV) READY SPACE. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

ELECTRIC VEHICLE (EV) CAPABLE SPACE. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). A space intended for future installation of EV charging equipment and charging of electric vehicles.

ELECTRIC VEHICLE CHARGING STATION (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

APN: 0167-171-15

G-1.0

TENNESSEE VILLAGE

REDLANDS, CA 92374

PROJECT DATA DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

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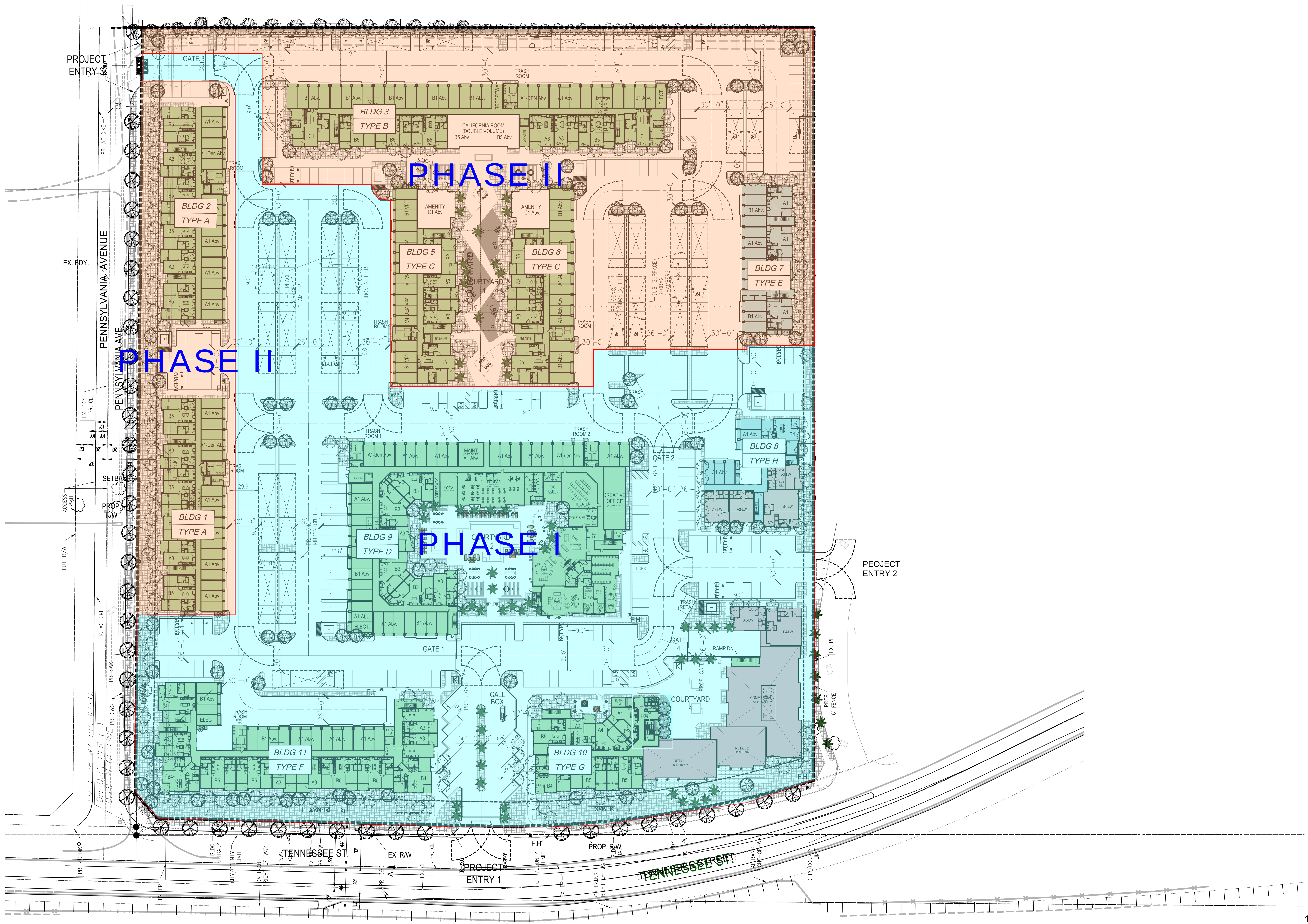


RETAIL/ COMMERICIAL

3 STORY

4 STORY

APN: 0167-171-15

P-1

TENNESSEE VILLAGE

REDLANDS, CA 92374

PHASING PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

City of Redlands
REQUEST FOR PLANNING COMMISSION ACTION

Planning Commission **Agenda Item NO. 4. A.**

Meeting Date: 09/24/2024

APPLICANT:
DIVERSIFIED PACIFIC DEVELOPMENT GROUP, LLC., APPLICANT
(PROJECT PLANNER: SEAN REILLY, PRINCIPAL PLANNER)

A **PUBLIC HEARING** to consider a recommendation to the City Council on the following development applications for the "Tennessee Village" project located on a 13.48 gross acre site located on the east side of Tennessee Street approximately 600 feet north of West Lugonia Avenue within the Special Development (EV/SD) District of the East Valley Corridor Specific Plan (APN: 0167-171-15-0000):

1. **Mitigated Negative Declaration** and Mitigation Monitoring and Reporting Program prepared for the project in accordance with Section15074 of the California Environmental Quality Act.

2. **Socio-Economic Cost/Benefit Study** prepared for the proposed project as required by Measure U.

3. **Amendment No. 50 to Specific Plan 40** – A request to amend the East Valley Corridor Specific Plan (Specific Plan No. 40) to remove the project site consisting of 13.48 acres (gross) from the boundaries of Specific Plan 40 area.

4. **Zone Change No. 477** – A request to change the zoning designation of the 13.48 gross acre project site from Special Development (EV/SD) District to General Commercial (C-3) District.

5. **Tentative Parcel Map No. 20688** – A request to subdivide the entire project site into four parcels consisting of 1.37 net acres, 1.49 net acres, 5.02 net acres, and 4.88 net acres in size.

6. **Conditional Use Permit No. 1173** – A request to construct a mixed-use project consisting of 460 apartments and approximately 18,000 square feet of commercial space on a vacant 13.48-acre site as allowed in the C-3, General Commercial District.

7. **Commission Review and Approval No. 956** – A request for site plan approval and architectural design review to construct a mixed used development composed of 460 apartment units within ten buildings and approximately 18,000 square feet of commercial space. The residential units include one-bedroom, two-bedroom, and three-bedroom floor plans ranging from 755 to 1,599 square feet each.

8. **Density Bonus Agreement with Declaration of Affordable Housing Covenants and Restrictions** – A request to approve a Density Bonus Agreement which sets forth the terms and conditions to allow the Density Bonus Units and increased density for the project, the concessions and waivers that the developer is entitled to pursuant to State law, and affordability covenants to ensure the affordability of twenty (20) apartment units for Very Low Income households.

SYNOPSIS

1. General Plan Designation:	Commercial	
2. Existing Zoning:	Special Development (EV/SD) District of the East Valley Corridor Specific Plan	
3. Surrounding Zoning:	North: Concept Plan No. 4 (CP-4) South: Special Development (EV/SD) East: Multiple-Family Residential (R-3) West: General Commercial (EV/CG)	
4. Existing Land Use:	Vacant	
5. Surrounding Land Use:	North: Vacant South: Vacant East: Vacant (future Lugonia Village multifamily residential project) West: Vacant	
6. Area / Topography:	The site is generally flat with a slight down slope grade to the north.	
7. Environmental Determination:	A Mitigated Negative Declaration has been prepared for the project in accordance with Section 15074 of the CEQA Guidelines.	
8. Socio-Economic Cost / Benefit Study:	The project has a positive cost/revenue ratio of +1.75 and determined that the project would not create significant unmitigable physical blight or overburden public services in the community.	
9. Planning Commission Submittal Dates:	(A) Date Submitted: (B) Date Accepted As Complete: (C) Planning Commission Meeting:	November 7, 2022 March 5, 2024 September 24, 2024

PROPOSAL

The applicant proposes to develop a vacant property 13.48 acres in size (12.79 acres net) with ten buildings, which include a mix of residential and commercial uses. The site is located on the east side of Tennessee Street and approximately 600 feet north of West Lugonia Avenue (see Attachment A – Location Map and Aerial Photo).

The proposal includes 460 residential units and approximately 18,000 square feet of commercial space. The mixed-use buildings are placed adjacent to Tennessee St. and include commercial space on the ground floor, with the residential units above, and six live/work lofts (consisting of retail/office space on the ground floor and the residential unit on the second floor). Commercial uses within the project are located near the southwestern corner of the project site in Building 8 and Building 10. The remainder of the buildings within the project are residential apartments only (see Attachment B – Site Plan).

As currently proposed, there are two primary points of entry into the project, one located off Tennessee Street and one from a proposed future extension of Pennsylvania Avenue. A third access point is located on the southern boundary of the site (to the property to the south that is currently vacant), which may provide entry and exit into any future development that may occur on the vacant parcel located to the south (possibly a shopping center).

There are approximately 190,000 square feet of common/private open space proposed.

Proposed outdoor amenities include a walk-through linear park leading to a pool area in the center of the project as well as other open space areas. Additionally, Building 9 will hold leasing offices, a foyer, a mail room and other amenities that may include office/meeting spaces, kitchen, and movie theater.

Table 1 below summarizes the unit count and use mix within the project, by Building Number. The apartment units include 1-bedroom, 2-bedroom, and 3-bedroom units in varying floor plans and sizes. The average sizes of the apartments are: 935sq. ft. for the 1-bedroom units; 1,230sq. ft. for the 2-bedroom units; and 1470sq. ft. for the 3-bedroom units. Attachment C: Project Data includes unit square-footage, unit mix per building, and other project data.

Table 1: Proposed Unit Mix and Commercial Square-Footage

Building #	1 BR units / Live-Work	2 BR units / Live-Work	3 BR units	Total Units (per Bldg.)	Commercial Sq. Ft.
1	26	16	-	42	0
2	26	16	-	42	0
3	14	41	8	63	0
5	17	10	7	34	0
6	17	10	7	34	0
7	16	4	0	20	0
8	7/3	4/1	0	15	3,914
9	57	36	0	93	13,982
10	26/1	26/1	0	54	0
11	29	30	4	63	0
Sub-total:	239 DU	195 DU	26 DU	--	--
Total:				**460 DU**	**17,896 SF**

To construct the proposed project, the applicant proposes legislative applications including a Specific Plan Amendment, Zone Change, Density Bonus Agreement, and Inclusionary Housing Agreement.

Specific Plan Amendment: A request to amend the East Valley Corridor Specific Plan (Specific Plan 40) land use map to remove the entire 13.48-acre project site from the Special Development (EV/SD) District.

Zone Change: A request to amend the Zoning Map to designate the project site as “Multiple Family Residential (R-3) District” in accordance with RMC Title 18 (Zoning Regulations).

Density Bonus: A total of 20 residences within the apartment community would be restricted for rental only to Very Low-income households. Therefore, the project is eligible for a Density Bonus and concessions/waivers pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.).

The proposed project would restrict a total of 20 units, which is 5% of the base unit count of the project (384 DU x 0.05 = 20) for affordable housing in exchange for approval of a density bonus. By providing 20 affordable housing units, the allowable density bonus is equivalent to 20% of the allowable base unit count (384 DU x 0.2 = 76 units). Approval of the project and the related density bonus agreement would allow a total of 460 units (384 + 76 = 460).

Phasing Plan: The project will be developed in two phases (See Attachment D). Phase 1 is

made up of the central, western and southwestern portions of the site, which includes the commercial buildings and apartments within buildings 8 through 11 (225 units). Phase 1 would also include construction of all project access points. Phase 2 consists of the remaining apartments (235 units) located on the north and eastern portions of the site (Buildings 1 through 6). The required inclusionary units will be split evenly between the two project phases with ten in each phase. The Inclusionary Housing Agreement and the project's Conditions of Approval require that all inclusionary units within the first phase are constructed prior to issuance of a Certificate of Occupancy for any unit within the second phase.

BACKGROUND

The project site currently consists of vacant and unimproved land. Historic aerial surveys indicate that the site previously supported agricultural uses (citrus groves); however, agricultural use of the property ceased between 1980 and 1984 based upon historic aerials of the project area.

Recent residential developments in the vicinity have been driven in large part by the construction of Citrus Valley High School founded in 2009 (located one-half mile to the north of the proposed project site), and further residential and commercial construction in the area can be expected.

In 2020, the Heritage Specific Plan (Specific Plan No 62) located on the northwest corner of San Bernardino Avenue and Texas Street was approved (and now fully constructed). This project allowed the construction of 207 homes on the 37-acre site.

In 2021, the Bergamot Specific Plan (Specific Plan No. 64) located north of Domestic Avenue and west of Texas Street, was approved for the construction of 317 homes on 38 acres within three neighborhoods with lot sizes ranging from 1,900 sf to over 7,200 square feet. This project is currently under construction.

In 2024, the Bergamot Specific Plan was amended to include an additional 14.6 acres located west of Citrus Valley High School and north of San Bernardino Avenue, for the construction of an additional 117 single-family homes. This project is currently in the process of obtaining building permits.

In 2024, the Lugonia Village multifamily residential project was approved by the City Council. This project is located north of Lugonia Avenue, South of Pennsylvania Avenue and west of Karon Street (directly to the east of the proposed project). The Lugonia Village project includes a total of 541 residential units in three distinct neighborhoods and includes single-family homes, townhomes, and apartments.

2021-2029 Housing Element: The City’s new 2021-2029 Housing Element was certified by the California Department of Housing & Community Development (HCD) on September 26, 2022. State Law requires it to include housing programs that identify adequate sites to accommodate the jurisdiction's share of the Regional Housing Needs Allocation (RHNA); assist in the approval of housing for Very Low- and Low-income households; and remove or mitigate governmental constraints that inhibit building more affordable housing.

Housing Crisis Act of 2019: The Housing Crisis Act of 2019, also referred to as Senate Bill 330 (SB 330), became effective on January 1, 2020. SB 330 imposes several limitations on cities and counties with regard to proposed housing development projects, including the provisions listed below.

- The City may conduct no more than five (5) hearings on the project (including any Commission or Board meetings, workshops, subcommittee meetings, etc.).
- The City may still use its Architectural Design Guidelines that were previously adopted in 2009, provided the City does not: a) deny the project, or b) reduce the number of dwelling units based on non-conformance with subjective design criteria.
- Requires any disapproval of a project that complies with objective General Plan and zoning standards (or approve it on the condition that it be developed at a lower density) to base its decision upon written findings supported by substantial evidence in the record and places the burden of proof on the local agency.
- Prohibits the City from changing the zoning or development standards that would: change the allowable land use to a less intensive use or reducing the intensity of use below that which was in effect on January 1, 2018; impose or enforce a moratorium on housing development within all or a portion of the jurisdiction of the city; and, impose or enforce new design standards established on or after January 1, 2020, that are not objective design standards, as defined.

ANALYSIS

A) General Plan

The General Plan designation of the property is ‘Commercial’ (see Attachment E). The Commercial land use category designates areas for the development of a wide range of commercial uses, including neighborhood-serving stores and convenience centers, regional commercial centers, and commercial recreation. Sites with this designation may be developed with a stand-alone commercial use, two or more commercial uses, or mixed uses. The Commercial land use category may permit residential and mixed uses consistent with the underlying zoning district.

In addition, there are several General Plan policies and actions that are relevant to this proposal. These are as follow:

Action 4-A.7: Promote a range of residential densities to encourage a mix of housing types in varying price ranges and rental rates.

Policy 4-P.16: Promote a variety of housing types to serve the diverse needs of the community.

Policy 4-P.6: Provide for a balance among a variety of different land uses and their distribution among the city’s neighborhoods.

Action 4-A.8: Promote the development of a greater variety of housing types, including single-family homes on small lots, accessory dwelling units, townhomes, lofts, live-work spaces, and senior and student housing to meet the needs of future demographics and changing family sizes.

B) Specific Plan Amendment and Proposed Zoning

The project is located in the Special Development District (EV/SD) District of the East Valley Corridor Specific Plan, which allows for a wide range of commercial, industrial, and office uses (See Attachment F-1: Existing Zoning Map). Residential uses are not permitted in this district of the Specific Plan. The applicant is proposing a Specific Plan Amendment to remove the subject parcel from the East Valley Corridor Specific Plan, in conjunction with a Zone Change to General Commercial (C-3) in accordance with Title 18 of the Redlands Municipal Code (See Attachment F-2: Proposed Zoning Map).

The C-3, General Commercial District allows a wide variety of commercial retail and service uses. It also allows residential uses subject to approval of a conditional use permit either as a mixed-use development, or as a multifamily-attached residential project. To establish a mixed-use within the General Commercial District, a Conditional Use Permit is also required. Under C-3 zoning (which allows multifamily residential uses based on R-3 density), the base density for this project site would be a maximum of 384 units.

Density Bonus

A total of 20 units (or 5%) within the project would be restricted for rental only to Very Low-income households and would be distributed throughout the project site. Therefore, the project is eligible for a Density Bonus Agreement pursuant to State Density Bonus Law (Gov. Code Section 65915 et seq.). Through this agreement, as specified by State law, the applicant may request and be entitled to reductions to on-site parking requirements, incentives and/or concessions, and unlimited waivers or reductions to any development standards that would physically preclude the development of a project at the allowable density.

Pursuant to State law, as well as Section 18.228.030(A) of the Redlands Municipal Code, a density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and of the City's General Plan as of the date of application. Projects that deed restrict 5% of the project’s base units for rent to very low-income residents are eligible for a density bonus. The allowable density bonus by State law is up to a 20% increase above the base unit count.

Within the C-3 District, the allowable density of development is one residential unit for every 1,450 square feet of net land area. The project site is 12.76 net acres (or 555,825.6 square feet), which allows up to 384 units.

As shown in Table 2, the applicant is requesting a density bonus that may be approved based on the General Plan density and the allowable density bonus.

Table 2. Proposed Project Density

Project’s Net Acreage	*Allowable Density*	*Base Units Allowable*	*Density Bonus Units Allowable*	*Total Units*
12.76 acres or 555,825.6 sq. ft.	One unit per 1,450 sq. ft.	384	76	460

The applicant will be required to enter into a Density Bonus Agreement with the City, which requires that 20 units within the project only be rented to very low-income residents for a minimum period of 55 years. The agreement also includes verification and reporting requirements. The Density Bonus Agreement and Inclusionary Housing Agreements are required to be approved by the City Council, drafts of which have been included as Attachment

G-1 and G-2 respectively.

C) Commission Review & Approval and Conditional Use Permit

New construction over 500 square feet is subject to review by the Planning Commission per Redlands Municipal Code (RMC) Chapter 18.12 and requires Commission Review and Approval for architecture and site plan review. In addition, the project's proposed mixed-use requires a Conditional Use Permit within the C-3 District as specified in RMC Chapter 18.92.080(B). Project design details are discussed below.

Site Design: The project site is a 12.7-acre property located on the east side of Tennessee Street approximately 600 feet north of Lugonia Avenue. The site is approximately 815' wide (east to west) and 720' long (north to south), approximately rectangular, and south of the future extension of Pennsylvania Avenue. Primary vehicular access to the site will be from Tennessee Street and Pennsylvania Avenue. The site plan also includes a potential access point along the south of the project site which may provide access to a future development.

Development Standards: The proposed zoning is C-3 District, and the density standards of the Multiple Family Residential (R-3) District are utilized. While the density standards of the R-3 District apply to the project, the development standards for the C-3 District apply to all other aspects of the project. The project meets the development standards of the C-3 District. Table 3 below summarizes the proposed development's consistency with the development standards (see Attachment H for a complete list of applicable development standards).

Table 3: Summary of Development Standards - C-3 (General Commercial) District

Development Standard	*Requirement*	*Proposed*	*Complies?*
Lot area	No Requirement	1.37 acres 1.49 acres 5.02 acres 4.88 acres	Yes
Lot Coverage	No Requirement	31%	Yes
Setbacks	No Requirement	Tennessee St. 25' Pennsylvania Ave. 18' Side (South) 55' Side (East) 10'	Yes
Floor Area Ratio	4.0	1.1	Yes
Building Height	No Maximum Height	4 stories, up to 52'	Yes
Landscaping	No Requirement	15% of the site	Yes
Parking Lot landscaping	7% Minimum	15% of the parking area	Yes
Total Open Space	None Required	152,560 sq. ft.	Yes
Private Open Space	None Required	76-200 sq. ft. per unit provided	Yes

Open Space and Amenities: Within the C-3 Zoning district there is no open space requirement. The project includes four open space areas ranging in size from nearly 3,000 square feet to over 22,000 square feet. The two main outdoor open space areas are located in the center of the project, in the courtyard of Building 9 (14,000 square feet) as well as the courtyard between Buildings 3, 5, and 6 (22,499 square feet). Seating areas, barbeques, a pool, spa, and fire pits are located within these larger outdoor open space areas. The project also includes several indoor amenities that include a gym, theater, office space, and golf simulator.

Each of the apartment units includes private open space in the form of a patio or balcony. These private open spaces vary in size based upon the unit type and location, ranging from 76 square feet up to 200 square feet.

Site Landscaping: The Landscape Plan (Attachment I) includes a variety of hardscape elements and plant materials which includes trees, shrubs, vines, and groundcover. The project will incorporate 12 tree species, primarily including Brisbane Box, Afghan Pine, Fruitless Olive and Strawberry Trees. Within the C-3 District, there is no minimum overall landscape standard for the site. The project provides over 84,000 square feet of landscaped area, which equates to 15% of the total project area.
A minimum of 7% of the parking lot area is required to be landscaped, which equates to 20,553 square feet. The complete project provides 44,886 square-feet (or 15%) of the parking area as landscaped area, which exceeds the minimum requirement.

Parking: The applicant is providing parking consistent with State Density Bonus Law contained in California Government Code 65915(p)(1), which states that upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios.

Table 4: Parking Ratios

Unit Type	*Required Spaces per Unit*
1 BR	1 Space
2 BR	1.5 Spaces
3 BR	1.5 Spaces

According to the above ratios, the project would be required to provide 571 total parking spaces for the residential portion of the project, and each unit will be provided the required amount of parking. The project includes 17,899 square feet of neighborhood-serving commercial floor area, and the code requires parking at a rate of one (1.0) space per 200 square-feet of floor area which equates to a minimum of 89 commercial spaces. Therefore, the entire project would require a total of 668 spaces, and the proposal provides 673 spaces (exceeding the minimum number by 5 spaces). Page G-1.0 of the project plans provides detailed project data including number of resident parking spaces, commercial spaces, types of spaces (e.g., garage, carport, subterranean), etc.

It should be noted that the reduced standards for the number of parking spaces required per dwelling unit is not considered a concession or incentive under Gov. Code § 65915(d). A separate section in Gov. Code § 65915(p) provides the mandated parking ratio per dwelling unit within a housing development that invokes State Density Bonus Law.

The applicant is requesting a waiver for parking stall dimensions pursuant to Gov. Code § 65915

et seq. (to reduce the depth by 2 feet). City standard parking spaces are required to be 19 feet deep. In certain locations, the project provides surface parking stalls that are 9 feet wide by 17 feet in clear length. As proposed, the parking stalls include 17 feet of paving plus 2 feet of overhang into planter areas, for a total depth of 19 feet.

Walls, Fences, and Gates: All entry points to the residential portions of the project are proposed to have controlled access for security. Three vehicle gates are proposed: two at the southwest portion of the site (with access from Tennessee St.), and one at the northeast corner (with access from a proposed extension of Pennsylvania Ave.). The commercial portions of the project (the southwest corner of the site) will not have gates. A total of 93 parking spaces are placed on the exterior side of the residential entry gates, and therefore vehicular access would not be limited for the commercial portion of the project site.

The project plans show 6’0” tubular steel fencing surrounding the residential portions of the project along Pennsylvania Avenue and the project’s southern perimeter. Along the east side of the project, there is a difference in elevation between the project site and the future Lugonia Village project (up to 6’0” high in some places). The east side of the proposed project will include a combination of slopes up to 3’0” high with retaining walls and tubular steel fencing on top. Wall heights are up to 3’0” high in this location (east side) with a 6’0” high tube steel fence on top. A Minor Exception Permit will be required for locations where this wall/fence combination exceeds 6’0” high.

Site Lighting: The proposed apartment complex will require lighting to illuminate the parking lot and walkway areas for safety and security. Several standard conditions of approval are included to ensure that lighting will not have a negative effect on neighboring properties. These include requirements for the approval of a lighting plan prior to building permit issuance, indicating design details of all light fixtures, and a photometric plan designed by an electrical engineer demonstrating the adequate lighting ranges will be provided throughout the development without creating light spillover. The illumination within the parking lot shall be a minimum of 0.5-foot candle and illumination along all property lines of the project site shall not exceed 0.5-foot candle. Additionally, the conditions of approval require that all exterior lighting be approved in Plan Check and that all lighting be shielded and pointed downward, so that light and glare do not impact surrounding properties.

Architecture: The proposed building design is inspired by the Modern Industrial architectural theme. Towers and varied roof lines, arches, and various horizonal projections provide significant visual interest on all sides of the buildings. Materials include stone veneer, brick veneer, Limestone cladding, and ceramic tile as well as decorative metal sunshades, awnings, and balcony railings. Stucco colors include varying shades of grey: Aesthetic White (SW 7035), City Loft (SW 7631), Quarry Stone (SW 9603), Soakdubg Gray (SW 6074), and Ironclad (SW 9570). Roofline treatments include squared cornice, such as decorative tile or high-density foam with cementitious finish. Table 4 summarizes the buildings sizes, heights, and treatments.

Table 5: Summary of Building Size and Height

Building #	*Total Floor Area (square feet)*	*Building Height*	*Architectural Treatment*
1	55,888	4 stories (49'9")	
2	55,888	4 stories (49'9")	
3	99,570	4 stories (51'8")	
4	n/a	n/a	Stucco

5	52,722	4 stories (51'8")	Stone veneer Brick veneer (entrances) Metal awnings, storefronts, trim, railings
6	52,722	4 stories (51'8")	
7	23,762	3 stories (41'1")	
8	24,505	3 stories (40’1”)	
9	152,860	4 stories (52’6”)	
10	114,105	4 stories (52’0”)	
11	84,293	4 stories (49’6”)	
Total:	716,315		

Proposed architectural elevations are provided as Attachment J-1 (Project Material and Elevations). Floor plans are included as Attachment J-2, and architectural 3-D renderings are provided as Attachment J-3. Analysis of the project’s consistency with the City’s Architectural Guidelines is included as Attachment J-4, and staff believes the project to be consistent with the architectural guidelines.

D) Architectural Review Criteria

New Construction over 500 square-feet is subject to review by the Planning Commission per Redlands Municipal Code (RMC) Chapter 18.12 and requires Commission Review and Approval. The Planning Commission reviews the project to determine whether the proposed development is in conformity with RMC Section 18.12.170, Architectural Review Criteria, and if approval of the site plan is in the best interest of the public health, safety, and general welfare. It is intended that design submittals be compatible with the character of adjacent and surrounding developments, and that they be of comparable composition, materials, textures and colors. Conformance is evaluated based on the following seven criteria.

1. Site layout, orientation, location of structures and relationship to one another, as well as open spaces and topography.

The proposed site layout, building orientation, location of structures and relationship to one another are suitable to support the development while including adequate open space and recreational amenities. The primary access to the site will be Tennessee Street and Pennsylvania Avenue with accommodation for access to potential future development to the south of the project.

2. Harmonious relationship of building with existing and proposed adjoining developments.

The project site is in an area that is surrounded by properties that are proposed for development or in the process of being entitled. To the east of the site, the Lugonia Village project has been entitled, which includes a mix of residential uses including multi-family apartments and condos. Anticipated future development of the properties located to the immediate south of the project is likely to include commercial development which will compliment this proposed mixed-use development. The proposed mixed-use project is compatible with the context of the area which is anticipated to be built out with both residential and commercial uses.

3. Maximum height, area, setbacks and overall mass of building, as well as other structures such as walls, screens, towers or signs, and effective concealment of all mechanical equipment.

The proposed project will meet all applicable development standards of the General Commercial (C-3) District including floor-area ratio, setbacks, building height, and lot coverage upon approval. The proposed buildings will have a maximum height of approximately 54 feet and any

proposed roof-mounted mechanical equipment will be screened from the public right-of-way through the incorporation of parapet walls and roof elements.

4. Harmony of construction materials and colors in relation to all exterior elevations.

The proposed architectural design of the proposed buildings is harmonious throughout the site. The buildings include similar modern industrial architectural treatments on all sides of each building. Building architecture is consistent throughout the project in terms of material, color, and scale. The design of the building provides variation in parapet height, popouts, detailed metal railings, awnings and balcony elements with varied materials, which tie the project together.

5. Location and type of planting, with due regard for the preservation of specimen trees upon a site.

The project proposes to landscape 27% of the total site area and the proposal meets the landscaping requirements of the Municipal Code in terms of the landscaping requirement within parking areas. The site is currently vacant with little to no significant vegetation. There are no specimen trees located within the development area of the site.

6. Design and appropriateness of signs in relation to the architectural style of the building.

No signs are proposed as part of this application.

7. Glazing or image reflective surfaces (specular reflectance) shall be limited to a maximum reflectance value of twenty-five percent (25%). "Specular reflectance" means any mirror like reflection, as contrasted to diffused reflection from such surfaces as concrete or vegetation.

A condition of approval has been added to the project that glazing or image reflective surfaces (specular reflectance) shall be limited to a maximum reflectance of 25%.

E) Tentative Parcel Map

The applicant is proposing to subdivide the 12.76-acre (net) subject site into four new parcels. As proposed, Parcel 1 will be 1.37 gross acres, Parcel 2 will be 1.49 acres, Parcel 3 will be 5.02 acres and Parcel 4 will be 4.88 acres. Within the C-3 District, there are no minimum lot sizes and no required lot dimensions. As proposed the resulting lots will be consistent with the Redlands Municipal Code requirements. A Condition of Approval has been added requiring the applicant to provide shared access across all parcels within the project. A copy of the Tentative Parcel Map is included as Attachment K.

Table 6: Proposed Parcels

Proposed Lot #	*Proposed Lot Size*	*Proposed Development*
1	1.37 acres	Building 11
2	1.49 acres	Buildings 1, 2
3	5.02 acres	Buildings 3, 5, 6, 7
4	4.88 acres	Buildings 8, 9, 10
Total:	12.76 acres	

F) Socio-Economic Cost / Benefit Study

In accordance with the Principals of Managed Development Element of the General Plan, a Socio-Economic Cost/Benefit Study (Attachment L) has been completed for the project. Based on the cost/benefit model utilized by the City, the project provides a positive cost/benefit ratio of 1.75 over the period of 2025-2034 (and results in positive net revenue to the City after development). This project will provide the City approximately $564,399 in revenue (exceeding costs to the City of $322,042) which results in revenue of $242,357 annually and the project will not create an unmitigable physical blight or overburden public services in the community.

ENVIRONMENTAL REVIEW

The City retained an environmental consultant to fully analyze the project and prepare an Initial Study in accordance with the California Environmental Quality Act (CEQA) (see Attachment M-1 – ISMND). In accordance with the CEQA Guidelines, the Initial Study/Mitigated Negative Declaration (IS/MND) was made available for public review and comment for 30 days (State Clearinghouse No. 2024040956). A Notice of Intent was filed with the County Clerk on April 24, 2024, and with the State Clearinghouse. The IS/MND was circulated for 30 days between April 24, 2024, and May 27, 2024. The public review Initial Study and Mitigated Negative Declaration was also made available via the City's website (www.cityofredlands.org/post/environmental-documents).

One public comment letter was received from Lozeau Drury, LLP, an environmental law firm representing Supporters Alliance for Environmental Responsibility ("SAFER"). Comments within the letter focus on Air Quality and Biological Resources. There is no information or evidence identifying any potentially significant impacts as a result of the project, and the city's environmental consultant has provided a written Response to Comments document (see Attachment M-2).

The Initial Study recommends a Mitigated Negative Declaration with 13 mitigation measures that pertain to Biological Resources, Cultural Resources, Geological Resources, Noise, and Tribal Cultural Resources. All mitigation measures will ensure that any environmental effects are less than significant. After mitigation, no significant effects were identified as a result of the project, and the recommended mitigation measures will be incorporated into the project as mandatory Conditions of Approval. The Mitigation/ Monitoring and Reporting Program details the mitigation measures and is included as Attachment M-3.

FINDINGS

Each of the entitlements for the proposed project has specific Findings which are established by the Redlands Municipal Code, and are required to be satisfactorily made by Planning Commission before the Commission can recommend approval for the requested entitlements. A complete list of findings are included in the Planning Commission Resolutions (see Attachment N).

RECOMMENDATIONS

Based on the above analysis and the findings contained within the Resolution, staff recommends that the Planning Commission recommend approval of project entitlements, subject to the attached conditions of approval.

MOTIONS

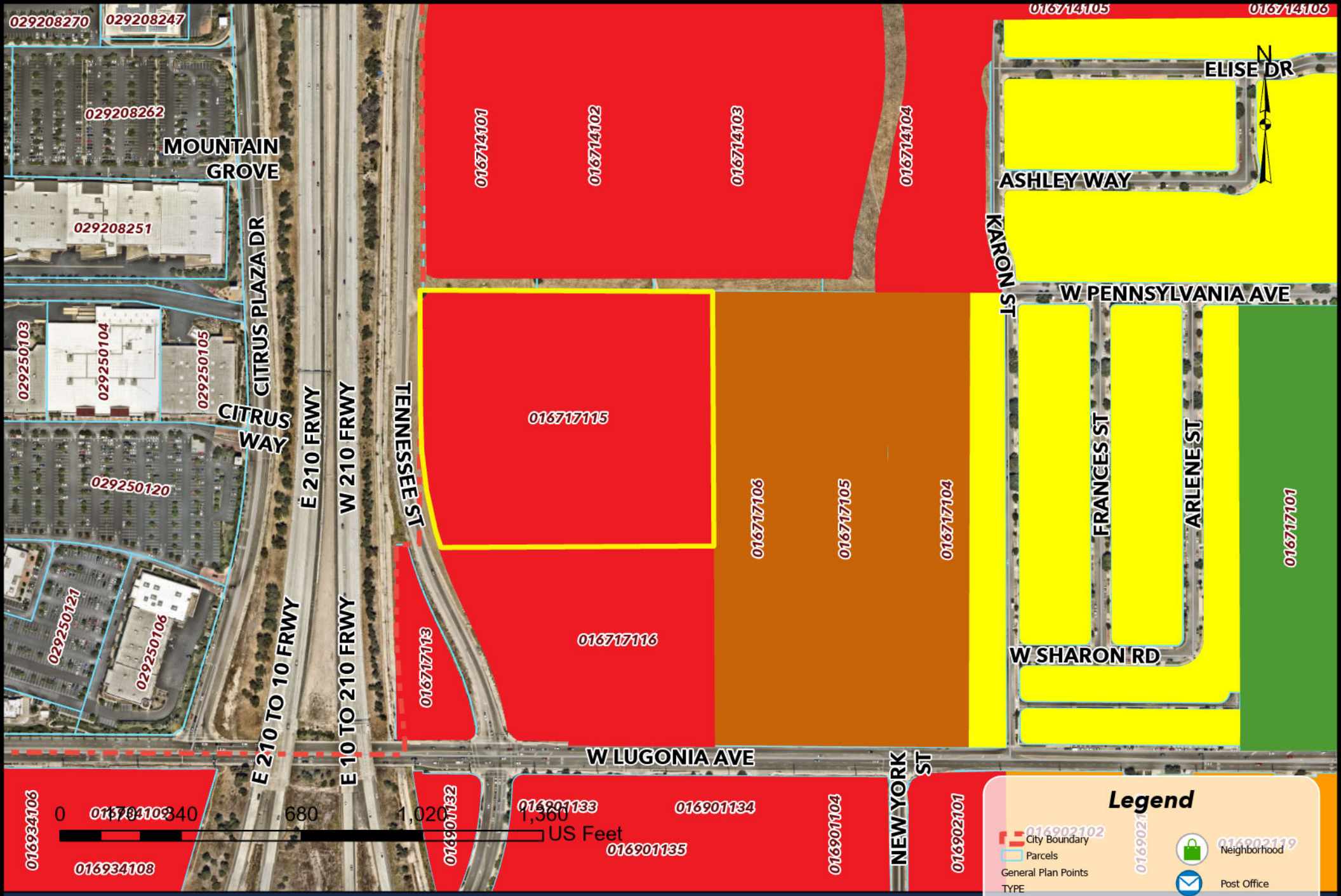
Should the Planning Commission concur with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt Resolution No. 1688 recommending that the City Council:

- Adopt a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the proposed project;
- Approve a Socio-Economic Cost/Benefit Study for the project;
- Approve Amendment No. 50 to Specific Plan 40;
- Approve Zone Change No. 477;
- Approve Tentative Parcel Map No. 20688;
- Approve Conditional Use Permit No. 1173;
- Approve Commission Review & Approval Nos. 956; and,
- Approve the Density Bonus and Inclusionary Housing Agreements for the project."

Attachments

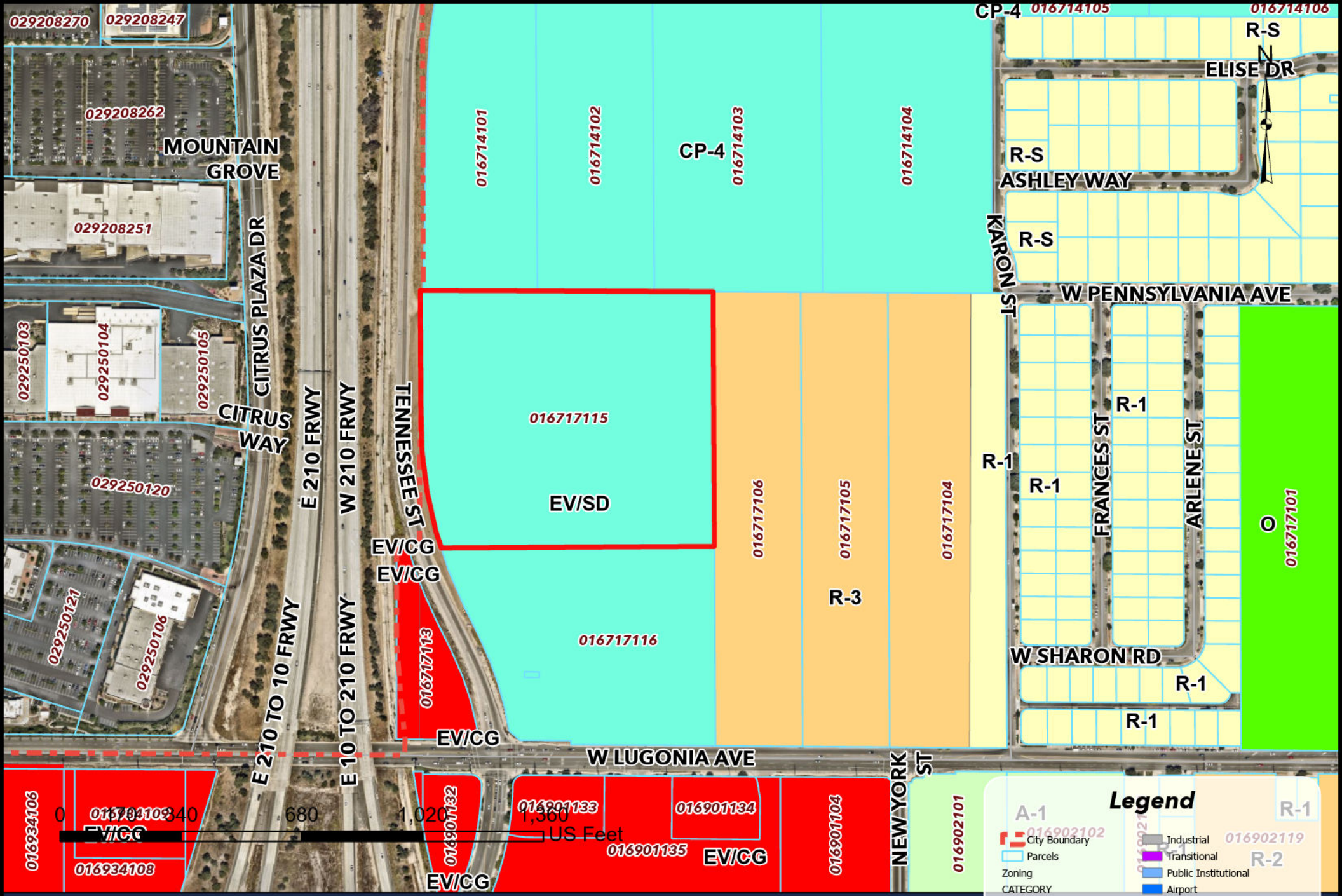
Attachment A: Location Map
Attachment B: Site Plan
Attachment C: Project Data Sheet
Attachment D: Phasing Exhibit
Attachment E: General Plan Land Use Map
Attachment F-1: Zoning Map (existing)
Attachment F-2: Zoning Map (proposed)
Attachment G-1: Density Bonus Agreement
Attachment G-2: Inclusionary Housing Agreement
Attachment H: Table of Development Standards
Attachment I: Landscape Plans
Attachment I-1: Building Materials and Elevations
Attachment I-2: Project Floor Plans
Attachment I-3: Architectural 3-D Renderings
Attachment I-4: Consistency with Architectural Guidelines
Attachment K: Tentative Parcel Map
Attachment L: Socio-Economic Cost/Benefit Study
Attachment M-1: Initial Study/Mitigated Negative Declaration
Attachment M-2: Responses to Comments
Attachment M-3: Mitigation Monitoring and Report Program
Attachment N-1: Resolution No. 1688



City of Redlands

General Plan Map

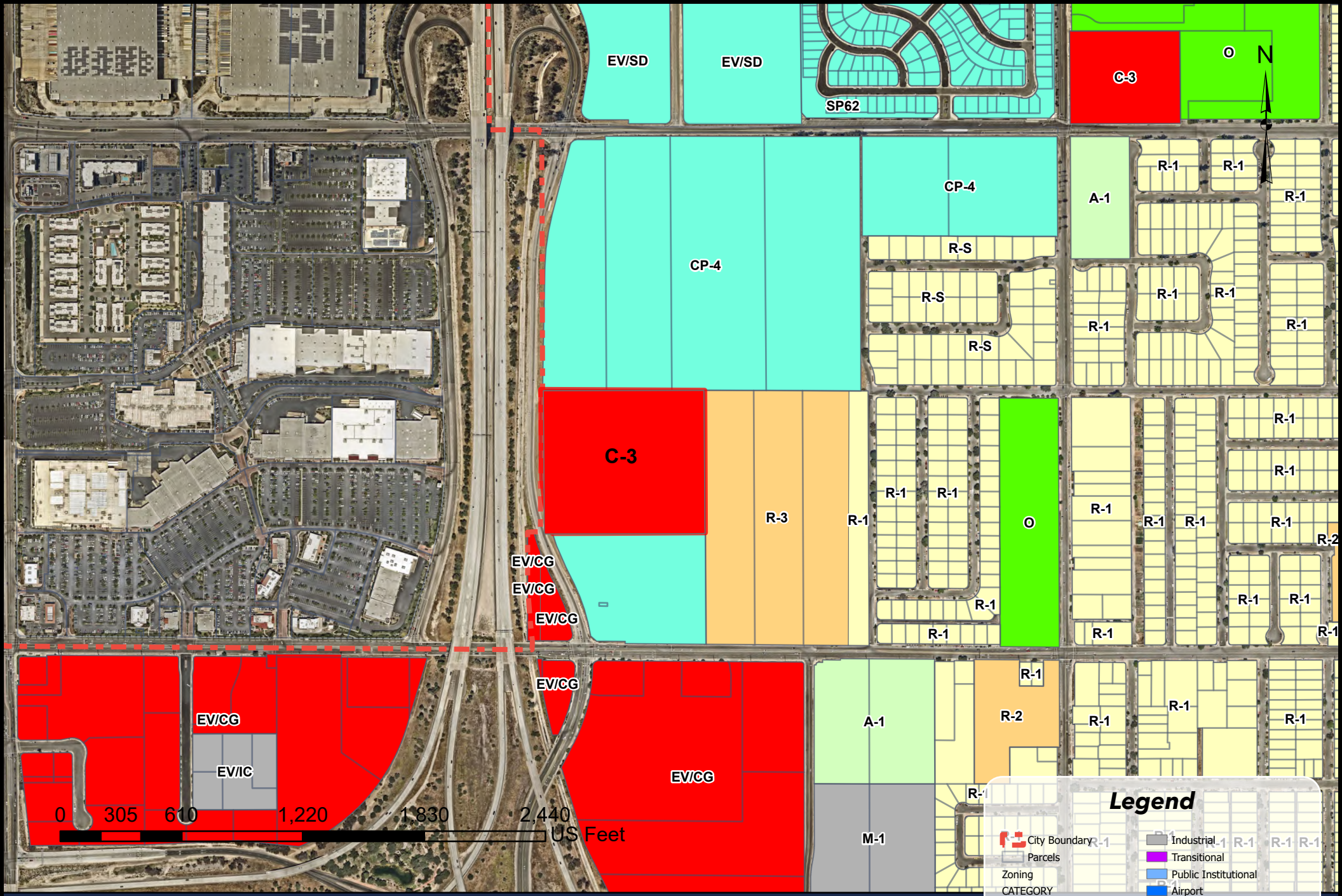
Author: Redlands GIS **Date:** 8/29/2024



City of Redlands

Existing Zoning

Author: Redlands GIS **Date:** 8/29/2024



City of Redlands

Proposed Zoning

Author: Redlands GIS **Date:** 9/3/2024

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
City Clerk
City of Redlands
P. O. Box 3005
Redlands, CA 92373

SPACE ABOVE LINE FOR RECORDER'S USE ONLY
EXEMPT FROM RECORDING FEES (GOVT. CODE § 27383)
NO DOCUMENTARY TRANSFER TAX (R&T CODE § 11922)

APN: 0167-171-15-0000

CITY OF REDLANDS

DENSITY BONUS AGREEMENT (TENNESSEE VILLAGE)

This Density Bonus Agreement (Tennessee Village) ("Agreement") is entered into as of _____ this ___th day of _____, 2024, by and between the City of Redlands, a California municipal corporation ("City"), and Lugonia Park Associates, LLC, a California limited liability company ("Owner"). City and Owner are each sometimes individually referred to herein as a "Party" and, together, as the "Parties."

RECITALS

A. Owner is the owner of approximately 13.48 acres of real property, comprising of one parcel located northeast of the intersection at Tennessee Street and Lugonia Avenue (APN: 0167-171-15-0000), in Redlands, California, which is more particularly described in the legal description attached hereto as Exhibit "A" and incorporated herein by reference ("Property").

B. Owner is constructing a mixed-use, multi-family residential housing project on the Property, comprising of four hundred sixty (460) apartment units, and approximately 17,899 square feet of commercial space, as more particularly described in Commission Review and Approval No. 956 (collectively, the "Project Applications").

C. In connection with the Project, Owner proposes to restrict a total of five percent (5%) of the total units in the Project to Very Low Income Households for an Affordable Rent to be eligible for the benefits of this Agreement, as further specified herein.

D. This Density Bonus Agreement is entered into pursuant to the requirements of the California Density Bonus Law (Government Code section 65915 et seq.) and the City's implementing ordinance set forth Chapter 18.228 of the Redlands Municipal Code, under which Owner is eligible to obtain a density bonus, incentives and concessions, or waivers, as authorized by law. Accordingly, City desires to enter into this Agreement in accordance with California law and the Redlands Municipal Code.

E. For purposes of complying with the Density Bonus Law, and the Redlands Municipal Code, and facilitating development of affordable housing within the City, City agrees to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

AGREEMENT

1. **Recitals.** The foregoing recitals are true and correct, and are incorporated herein as a substantive part of this Agreement.

2. **Definitions.** The following terms when used in this Agreement shall have the meanings ascribed to them:

2.1 "**Adjusted for family size appropriate to the unit**" means a household of one person in the case of a studio unit, a household of two persons in the case of a one-bedroom unit, a household of three persons in the case of a two-bedroom unit, and a household of four persons in the case of a three-bedroom unit, or as determined in accordance with California Health and Safety Code Section 50052.5 or implementing regulations.

2.2 "**Affordable Rent**" means for a Very Low Income Household the maximum Monthly Rent that does not exceed the amount of rent for a Very Low Income Household authorized pursuant to Health and Safety Code Section 50053 as such statute exists on the date hereof, which is the product of thirty percent (30%) times fifty percent (50%) of Median Income, adjusted for household size appropriate to the unit. Affordable Rent shall be determined in accordance with any applicable regulations implementing Health and Safety Code Section 50053 and the amounts published by the California Department of Housing and Community Development applicable to the City.

2.3 "**Affordable Unit**" means a unit restricted for occupancy by a Qualifying Household at an Affordable Rent. The Affordable Units are the same as the Affordable Units, as defined in the Inclusionary Housing Regulatory Agreement.

2.4 "**Density Bonus Law**" means California Government Code section 65915 et seq.

2.5 "**Qualifying Household(s)**" means a Household who complies with all income verification requirements of this Agreement and, for Affordable Units designated for rental to and occupancy by Very Low Income Households, a Household that qualifies as a Very Low Income Household as defined herein.

2.6 "**Home Office**" means a separate area or room in an Affordable Unit used for business purposes and claimed as a business expense pursuant to federal and state income tax

laws. Any room used for business purposes shall not reduce the number of bedrooms that are required to be within an Affordable Unit pursuant to this Agreement and the Inclusionary Agreement.

2.7 **"Household"** means all persons residing in a Unit.

2.8 "**Housing Related Expenses**" means any costs other than rent that are required to be borne by a tenant in an Affordable Unit. These costs include, but are not limited to, a Utility Allowance, any costs that are imposed by the Owner on a mandatory basis, and any mandatory costs that are charged by the Owner for amenities included in the Project. Owner may charge tenants in an Affordable Unit optional costs related to elective amenities requiring an optional service fee such as classes, room rentals, food service, or special events, but is prohibited from charging a tenant in an Affordable Unit any fee for equal access to common areas or project amenities such as pools, gyms, community rooms and outdoor areas. In addition, Owner is prohibited from charging any optional amenity fees to a tenant in an Affordable Unit that is higher than optional amenity fees charged to tenants in Market Rate Units.

2.9 **"Inclusionary Housing Regulatory Agreement"** means the Affordable Housing Agreement With Declarations of Covenants and Restrictions, executed and recorded substantially herewith, in accordance with the Inclusionary Housing Ordinance.

2.10 **"Inclusionary Housing Ordinance"** means the provisions of Chapter 18.230 of the Redlands Municipal Code.

2.11 **"Median Income"** means the San Bernardino County, California San Bernardino County area median income, adjusted for household size, as established by the United States Department of Housing and Urban Development, and as published periodically by the California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations, or successor regulation.

2.12 **"Monthly Rent"** means the total of monthly payments for use and occupancy of each Affordable Unit and land and facilities associated therewith minus any Housing Related Expenses.

2.13 **"Project"** means that certain affordable residential development as more particularly described in Recital B and Section 3 of this Agreement.

2.14 "**Qualifying Household**" means a household whose income does not exceed the maximum income allowable for a Very Low Income Household and qualifies as an Eligible Tenant under the Inclusionary Housing Regulatory Agreement.

2.15 "**Site Plan**" shall mean the drawings, maps, and depictions set forth in Exhibit B, and approved by the City, which is attached hereto and incorporated herein by reference.

2.16 "**Substitute Affordable Unit**" means an equivalent Unit in terms of level of affordability restriction (i.e., Very Low Income Households) and number of bedrooms to a previously designated Affordable Unit, that is substituted for that previously designated Affordable Unit; provided, however, that Units may be designated as Substitute Affordable Units to the extent all the Affordable Units remain reasonably dispersed throughout the entire Project and do not result in Affordable Units and Substitute Affordable Units being clustered in one area or building.

2.17 "**Utility Allowance**" means a reasonable allowance for an adequate level of service of utilities, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, if such utilities are paid for separately by the tenant and which allowance shall be based on the schedules determined by the San Bernardino County Development Authority; but not including telephone, internet or cable service. In the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

2.18 "**Very-Low Income Household**" means a household with income that meets the standards of California Health and Safety Code Section 50105. The maximum household income for Very Low Income Households shall be the amount published annually by the California Department of Housing and Community Development for San Bernardino County, as adjusted to reflect the Household size of the tenant in a particular Affordable Unit.

3. **Affordable Housing Requirements**.

3.1 Project. Owner shall develop, or cause to be developed, the Affordable Units in accordance with the approvals of the Project Applications (the "Entitlements") and this Agreement.

3.2 Use of Affordable Units. The Affordable Units shall not at any time be utilized on a transient basis or rented for a period of less than thirty (30) consecutive days, nor shall they be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, nursing home, hospital, sanitarium, rest home day care facilities, or non-residential uses (other than to maintain a Home Office); provided that the use of the Affordable Units for guests on an intermittent basis shall not be considered transient use for purposes of this Agreement. All of the Affordable Units shall be available for rental on a continuous basis to members of the general public, and Owner shall not give preference to any particular class or group in renting the Affordable Units, except to the extent that Affordable Units are required to be rented to Qualifying Households. A vacated Affordable Unit shall be held vacant until re-leased to a Qualifying Household or until another Unit at the Property with the same number of bedrooms is leased to a Qualifying Household and therefore becomes a Substitute Affordable Unit hereunder. Owner shall exercise diligent efforts to lease any such vacated Affordable Unit to a Qualifying Household in an expeditious manner.

3.3 Affordable Units. Owner covenants and agrees that it shall rent not less than twenty (20) units in the Project as Affordable Units in accordance with this Agreement. The rental restrictions and conditions described in this Agreement shall run with the land and shall be binding on all successor owners of the Property. City is given the express authority by Owner to enforce the restrictions and conditions described in this Agreement. Except as provided herein, the Affordable Units shall be rented, marketed, managed, maintained, and treated in the same manner as all other units on the Property.

3.4 Affordable Rent. The rent for the Affordable Units shall not exceed the limits for Affordable Rent, including an Utility Allowance. Prior to renting any Units, Owner shall advise City, in writing, of any utilities that are not provided by Owner and that will be paid by tenants at the Project. Within thirty (30) days following such advisement, City shall calculate and determine, and provide to Owner a chart of the Affordable Rent for the Project. On an annual basis following any increase in the Median Income, City shall prepare and provide to Owner an updated chart of the Affordable Rent for the Project. Owner shall promptly notify City, in writing, of any changes to the utilities that are paid by tenants at the Project.

3.5 Minimum Development Standards For Affordable Units. The Affordable Units shall be constructed with the same exterior appearance and interior features, fixtures, and amenities, and shall use the same type and quality of materials as provided for the other units in the Project. The location of the Affordable Units shall be reasonably dispersed throughout the Project.

3.6 Unit Mix for Affordable Units. The Affordable Units shall comprise of the following minimum number of units:

Unit Type	Number of Affordable Units for Very Low Income Households
1 Bedroom	11
2 Bedroom	8
3 Bedroom	1

3.7 Income Certification. The Affordable Units are to be rented to and occupied only by Qualifying Households. Prior to any occupancy of an Affordable Unit, Owner shall obtain from each applicant for the Affordable Unit and submit to City for review and approval a Tenant Income Certification Form and Questionnaire, certifying the income of the applicant based upon the current income of each member of the Household. The Tenant Income Certification Form and Questionnaire shall be dated immediately prior to the date submitted to City. Owner shall use diligent efforts to verify that the income provided by an applicant is accurate by obtaining the following as a part of the verification process: (a) three (3) pay stubs for the most recent pay periods; (b) three most recent statements for all asset accounts, including checking, savings,

retirement, 401K, etc. for all household members; (c) copies of the federal and state income tax returns if filed by the applicant for the prior two (2) calendar years; (d) a written verification of income and employment from the applicant's current employer if the applicant is employed; (e) an income verification form from the Social Security Administration and/or California Department of Social Services if the applicant receives assistance from either agency; (f) a certification as to the income and household size of the applicant; (g) if an applicant is unemployed or did not file an income tax return for the previous calendar year, such other information as reasonably necessary to verify the applicant's income; and (g) any other information that City may reasonable require to verify the income of the proposed tenant. City shall review and approve or disapprove each applicant within ten (10) business days after City's receipt of a complete submittal. Owner shall maintain on file a copy of each Tenant Income Certification Form and Questionnaire along with the information obtained to verify the applicant's income for a period of five (5) years. An Affordable Unit occupied by a tenant who qualifies as a Qualifying Household at the commencement of the occupancy shall be treated as occupied by a Qualifying Household until a recertification of such Qualifying Household's income demonstrates that such tenant no longer qualifies as a Qualifying Household, as further set forth in Section 3.8 below.

3.8 Recertification. Annually, during the term hereof, on or before the anniversary of the move-in date for each Qualifying Household with respect to an Affordable Unit, Owner shall recertify the income of each Qualifying Household by obtaining a completed Tenant Income Certification Form and Questionnaire based upon the current income of each member of the Household of the Affordable Unit. In the event that recertification demonstrates that a Household's income exceeds the income permitted for Qualifying Household status, Owner shall perform either of the following: (i) to the extent permitted by applicable law, the occupants' lease shall not be renewed and said occupants shall be required to vacate the unit within one hundred eighty (180) days after the recertification; or (ii) the next available Market Rate Unit in the Project with the same number of bedrooms shall be leased as an Affordable Unit at Affordable Rent to a Qualifying Household so that the Project will be in compliance with the covenants and conditions of this Agreement, and the previous Affordable Unit shall be re-designated as a Market Rate Unit and the occupants thereof may be charged the amount of rent for a Market Rate Unit.

3.9 Selection of Tenants. The Affordable Units shall be available for rental on a continuous basis and Owner shall not give preference to any particular class or group in renting Affordable Units, except to the extent that Affordable Units are required to be rented to Qualifying Households. Owner shall market the Affordable Units to persons who live and/or work in the City of Redlands on a nonexclusive basis.

3.10 Lottery System. The initial lease-up of the Affordable Units shall be done pursuant to a lottery system. Prior to commencing any marketing activities for the Affordable Units, Owner shall submit to City for City's review and approval Owner's proposed marketing plan, and procedures for conducting the interest list and subsequent lottery. A representative of City shall have the right, but not the obligation, to attend the lottery.

3.11 Waiting List. Following the initial lease-up of the Affordable Units, Owner shall maintain a waiting list of persons interested in renting an Affordable Unit. At such time as an Affordable Unit becomes available for rental, Owner shall rent such Affordable Unit to the first person on the waiting list that qualifies as a Qualifying Household to rent the Affordable Unit. Owner shall use commercially reasonable efforts to lease Affordable Units that become available as quickly as possible.

3.12 Occupancy Levels. The number of persons permitted to occupy each Affordable Unit shall not exceed the occupancy permitted pursuant to the requirements of the United States Department of Housing and Urban Development which, as of the Effective Date, is two persons per bedroom, plus one person (e.g., for a two bedroom unit the maximum number of persons residing in the unit can be five persons). The lease for each Affordable Unit shall include a provision limiting the number of persons permitted to occupy each Affordable Unit in accordance with the preceding sentence and Owner shall enforce such occupancy restrictions. Further, the minimum household size permitted for the lease of an Affordable Unit shall be one (1) person per bedroom, such as, for example, that a two (2) bedroom Affordable Unit may not be leased to a household consisting of less than two (2) persons.

3.13 Principal Residence. The lease for each Affordable Unit shall provide that the Affordable Unit shall be used as the principal residence of the Affordable Unit's Qualifying Household and for no other purpose. A Qualifying Household shall be considered as occupying the Unit if the Qualifying Household is living in the Unit for at least ten (10) months out of each calendar year. Upon receipt of a written request, City may grant a temporary waiver of this occupancy requirement for good cause in its sole discretion The lease for an Affordable Unit may allow the Qualifying Household to have a Home Office so long as the Affordable Unit is the Qualifying Household's principal residence. The lease shall further provide that the Qualifying Household shall not lease or sublease its Affordable Unit or its right of occupancy. Owner shall enforce such restrictions.

3.14 City Right of First Refusal. Owner hereby grants to City a right of first refusal to lease any or all of the Affordable Units at the fair market value.

4. **Density Bonus; Concessions; Waivers; Parking**. In exchange for the agreement to the construct the Affordable Units on the terms and conditions set forth herein, and subject to the requirements of the Density Bonus Law, the City has agreed to the following:

4.1 Density Bonus. The Project may have a total of four hundred sixty (460) units. The base density for the Property under the City's zoning allows for three hundred eighty four (384) dwelling units. This Agreement provides for a density bonus of seventy six (76) units based upon Owner's agreement to provide the Affordable Units.

4.2 Concession. The City grants a concession relieving the Project from the City's requirements for parking stalls. The parking stalls for the Project may measure a length of seventeen (17) feet, plus a two (2) foot overhang, for a total of nineteen (19) feet.

4.3 Waivers. Owner is not requesting waivers and therefore this Agreement does not provide for waivers.

4.4 Parking Allowance Pursuant to Density Bonus Law. The Project shall comply with the parking requirements set forth in the Density Bonus Law, including the use of uncovered parking. The Project shall provide parking spaces in accordance with the following ratios:

Unit Type	**Number of Units**	**Ratio of Parking/# of Units**	**Quantity of Parking**
1 Bedroom	239	1	239
2 Bedroom	195	1.5	293
3 Bedroom	26	1.5	39
Total	460		571

4.5 No Further Concessions, Incentives, or Waivers. Owner acknowledges and agrees that no other incentives, concessions, waivers or other request has been made or is required by the City in connection with the request for a Density Bonus, and that City has fully satisfied any duty the City may have under the Redlands Municipal Code, the Density Bonus Law, or any other law or regulation applicable to the Project, to provide any development incentive, concession, or waiver as it relates to the Project, including the waiver or reduction of any building, zoning, or other requirement. By this Agreement, Owner releases any and all claims Owner may have against the City related to or arising from, in any way, City's obligation to waive requirements of or provide development incentives or concessions pursuant to any state, federal, or local law, rule, or regulation applicable to the Project.

5. Permits and Processing; Compliance with Laws.

5.1 Owner, at its sole cost and expense, shall secure or cause to be secured any and all permits that may be required by City or any other federal, state, or local government entity having or claiming jurisdiction over the Property or Project. Upon securing any and all permits, Owner shall carry out and perform the development, construction, management, maintenance and rental of the Project in conformity with all applicable federal, state, and local laws and regulations, and all conditions of approval issued for the Project.

5.2 City shall have no responsibility for the construction, installation, management, operation or maintenance of the Project.

5.3 Owner acknowledges and understands that, except as specifically provided for herein, this Agreement shall not constitute an amendment, modification, enlargement or other

change to the Entitlements. Owner shall be obligated and solely responsible for applying for, obtaining, and complying with any further approvals or permits necessary.

5.4 Nothing contained in this Agreement shall require Owner or City to do anything contrary to or refrain from doing anything required by federal or state law, or regulations promulgated thereunder, which are applicable to the construction, management, maintenance, and rental of the Affordable Units and the Project.

5.5 Owner agrees that this Agreement requires compliance with the Density Bonus Law. Unless specifically prohibited by law, in the event of a conflict between the Density Bonus Law and the Inclusionary Housing Ordinance, the provisions which require a lower amount of Affordable Rent or additional protections for renters of Affordable Units shall apply.

6. **No Discrimination**. In addition to any other nondiscrimination provisions applicable to the Property under federal, state or local law, Owner by and for itself and any successor in interest covenants that there shall be no discrimination against, or segregation of, any persons, or group of persons, on account of any basis listed in subdivision (a) and (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the enjoyment, sale, lease or development of the Property, nor shall Owner itself, or any person claiming under or through it, establish or permit any such practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Property or any portion thereof. The foregoing covenants shall run with the land.

7. **Term.** The Term of this Agreement shall be fifty-five (55) years commencing upon the date of the City's issuance of the first certificate of occupancy for the Project.

8. **Termination.** This Agreement shall become null and void shall: (i) the City deny the Project entitlements, or (ii) the Project entitlements are voided, cancelled, terminated, expire or new entitlements, not related to the Project, are approved for the Property; provided, however, this Agreement shall apply to any units constructed for the Project under the entitlements. Owner shall notify City, in writing, of Owner's intent to terminate this Agreement under this Section 8.

9. **Indemnification**. Owner shall defend (with counsel of City's choosing and the reasonable consent of Owner, which may be joint defense counsel upon City's and Owner's consent, in each of their sole and absolute discretion), indemnify and hold harmless City and City's officers, officials, agents, employees, representatives, and volunteers (each, an "**Indemnitee**") from and against any loss, damage, costs, expenses, liability, claim, or judgment (collectively, "claims") relating in any manner to the Property or the Project, or the approval of or performance this this Agreement, except to the extent any such claims are caused by the gross negligence or willful misconduct of an Indemnitee.

10. **City's Right to Inspect Affordable Units and Documents**. The City may inspect the Affordable Units at any reasonable time for so long as this Agreement remains in effect, to determine Owner's compliance with this Agreement.

11. **Assignment and Transfer by Owner**. With the exception of individual leases entered into between Owner and Qualifying Households that comply with the terms of this Agreement, Owner shall: (i) notify City in writing of any proposed sale, transfer, or assignment of all or any portion of the Property, and (ii) deliver to City an assignment and assumption agreement (or other agreement) executed by Owner and its transferee/assignee pursuant to which Owner's transferee/assignee has agreed to assume all of Owner's covenants and obligations set forth herein in such form as reasonably approved by City. Any deed transferring the Project, or any interest in the Affordable Units, shall contain a covenant stating that the Owner, or its successors or assigns, shall not sell, rent, lease, sublet, assign or otherwise transfer any interests for the same without the written approval of the City confirming that the sale or rental price of the Affordable Unit(s) is consistent with the limits established for Very Low Income Households.

12. **Defaults and Remedies**. The Parties shall have the right to specifically enforce each and every covenant, condition, restriction, and provision in this Agreement and the Parties hereby agrees and acknowledges that money damages are an inadequate remedy for any default under this Agreement.

12.1 Default. A party shall be in default of this Agreement if it breaches any term or provision of this Agreement, and fails to correct the violation within thirty (30) days after receipt of notice from the other party; provided, however, if a longer period to cure the violation is reasonably necessary, and the party in breach of the Agreement is diligently pursuing a cure, then it shall have a reasonable time necessary to cure the breach, but not to exceed ninety (90) days.

12.2 Remedies. Upon a default of this Agreement, either Party may institute any appropriate legal actions or proceedings necessary to enforce this Agreement, including but not limited to actions for injunctive relief or damages. The remedies allowed under this Agreement include enforcement of all requirements of Owner to comply with the Redlands Municipal Code, and any and all remedies allowed under the Redlands Municipal Code for violations of its provisions.

12.3 Institution of Legal Actions; Attorney's Fees and Costs. Any legal actions must be instituted in the Superior Court of the County of San Bernardino, State of California, or in any other court in that county. In the event of any litigation between the Parties hereto, the prevailing Party shall be entitled to receive, in addition to the relief granted, its reasonable attorney's fees (provided, however, that the attorneys' fees awarded pursuant to this Section shall not exceed the hourly rate paid by the City for legal services multiplied by the reasonable number of hours spent by the prevailing Party in the conduct of the litigation) and costs and such other

costs incurred in investigating the action and prosecuting the same, including costs for expert witnesses, costs on appeal, and for discovery.

13. **Miscellaneous.**

13.1 Entire Agreement. This Agreement and all of the exhibits and attachments hereto and thereto set forth and contain the entire understanding and agreement of the Parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein or therein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

13.2 Assignment by City. City shall have the right, in its sole and absolute discretion, to assign its interests in this Agreement without Owner's approval to a non-profit organization of its choosing. City shall provide notice to Owner of any such assignment.

13.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement.

13.4 Notices. As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder. All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; or (iii) two (2) days after deposit in the United States mail in a sealed envelope, first class mail and postage prepaid, and addressed to the recipient named below; or (iv) one (1) day after deposit with a known and reliable next-day document delivery service (such as FedEx), charges prepaid and delivery scheduled next-day to the recipient named below, provided that the sending Party receives a confirmation of delivery from the delivery service provider. All notices shall be addressed as follows:

Owner: Lugonia Park Associates, LLC
P.O. Box 542
Loma Linda, CA 92354
Attention: Daniel Kunihira

City: 35 Cajon Street
Redlands, California 92373
Attention: City Clerk
City of Redlands

Such addresses may be changed by notice to the other party given in the same manner as provided above.

13.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

13.6 Singular and Plural. As used herein, the singular of any word includes the plural, and vice versa, as context so dictates. Masculine, feminine, and neuter forms of any word include the other as context so dictates.

13.7 Joint and Several Obligations. If at any time during the term of this Agreement the Property and/or Project is owned, in whole or in part, by more than one Owner, all obligations of such Owner under this Agreement shall be joint and several, and the default of any such Owner shall be the default of all such Owners.

13.8 Computation of Days. Unless otherwise specified in this Agreement, the term "days" shall mean calendar days.

13.9 Waiver. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter.

13.10 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefited thereby of the covenants to be performed hereunder by such benefited Party.

13.11 Project as Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Project is a private development, that neither Party is acting as the agent of the other in any respect hereunder, and that each Party is an independent contracting entity with respect to the terms, covenants, and conditions contained in this Agreement. No partnership, joint venture, or other association of any kind is formed by this Agreement. The only relationship between City and Owner is that of a government entity regulating the development of private property and the Owner of such property.

13.12 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property and the Project; (b) runs with the Property and the Project and each portion thereof; and, (c) is binding upon each Party and each successor in interest during ownership of the Property and the Project or any portion thereof.

13.13 Covenants Run with the Land. The Property shall be held, sold, conveyed, hypothecated, encumbered, used, occupied and improved subject to the covenants, conditions, and restrictions set forth herein. The covenants, conditions, restrictions, reservations, equitable servitudes, liens and charges set forth in this Agreement shall run with the Property and shall be

binding upon Owner and all persons having any right, title or interest in the Property, or any part thereof, their heirs, and successive owners and assigns, shall inure to the benefit of City and its successors and assigns, and may be enforced by City and its successors and assigns. The covenants established in this Agreement shall, without regard to technical classification and designation, be binding for the benefit and in favor of City and its successors and assigns, and the Parties hereto expressly agree that this Agreement and the covenants herein shall run in favor of City, without regard to whether City is or remains an owner of any land or interest therein to which such covenants relate. However, all such covenants and restrictions shall be deemed to run in favor of all real property owned by City which real property shall be deemed the benefited property of such covenants and this Agreement shall create equitable servitudes and covenants appurtenant to all real property owned by City and running with the Property in accordance with the provisions of Civil Code Section 1468. Furthermore, all of the covenants, conditions, and restrictions contained herein shall also constitute easements in gross running in favor of City. City is deemed the beneficiary of the terms and provisions of this Agreement and of the covenants running with the land, for and in its own right and for the purposes of protecting the interests of the community and other parties, public or private, in whose favor and for whose benefit this Agreement and the covenants running with the land have been provided. Owner hereby declares its understanding and intent that the burden of the covenants set forth herein touch and concern the land and that the Owner's interest in the Property is rendered less valuable thereby. Owner hereby further declares its understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Property by the residents of City and by furthering the health, safety, and welfare of the residents of City. Owner hereby further declares its understanding that the covenants set forth in this Agreement are required by Chapter 18.230 of the Redlands Municipal Code to run with the land and the Property and Project for the duration of the Term.

13.14 No Subordination. City's approval of the necessary land use entitlements that authorize Owner to develop, operate, and maintain the Project was based upon Owner's obligation to provide no less than twenty (20) Affordable Units pursuant to the terms and conditions of this Agreement. During the Term, this Agreement shall have priority over any and all mortgages, deeds of trust, and other similar forms of secured financing recorded against the Property or any portion thereof.

13.15 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. City hereby authorizes City Manager to take such other actions and negotiate and execute any additional agreements as may be necessary or proper to fulfill the City's obligations under this Agreement.

The City Manager may delegate her or his powers and duties under this Agreement to an authorized management level employee of the City.

13.16 Third Party Beneficiaries. The Parties acknowledge and agree there are no third party beneficiaries of this Agreement. City shall have full right and ability to enforce each and every covenant and restriction in this Agreement. No other person or entities shall have any right of action hereunder.

13.17 Interpretation and Governing Law. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purpose of the Parties hereto, and the rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California.

13.18 Amendment. Any amendment, change, or modification of this Agreement must be executed in writing and is subject to approval by the City Council, except to the extent the City Manager, or other designee, is authorized to execute any such amendment, change or modification.

13.19 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

13.20 Authority to Execute. The person or persons executing this Agreement on behalf of Owner warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind Owner to the performance of its obligations hereunder

13.21 Counterparts. This Agreement may be executed in two or more separate counterparts, each of which, when so executed, shall be deemed to be an original. Such counterparts shall, together, constitute and shall be one and the same instrument. This Agreement shall not be effective until the execution and delivery by the Parties of at least one set of counterparts. The Parties hereunder authorize each other to detach and combine original signature pages and consolidate them into a single identical original. Any one of such completely executed counterparts shall be sufficient proof of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first set forth above.

[Signatures on Following Page]

"CITY"

CITY OF REDLANDS,
a California municipal corporation

By:_____
_____, City Manager

APPROVED AS TO FORM:

_____
Yvette Abich Garcia, City Attorney

ATTEST:

_____

_____, City Clerk

"OWNER"

Lugonia Park Associates, LLC,
a California limited liability company

By:_____
Daniel Kunihira
Its: Manager

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On 9/24/, 2024 before me, Alicia Diaz, Notary Public, personally appeared Daniel Kunihira, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ALICIA DIAZ
Notary Public - California
San Bernardino County
Commission # 2417756
My Comm. Expires Sep 23, 2026

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ (Seal)

EXHIBIT A

DESCRIPTION OF SUBJECT PROPERTY

Description For APN/Parcel ID(s): 0167-171-15-0-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 3, WEST SAN BERNARDINO MERIDIAN, IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SAID PORTIONS BEING DESCRIBED AS PARCELS 1 AND 2 OF THAT CERTAIN DEED TO LUGONIA PARK ASSOCIATES, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED APRIL 11,1984 AS INSTRUMENT NO. 84-083715, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 2, SAID CORNER BEING A POINT OF INTERSECTION BETWEEN THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 21, AND THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 08, 1975 IN BOOK 9745, PAGE 592 AND RE RECORDED AUGUST 08, 1979 IN BOOK 9745, PAGE 595, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING DISTANT SOUTH 89°47'47" EAST 8.23 FEET (8.22 FEET PER SAID DEEDS); THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH HALF AND SAID PARCELS 1 AND 2 SOUTH 89°47'47" EAST 816.41 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE LEAVING THE NORTHERLY LINE OF SAID SOUTH HALF AND ALONG THE EASTERLY LINE OF SAID PARCEL 1 SOUTH O0°18'33" EAST 717.50 FEET; THENCE LEAVING SAID EASTERLY LINE AT RIGHT ANGLES SOUTH 89°41'27" WEST 770.55 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL 2, SAID WESTERLY LINE ALSO BEING THE EASTERLY LINE OF SAID STATE OF CALIFORNIA PARCELS, SAID WESTERLY AND EASTERLY LINES ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF 1200.00 FEET, A RADIAL LINE TO SAID POINT THAT BEARS NORTH 72°19'31" EAST; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2 AND SAID EASTERLY LINE STATE OF CALIFORNIA PARCELTHE FOLLOWING TWO (2) COURSES:

1.) THENCE NORTHERLY ALONG THE ARC OF SAID 1200.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 18°48'40", AN ARC DISTACNE OF 393.98 FEET;

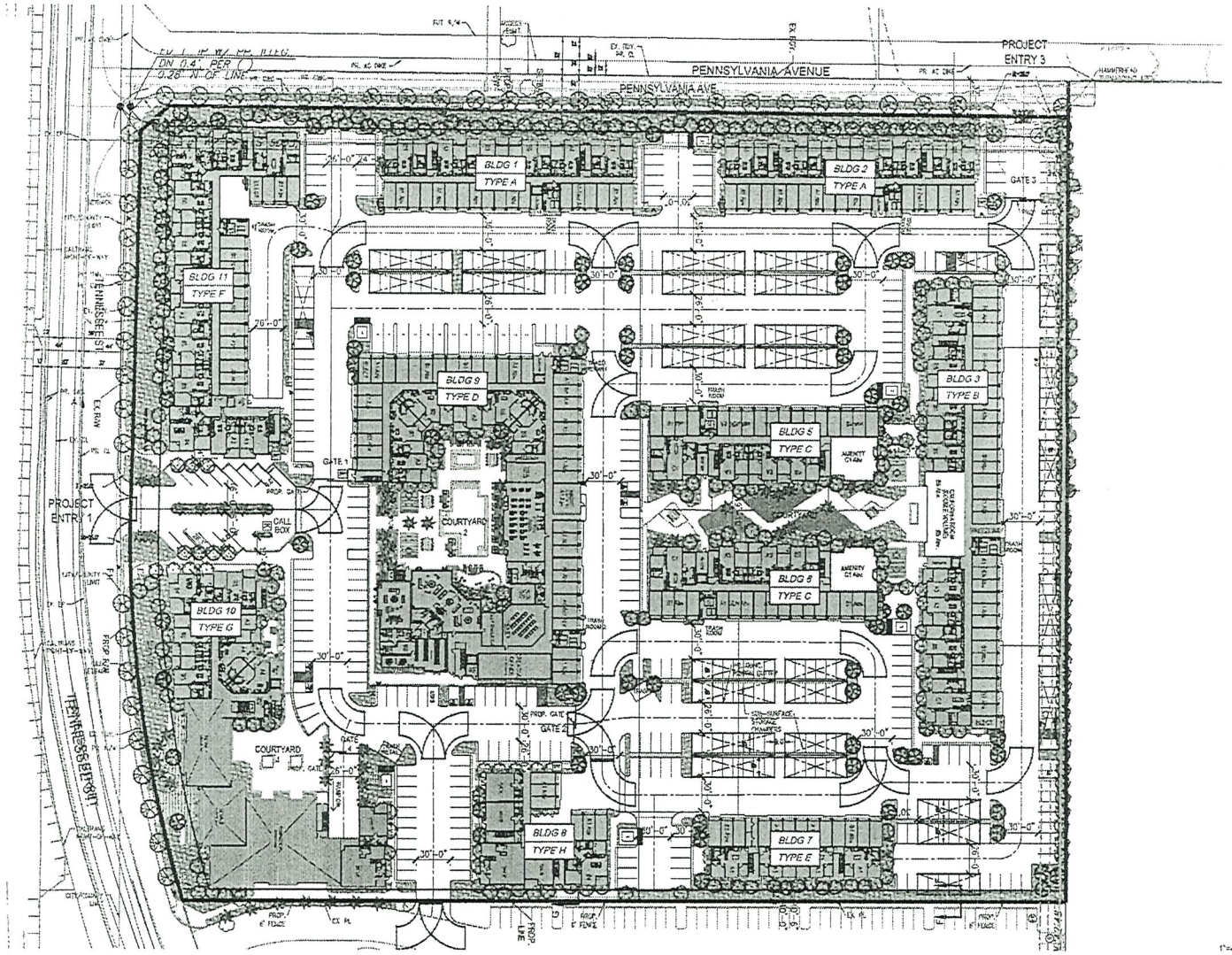
2.) THENCE TANGENT TO SAID CURVE NORTH 01°08'11" EAST 336.47 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL COVENANTS, RIGHTS, DEDICATIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 13.48 ACRES, MORE OR LESS

PURSUANT TO CERTIFICATE OF COM 19, 2023 AS INSTRUMENT NO. 2023-0013742 OF OFFICIAL RECORDS.

EXHIBIT B

SITE PLAN



NOTE:
THE MONUMENT WALL/WIGNS ARE UNDER A SEPARATE PERMIT. SEE L-1.0

RETAIL/ COMMERICI/

3 STORY

4 STORY

NORTH

0 20' 40' 80' 120'
1"=40'-0"

APN: 0167-171-07
0167-171-14
APN: 0167-171-15

A-1.0

TENNESSEE VILLAGE

REDLANDS, CA 92374

CONCEPTUAL SITE PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Redlands
35 Cajon Street
Redlands, California 92373
Attention: City Clerk

(Space Above For Recorder's Use)

This Inclusionary Housing Regulatory Agreement With Declaration of Covenants and Restrictions is recorded at the request and for the benefit of the City of Redlands and is exempt from the payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

AFFORDABLE HOUSING AGREEMENT WITH DECLARATION OF COVENANTS AND RESTRICTIONS (TENNESSEE VILLAGE INCLUSIONARY HOUSING)

This AFFORDABLE HOUSING AGREEMENT WITH DECLARATION OF COVENANTS AND RESTRICTIONS ("**Agreement**") is entered into as of this _____ day of _____, 2024, by and between the CITY OF REDLANDS, a California municipal corporation ("**City**"), and Lugonia Park Associates, LLC, a California limited liability company ("**Owner**") (hereinafter, City and Owner are sometimes referred to collectively as "**Parties**" and individually as a "**Party**").

RECITALS

A. Owner is the owner in fee of one parcel located northeast of the intersection at Tennessee Street and Lugonia Avenue (APNs: 0167-171-15-0000) in the City of Redlands, consisting of approximately 13.48 gross acres of land, and more particularly described in the legal description attached hereto as Attachment "1" (the "**Property**").

B. Owner has submitted to City plans to develop on the Property, a 460-unit multifamily residential rental development (the "**Project**").

C. The purpose of this Agreement is to implement the City of Redlands's Inclusionary Housing Ordinance (Redlands Municipal Code Chapter 18.230), and all of the terms, conditions, provisions and covenants set forth in this Agreement shall be interpreted to be consistent with the Inclusionary Housing Ordinance.

D. City and Owner desire to enter into this Agreement to place certain covenants and restrictions on the Property and use and operation of the Project, including the imposition of affordability covenants requiring that no less than twenty (20) residential units will be used and occupied or available for use and occupancy by Very Low Income Households as defined in Health and Safety Code Section 50105. The number of

Inclusionary Units is based upon the base density for the Project (384 units), and excludes the number of units authorized under the Density Bonus Agreement.

E. It is the intent of the City and Owner that Owner's fee interest in the Property shall be subject to this Agreement and that the terms hereof shall be binding on the Owner and its successors in interest in the Property for so long as this Agreement shall remain in effect.

AGREEMENT

Based upon the foregoing Recitals, which are incorporated herein by this reference, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties hereby agree as follows:

1. **Definitions**. In addition to the terms defined elsewhere in this Agreement, the following terms shall have the meanings in this Agreement given below unless expressly provided to the contrary:

1.1 "***Adjusted for household size appropriate to the unit***" means a household of one person in the case of a studio unit, a household of two persons in the case of a one-bedroom unit, a household of three persons in the case of a two-bedroom unit, and a household of four persons in the case of a three-bedroom unit, or as determined in accordance with California Health and Safety Code Section 50052.5 or implementing regulations.

1.2 "***Affordable Rent***" means the maximum Monthly Rent that does not exceed the amount of rent for a Very Low Income household authorized pursuant to Health and Safety Code Section 50053 as such statute exists on the date hereof, which is the product of thirty percent (30%) times fifty percent (50%) of Median Income, adjusted for household size appropriate to the unit. Affordable Rent shall be determined in accordance with any applicable regulations implementing Health and Safety Code Section 50053 and the amounts published by the California Department of Housing and Community Development applicable to the City. A sample calculation of the Affordable Rent for 2024 is set forth in Attachment 2 hereto, which is incorporated herein by this reference.

1.3 ***"Certification of Continuing Program Compliance"*** means the certificate described in Section 9 of this Agreement.

1.4 "***City***" means the City of Redlands, California, and the City's successors and assigns.

1.5 "***City Attorney***" means the City Attorney for the City of Redlands.

1.6 "***City Manager***" means the City Manager for the City of Redlands or his designee.

1.7 "***City Monitoring Fee***" means the fee paid every year after the Effective Date in the amount of Seventy-Five Dollars ($75.00) per completed Inclusionary Unit, to be paid to City by Owner to defray the costs incurred by City for monitoring compliance with the affordability covenants set forth in this Agreement. The Seventy-Five Dollar ($75.00) base amount (effective on the Effective Date) shall be increased or decreased (as applicable) annually by the percentage increase or decrease (as applicable) (between September of the year preceding and September of the current year) in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for All Urban Consumers, Los Angeles-Long Beach-Anaheim Average, All Items (1982-84 = 100). A "completed Inclusionary Unit" shall mean an Inclusionary Unit that has received a certificate of occupancy by City.

1.8 **"Density Bonus Agreement"** means the Density Bonus Agreement (Tennessee Village) executed and recorded concurrently with this Agreement.

1.9 "***Effective Date***" means the date of City approval of this Agreement.

1.10 "***Eligible Tenant(s)***" means a Household who complies with all income verification requirements of this Agreement and, for Inclusionary Units designated for rental to and occupancy by Very Low Income Households, a Household that qualifies as a Very Low Income Household as defined.

1.11 "***Gross Income***" means all income from whatever source from all adult Household members, which is anticipated to be received during the 12-month period following the date of the determination of Gross Income. The applicable sources of income are defined in California Code of Regulations Title 25 Housing and Community Development Section 6914. The definition includes the following specific requirements:

1. Except as provided in subdivision 2 below, all payments from all sources received by the head of Household (even if temporarily absent) and each additional member of the Household who is not a minor shall be included in the annual income of a Household. Gross Income shall include, but not be limited to:

    a. The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses;

    b. The net income from operation of a business or profession or from rental or real or personal property (for this purpose, expenditures for business expansion or amortization of capital indebtedness

shall not be deducted to determine the net income from a business);

c. Interest and dividends;

d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts (but see subdivision (2)(c));

e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay.

f. Public Assistance. If the public assistance payment includes an amount specifically designated for shelter and utilities which is subject to adjustment by the public assistance agency in accordance with the actual cost of shelter and utilities, the amount of public assistance income to be included as income shall consist of:

   i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities, plus

   ii. The maximum amount which the public assistance agency could in fact allow for the Household for shelter and utilities.

g. Periodic and determinable allowances such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

h. All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the Household or spouse or domestic partner (but see subdivision (2)(e)).

i. Where a Household has net assets in excess of $5,000, income shall include the actual amount of income, if any, derived from all of the net Household assets or 10 percent (10%) of the value of all such assets, whichever is greater. For purposes of this definition, net Households assets means value of equity in real property other than the Household's full-time residence, savings, stocks, bonds, and other forms of capital investment. The value of necessary items such as furniture and automobiles shall be excluded.

2. The following items shall not be considered as income:

a. Casual, sporadic or irregular gifts;

b. Amounts which are specifically for or in reimbursement of the cost of medical expenses;

c. Lump-sum additions to Household assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

d. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran for use in meeting the costs of tuition, fees, books and equipment. Any amounts of such scholarships, or payments to veterans not used for the above purposes of which are available for subsistence are to be included in income;

e. The special pay to a serviceman head of a Household away from home and exposed to hostile fire;

f. Relocation payments made pursuant to federal, state, or local relocation law;

g. Foster child care payments;

h. The value of coupon allotments for the purchase of food pursuant to the Food Stamp Act of 1964 which is in excess of the amount actually charged the eligible Household;

i. Payments received pursuant to participation in the following volunteer programs under the ACTION Agency:

i. National Volunteer Antipoverty Programs which include VISTA, Service Learning Programs and Special Volunteer Programs.

ii. National Older American Volunteer Programs for persons aged 60 and over which include Retired Senior Volunteer Programs, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience, Service Corps of Retired Executive (SCORE) and Active Corps of Executives (ACE).

1.12 "***Home Office***" means a separate area or room in an Inclusionary Unit used for business purposes and claimed as a business expense pursuant to federal and state income tax laws. Any room used for business purposes shall not reduce the number of bedrooms that are required to be within an Inclusionary Unit pursuant to this Agreement.

1.13 "***Household***" means all the persons who will occupy an Inclusionary Unit as their primary residence. A child who is subject to a legally-binding shared-custody agreement, in which the child resides with the Household at least 50% of the time, is counted as a member of the Household. Excluded from the definition of Household are live-in caregivers/caretakers, foster children, unborn children and children being pursued for legal custody or adoption that are not currently living with the Household.

1.14 "***Housing Related Expenses***" means any costs other than rent that are required to be borne by a tenant in a Inclusionary Unit. These costs include, but are not limited to, a Utility Allowance, any costs that are imposed by the Owner on a mandatory basis, and any mandatory costs that are charged by the Owner for amenities included in the Project. Owner may charge tenants in an Inclusionary Unit optional costs related to elective amenities requiring an optional service fee such as classes, room rentals, food service, or special events, but is prohibited from charging a tenant in an

Inclusionary Unit any fee for equal access to common areas or project amenities such as pools, gyms, community rooms and outdoor areas. In addition, Owner is prohibited from charging any optional amenity fees to a tenant in an Inclusionary Unit that is higher than optional amenity fees charged to tenants in Market Rate Units.

1.15 "***Inclusionary Housing Fund***" means a separate fund of the City established pursuant to Section 18.230.170(B) of the Redlands Municipal Code.

1.16 ***"Inclusionary Housing Plan"*** means the plan approved by City's Inclusionary Housing Administrator that details the manner in which the Project's inclusionary housing obligations will be fulfilled. The Inclusionary Housing Plan is attached hereto and incorporated herein as Attachment 3.

1.17 "***Inclusionary Units***" means the twenty (20) Units within the Project to be rented by Owner to a Very Low Income Household at Affordable Rent in accordance with this Agreement. The number, location, and characteristics of the Inclusionary Units shall be as set forth in the Inclusionary Housing Plan.

1.18 "***Market Rate Units***" means the Units within the Project to be rented by Owner to a Household without restriction.

1.19 "***Median Income***" means the San Bernardino County area median income, adjusted for household size, as established by the United States Department of Housing and Urban Development, and as published periodically by the California Department of Housing and Community Development in Section 6932 of Title 25 of the California Code of Regulations, or successor regulation. The Median Income figures for 2024 are set forth in Attachment 2 hereto, which is incorporated herein by this reference. During the Term, upon the written request of Owner, City shall provide to Owner the Median Income figures for the then-applicable year. Developer shall ensure that any change to Median Income is effective immediately upon publication by HCD.

1.20 ***"Monthly Rent"*** means the total of monthly payments for use and occupancy of each Inclusionary Unit and land and facilities associated therewith minus any Housing Related Expenses.

1.21 "***Owner***" means Lugonia Park Associates, LLC, a California limited liability company, and its successors and assigns to the Property.

1.22 "***Project***" means that certain housing development as more particularly described in Recital B of this Agreement.

1.23 "***Property***" means that certain real property more particularly described in the legal description in Attachment 1 to this Agreement, and improvements thereon.

1.24 ***"Substitute Inclusionary Unit"*** means an equivalent Unit in terms of level of affordability restriction (Low Income Household) and number of bedrooms to a previously designated Inclusionary Unit, that is substituted for that previously designated

Inclusionary Unit; provided, however, that Units may designated as Substitute Inclusionary Units to the extent all the Inclusionary Units remain reasonably dispersed throughout the entire Project and do not result in Inclusionary Units and Substitute Inclusionary Units being clustered in one area or building.

1.25 ***"Tenant Income Certification Form and Questionnaire"*** means the forms used to determine and certify whether a potential renter is an Eligible Tenant, in a form approved by the City. City hereby approves the form attached hereto and incorporated herein as Attachment 4 to this Agreement.

1.26 "***Term***" means the term of this Agreement, which shall be for a period commencing upon the date the Agreement is fully executed and continuing in perpetuity; provided, however, if the Project has complied with this Agreement for a period of fifty five (55) years from the date a final certificate of occupancy is issued for the Project, this Agreement shall terminate if the Property is rezoned and no longer used for residential purposes.

1.27 "***Unit***" means a residential dwelling unit within the Project to be rented by Owner pursuant to this Agreement.

1.28 "***Utility Allowance***" means a reasonable allowance for an adequate level of service of utilities, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, if such utilities are paid for separately by the tenant and which allowance shall be based on the schedules determined by the Housing Authority of the County of San Bernardino; but not including telephone, internet or cable service. In the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

1.29 "***Very Low Income Household***" means a Household whose Gross Income does not exceed the standards defined in Title 25 of the California Code of Regulations Section 6932, and by California Health and Safety Code Section 50105. The maximum household income amount for Very-low Income Households shall be the amount published by the California Department of Housing and Community Development as adjusted to reflect the Household size of the Eligible Tenant of a particular Inclusionary Unit

2. **Development of the Project**. Owner shall commence and complete the construction and development of the Project on the Property subject to the terms and conditions set forth in this Agreement. The Inclusionary Units shall be designated before issuance of building permits for the Project and shall be reasonably dispersed throughout the Project so that no single area of the Project has an unreasonable concentration of Inclusionary Units. The Inclusionary Units shall be built concurrently with the Market Rate Units. The bedroom mix for the Inclusionary Units shall be proportional to the bedroom mix of the Market Rate Units. The Inclusionary Units shall be constructed with the same exterior appearance and interior features, fixtures, and amenities and shall use the same type and quality of materials as provided for the balance of the Units in the Project.

3. **Term**. Each Inclusionary Unit designated for Very Low Income Households shall be restricted during the Term to use and occupancy by a Very Low Income Household. During the Term, Owner may elect to substitute an equivalent Unit in terms of number of bedrooms (the "**Substitute Inclusionary Unit**") for an Inclusionary Unit.

4. **Use; Affordability Covenants**. For the entirety of the Term, Owner shall own, operate, and maintain the Project by renting out the Inclusionary Units in accordance with the covenants and conditions of this Section 4.

4.1 General. Owner shall devote the Property for use as a residential rental community with no less than twenty (20) Units to be rented to and occupied or held available for occupancy by Eligible Tenants who are Very Low Income Households at Affordable Rent. The Project distribution of studio, one-, two-, and three-bedroom Inclusionary Units shall be as designated in the Inclusionary Housing Plan, and the average square footage for the Inclusionary Units shall be approximately the same as the average square footage for Market Rate Units of the same number of bedrooms. Nothing herein shall preclude Owner from increasing the number of Inclusionary Units. Tenants of Inclusionary Units shall be provided the same rights and access to common amenities in the Project as residents occupying Market Rate Units.

4.2 Use of Inclusionary Units. The Inclusionary Units shall not at any time be utilized on a transient basis or rented for a period of less than thirty (30) consecutive days, nor shall they be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, nursing home, hospital, sanitarium, rest home day care facilities, or non-residential uses (other than to maintain a Home Office); provided that the use of the Inclusionary Units for guests on an intermittent basis shall not be considered transient use for purposes of this Agreement. All of the Inclusionary Units shall be available for rental on a continuous basis to members of the general public, and Owner shall not give preference to any particular class or group in renting the Inclusionary Units, except to the extent that Inclusionary Units are required to be rented to Eligible Tenants. A vacated Inclusionary Unit shall be held vacant until re-leased to an Eligible Tenant or until another Unit at the Property with the same number of bedrooms is leased to an Eligible Tenant and therefore becomes a Substitute Inclusionary Unit hereunder. Owner shall exercise diligent efforts to lease any such vacated Inclusionary Unit to an Eligible Tenant in an expeditious manner.

4.3 Affordable Rent. The rent for the Inclusionary Units shall not exceed Affordable Rent. Prior to renting any Units, Owner shall advise City, in writing, of any utilities that are not provided by Owner and that will be paid by tenants at the Project. Within thirty (30) days following such advisement, City shall calculate and determine, and provide to Owner a chart of the Affordable Rent for the Project. On an annual basis following any increase in the Median Income, City shall prepare and provide to Owner an updated chart of the Affordable Rent for the Project. Owner shall promptly notify City, in writing, of any changes to the utilities that are paid by tenants at the Project.

4.4 Location and Designation of Inclusionary Units. Subject to the terms of Section 4.3 and this Section 4.4, the Inclusionary Units shall be permitted to float

among all 460 Units in the Project. The Inclusionary Units shall be constructed with the same exterior appearance and interior features, fixtures, and amenities, and shall be constructed with the same type and quality of materials as provided for the Units in the Project that are not Inclusionary Units. The Inclusionary Units shall be distributed throughout the Project and shall not be clustered in one area or building. The Inclusionary Units must be designated in the approved Inclusionary Housing Plan prior to issuance of a building permit for the Project.

4.5 Income Eligibility; Certification. The Inclusionary Units are to be rented to and occupied only by Eligible Tenants. Prior to any occupancy of an Inclusionary Unit, Owner shall obtain from each applicant for the Inclusionary Unit and submit to City for review and approval a Tenant Income Certification Form and Questionnaire, certifying the income of the applicant based upon the current income of each member of the Household. The Tenant Income Certification Form and Questionnaire shall be dated immediately prior to the date submitted to City. Owner shall use diligent efforts to verify that the income provided by an applicant is accurate by obtaining the following as a part of the verification process: (a) three (3) pay stubs for the most recent pay periods; (b) three most recent statements for all asset accounts, including checking, savings, retirement, 401K, etc. for all household members; (c) copies of the federal and state income tax returns if filed by the applicant for the prior two (2) calendar years; (d) a written verification of income and employment from the applicant's current employer if the applicant is employed; (e) an income verification form from the Social Security Administration and/or California Department of Social Services if the applicant receives assistance from either agency; (f) a certification as to the income and household size of the applicant; (g) if an applicant is unemployed or did not file an income tax return for the previous calendar year, such other information as reasonably necessary to verify the applicant's income; and (g) any other information that City may reasonable require to verify the income of the proposed tenant. City shall review and approve or disapprove each applicant within ten (10) business days after City's receipt of a complete submittal. Owner shall maintain on file a copy of each Tenant Income Certification Form and Questionnaire along with the information obtained to verify the applicant's income for a period of five (5) years. An Inclusionary Unit occupied by a tenant who qualifies as an Eligible Tenant at the commencement of the occupancy shall be treated as occupied by an Eligible Tenant until a recertification of such Eligible Tenant's income demonstrates that such tenant no longer qualifies as an Eligible Tenant, as further set forth in Section 4.6 below.

4.6 Recertification. Annually, during the term hereof, on or before the anniversary of the move-in date for each Eligible Tenant with respect to an Inclusionary Unit, Owner shall recertify the income of each Eligible Tenant by obtaining a completed Tenant Income Certification Form and Questionnaire based upon the current income of each member of the Household of the Inclusionary Unit. In the event that recertification demonstrates that a Household's income exceeds the income permitted for Eligible Tenant status, Owner shall perform either of the following: (i) to the extent permitted by applicable law, the occupants' lease shall not be renewed and said occupants shall be required to vacate the unit within one hundred eighty (180) days after the recertification; or (ii) the next available Market Rate Unit in the Project with the same number of

bedrooms shall be leased as an Inclusionary Unit at Affordable Rent to an Eligible Tenant so that the Project will be in compliance with the covenants and conditions of this Agreement, and the previous Inclusionary Unit shall be re-designated as a Market Rate Unit and the occupants thereof may be charged the amount of rent for a Market Rate Unit.

4.7 Selection of Tenants. The Inclusionary Units shall be available for rental on a continuous basis and Owner shall not give preference to any particular class or group in renting Inclusionary Units, except to the extent that Inclusionary Units are required to be rented to Eligible Tenants. Owner shall market the Inclusionary Units to persons who live and/or work in the City of Redlands on a nonexclusive basis.

4.8 Lottery System. The initial lease-up of the Inclusionary Units shall be done pursuant to a lottery system. Prior to commencing any marketing activities for the Inclusionary Units, Owner shall submit to City for City's review and approval Owner's proposed marketing plan, and procedures for conducting the interest list and subsequent lottery. A representative of City shall have the right, but not the obligation, to attend the lottery.

4.9 Waiting List. Following the initial lease-up of the Inclusionary Units, Owner shall maintain a waiting list of persons interested in renting an Inclusionary Unit. Subject to Section 4.9 below, at such time as an Inclusionary Unit becomes available for rental, Owner shall rent such Inclusionary Unit to the first person on the waiting list that qualifies as an Eligible Tenant to rent the Inclusionary Unit. Owner shall use commercially reasonable efforts to lease Inclusionary Units that become available as quickly as possible.

4.10 Occupancy Levels. The number of persons permitted to occupy each Inclusionary Unit shall not exceed the occupancy permitted pursuant to the requirements of the United States Department of Housing and Urban Development which, as of the Effective Date, is two persons per bedroom, plus one person (e.g., for a two bedroom unit the maximum number of persons residing in the unit can be five persons). The lease for each Inclusionary Unit shall include a provision limiting the number of persons permitted to occupy each Inclusionary Unit in accordance with the preceding sentence and Owner shall enforce such occupancy restrictions. Further, the minimum household size permitted for the lease of an Inclusionary Unit shall be one (1) person per bedroom, such as, for example, that a two (2) bedroom Inclusionary Unit may not be leased to a household consisting of less than two (2) persons.

4.11 Principal Residence. The lease for each Inclusionary Unit shall provide that the Inclusionary Unit shall be used as the principal residence of the Inclusionary Unit's Eligible Tenant and for no other purpose. An Eligible Tenant shall be considered as occupying the Unit if the Eligible Tenant is living in the Unit for at least ten (10) months out of each calendar year. Upon receipt of a written request, City may grant a temporary waiver of this occupancy requirement for good cause in its sole discretion The lease for an Inclusionary Unit may allow the Eligible Tenant to have a Home Office so long as the Inclusionary Unit is the Eligible Tenant's principal residence. The lease

shall further provide that the Eligible Tenant shall not lease or sublease its Inclusionary Unit or its right of occupancy. Owner shall enforce such restrictions.

4.12 Rental Agreement. The form of the lease used by Owner for the rental of the Inclusionary Units shall be approved in advance by City. Once approved, no material changes shall be made to the form of the lease without City's prior written consent, which shall not be unreasonably withheld. The form lease shall obligate the Eligible Tenants to comply with the provisions set forth in this Agreement that are applicable to the Eligible Tenants, and an Eligible Tenant who violates such requirements shall be in default under the lease and, if requested by City, Owner shall take necessary action to evict the tenant. Each lease entered into with an Eligible Tenant shall include a provision to the effect that the Owner has relied on the information provided by the Eligible Tenant on the Tenant Income Certification Form and Questionnaire and all other supporting information supplied by the Eligible Tenant in determining qualification for occupancy of the applicable Inclusionary Unit, and that any material misstatement in such certification (whether or not intentional) will be cause for immediate termination of such lease. Each lease for an Inclusionary Unit (or addendum thereto) also shall contain a provision that failure to cooperate with the annual recertification process may disqualify the Eligible Tenant as such and will be cause for immediate termination of such lease. In addition, each lease for an Inclusionary Unit (or addendum thereto) shall contain a provision requiring the Eligible Tenant to waive any right to relocation assistance from City. Any termination shall be subject to fair housing laws and other laws designed to protect the rights of tenants.

In addition to the foregoing, the form of lease may not contain any of the following provisions:

4.12.1 ***Agreement to be sued.*** Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;

4.12.2 ***Treatment of property.*** Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law;

4.12.3 ***Excusing owner from responsibility.*** Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;

4.12.4 ***Waiver of notice.*** Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

4.12.5 ***Waiver of legal proceedings.*** Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court

proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

4.12.6 ***Waiver of a jury trial.*** Agreement by the tenant to waive any right to a trial by jury;

4.12.7 ***Waiver of right to appeal court decision.*** Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;

4.12.8 ***Tenant chargeable with cost of legal actions regardless of outcome.*** Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses; and

4.12.9 ***Mandatory supportive services.*** Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

4.13 Records and Reports; Inspection.

4.13.1 Owner shall maintain complete and accurate records pertaining to the Inclusionary Units and the matters pertaining to this Agreement for a period of no less than five (5) years (unless a longer period of time is expressly set forth herein), and shall permit any duly authorized representative of City to inspect the books and records of Owner pertaining to the tenants and rents of the Inclusionary Units.

4.13.2 On or before the annual anniversary of the recording of this Agreement, and the same date each year thereafter, Owner shall provide the City with an annual report that sets forth the number of Inclusionary Units that are rented or vacant, the income and family size of the occupants of each Inclusionary Unit, the dates of any vacancies and new leases by each Inclusionary Unit, certification of compliance with all requirements to verify income for Eligible Tenants, and any other information reasonably required by the City to ensure compliance with this Agreement.

5. **No Discrimination**. In addition to any other nondiscrimination provisions applicable to the Property under federal, state or local law, Owner by and for itself and any successor in interest covenants that there shall be no discrimination against, or segregation of, any persons, or group of persons, on account of any basis listed in subdivision (a) and (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the enjoyment, sale, lease or development of the Property, nor shall Owner itself, or any person claiming under or through it, establish or permit any such practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Property or any portion thereof. The foregoing covenants shall run with the land.

6. **Repair and Maintenance of Property**. Owner shall maintain or cause to be maintained the Property and all improvements on the Property, including the Inclusionary Units, in good condition and repair (and, as to landscaping, in a healthy condition) and in accordance with all applicable laws, rules, ordinances, orders, and regulations of all federal, state, county, municipal, and other governmental agencies and bodies having jurisdiction. City places prime importance on quality maintenance to ensure that housing projects within the City of Redlands are not allowed to deteriorate due to substandard maintenance. Owner shall make all repairs and replacements necessary to keep the improvements in good condition and repair and shall promptly eliminate all graffiti and any accumulation of debris or waste material and replace dead and diseased plants and landscaping with comparable approved materials. In the event that Owner breaches any of the covenants contained in this Section 6, and such default continues for a period of five (5) days after written notice from City (with respect to landscaping, graffiti, debris, waste material, and general maintenance) or thirty (30) days after written notice from City (with respect to building improvements) (provided, that if such building improvement default cannot reasonably be cured within such thirty (30) day period, such period shall be extended for the time reasonably necessary to cure the default if Owner commences to cure within said thirty (30) day period and diligently prosecutes such cure to completion) then City in addition to whatever other remedy it may have at law or in equity, shall have the right to enter upon the Property and perform or cause to be performed all such acts and work necessary to cure the default. Pursuant to such right of entry, City shall be permitted (but is not required) to enter upon the Property and perform all acts and work necessary to protect, maintain, and preserve the improvements and landscaped areas on the Property, and to attach a lien on the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by City and/or costs of such cure, including a ten percent (10%) administrative charge, which amount shall be promptly paid by Owner to City upon demand.

7. **Management**.

7.1 Owner shall manage or cause to be managed the Project in accordance with this Agreement and the standards and practices of prudent and qualified managers that manage properties similar to the Property.

7.2 Owner may contract with a management company or manager to operate the Project and maintain the Property ("**Property Manager**"); provided, however, that in the event of "Gross Mismanagement" (as that term is defined below), City shall have the authority to require that such Gross Mismanagement cease immediately, and further to require the immediate replacement of the Property Manager, whether that Property Manager is Owner or a third party. The replacement Property Manager shall be required to operate and maintain the Property in accordance with the terms of this Agreement and the standards and practices of prudent and qualified managers that manage properties similar to the Property. In the event of such a replacement, the costs to retain the replacement Property Manager shall be the responsibility of Owner. For purposes of this Agreement the term "**Gross Mismanagement**" shall mean management

of the Project in a manner which materially violates the terms of this Agreement and shall include, but is not limited to, the following:

(i) knowingly allowing an Inclusionary Unit to be occupied by a person who does not qualify as an Eligible Tenant or renting an Inclusionary Unit for more than the Affordable Rent;

(ii) knowingly allowing the prescribed occupancy levels to be exceeded without taking immediate action to stop such overcrowding;

(iii) failure to maintain the Property in the manner prescribed in Section 6 after notice and an opportunity to cure, as set forth in said Section 6;

(iv) failure to timely submit reports required under this Agreement after notice, and an opportunity to cure, as set forth in Section 14.1; and

(v) failure to reasonably cooperate with the Sheriff's Department in maintaining a crime free environment on the Property after notice and an opportunity to cure, as set forth in Section 14.1.

8. **Certification of Continuing Program Compliance**. During the term of this Agreement, on or before each June 1, Owner shall annually advise the City of the status of the occupancy of the Inclusionary Units during the immediately prior April 1 – March 31 period. Owner shall advise City of the status of the occupancy of the Inclusionary Units by delivering a Certification of Continuing Program Compliance in a form approved by City, which shall provide, among other information, (a) whether the Inclusionary Units in the Project have been rented to and are occupied by Eligible Tenants, and (b) whether either (i) no un-remedied default has occurred under this Agreement, or (ii) a default has occurred, in which event the Certification of Continuing Program Compliance shall describe the nature of the default and set forth the measures being taken by the Owner to remedy such default. Owner shall have the obligation to conduct a reasonable investigation of the Inclusionary Units to ensure the information in the Certification of Continuing Program Compliance, to the best of Owner's knowledge, is true and correct.

9. **Compliance with Laws; Right to Inspect**.

9.1 Owner shall comply with all applicable laws, regulations, and rules of any governmental agencies having jurisdiction with regard to any activities conducted on the Property and the Project. Owner shall indemnify City for any relocation obligations arising from the performance or implementation of this Agreement.

9.2 For purposes of California Civil Code Sections 1946.2 and 1947.12, or any other state or local law regulating the rent or eviction controls for rental properties, this Agreement only regulates the Inclusionary Units, and this Agreement is not intended to and shall not be construed to permit an exception from state or local laws as applied

to the Market Rate Units. Owner is solely responsible for compliance with all obligations under local, state or federal laws governing the rental of all units on the Property.

9.3 City shall have the right to inspect the Property and the Inclusionary Units for purposes of assuring compliance with this Agreement during normal business hours on not less than seventy-two (72) hours written notice.

9.4 Owner shall comply with manuals prepared by the City pursuant to Section 18.230.090 that implement the City's Inclusionary Housing Ordinance (Redlands Municipal Code Chapter 18.230).

10. **Termination.** This Agreement shall become null and void shall: (i) the City deny the Project entitlements, or (ii) the Project entitlements are voided, cancelled, terminated, expire or new entitlements, not related to the Project, are approved for the Property; provided, however, this Agreement shall apply to any units constructed for the Project under the entitlements. Owner shall notify City, in writing, of Owner's intent to terminate this Agreement under this Section 10.

11. **Indemnification**. Owner shall defend (with counsel of City's choosing and the reasonable consent of Owner, which may be joint defense counsel upon City's and Owner's consent, in each of their sole and absolute discretion), indemnify and hold harmless City and City's officers, officials, agents, employees, representatives, and volunteers (each, an "**Indemnitee**") from and against any loss, damage, costs, expenses, liability, claim, or judgment (collectively, "claims") relating in any manner to the Property or the Project, or the approval of or performance this this Agreement, except to the extent any such claims are caused by the gross negligence or willful misconduct of an Indemnitee.

12. **Insurance**. Upon completion of construction of the Project and in no event later than the date upon which the first Unit has received all required occupancy permits from City and for the duration of the Term of this Agreement, Owner shall procure and keep in full force and effect, or cause to be procured and kept in full force and effect for the mutual benefit of Owner and City, and shall provide City evidence reasonably acceptable to City, of insurance policies meeting the minimum requirements set forth in this Section 11:

12.1 Commercial General Liability Insurance. Commercial General Liability insurance with respect to the Property and the operations of or on behalf of Owner, in an amount not less than Two Million Dollars ($2,000,000.00) per occurrence combined single limit including products, completed operations, contractual, bodily injury, personal injury, death and property damage liability, subject to such increases in amount as City may reasonably require from time to time; provided, that the percentage increase in coverage shall not be required to exceed the percentage increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for Urban Wage Earners and Clerical Workers, Los Angeles-Long Beach-Anaheim Average, All Items (1984 = 100) (the "**Index**"), from and after the date of this Agreement, or, if said Index is discontinued, such official index as may then be in

existence and which is most nearly equivalent to said Index (the "**CPI Adjustment**"). Unless otherwise approved in advance by City, the insurance to be provided by Owner may provide for a deductible or self-insured retention of not more than Ten Thousand Dollars ($10,000.00), with such maximum amount to increase at the same rate as the periodic increases in the minimum amount of total insurance coverage set forth above. City and its officers, officials, employees, volunteers, agents, and representatives shall be named as additional insureds under such policy or policies.

12.2 All-Risk Property Insurance. With respect to the improvements and any fixtures and furnishings to be owned or leased by Owner on the Property, property insurance covering all perils included within the classification of fire, extended coverage, vandalism, malicious mischief, special extended perils ("all risk" or "special causes of loss," as such terms are used in the insurance industry),with the standard form fire insurance coverage in an amount equal to full actual replacement cost thereof, as the same may change from time to time. The above insurance policy or policies shall include coverage for earthquakes to the extent generally and commercially available at commercially reasonable rates, if such insurance is generally obtained for rental apartment projects of this size and type in San Bernardino County, California. City shall be a loss payee under such policy or policies and such insurance shall contain a replacement cost endorsement.

12.3 General Insurance Requirements. A copy of each paid-up policy evidencing such insurance (appropriately authenticated by the insurer) or a certificate of the insurer, certifying that such policy has been issued, providing the coverage required herein, and containing the provisions specified herein, shall be delivered to City within five (5) days after the date of this Agreement, and thereafter, upon renewals, not less than thirty (30) days prior to the expiration of coverage. Owner shall provide written notice to City in the event of the cancellation of any policy within thirty (30) days of such cancellation. Notice shall be by certified mail, return receipt requested. City may, at any time, and from time to time, inspect and/or copy any and all insurance policies required to be procured by Owner hereunder. In no event shall the limits of any policy be considered as limiting the liability of Owner hereunder. In addition to the requirements set forth in this Section 11, each insurance policy required to be carried by Owner pursuant to this Agreement:

(i) shall be primary insurance and not contributory with any other insurance which City or its officers, officials, employees, volunteers, agents, or representatives may have;

(ii) shall contain no special limitations on the scope of protection afforded to City or its officers, officials, employees, volunteers, agents, and representatives;

(iii) shall be "per occurrence" rather than "claims made" insurance;

(iv) shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(v) shall provide that the policy will not be cancelled by the insurer or Owner unless there is a minimum of thirty (30) days (10 days for nonpayment of premium) prior written notice by certified mail, return receipt requested to City;

(vi) shall be written by a California licensed insurer with a Best rating of not less than A:VII;

(vii) shall be endorsed to state that any failure to comply with the reporting provisions of the policies shall not affect coverage provided to City and its officers, officials, employees, volunteers, agents, and representatives; and

(viii) shall contain a waiver by the insurer of any right to subrogation against City, and its officers, officials, employees, volunteer and agents, which arises or might arise by reason of any payment under such policy or policies or by reason of any act or omission of City or its officers, officials, members, employees, agents, or representatives.

13. **Repair of Damage**. If any improvements on the Property shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty, Owner shall promptly proceed to obtain insurance proceeds and provided the insurance proceeds are sufficient to restore the Property and the insurance proceeds are made available therefor by the secured lenders, take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the improvements to substantially the same condition as the improvements are required to be maintained pursuant to this Agreement, and Owner shall complete the same as soon as possible thereafter so that the Project can continue to be operated and occupied in accordance with this Agreement. In no event shall the repair, replacement, or restoration period exceed three (3) years from the date of the destruction subject to events of force majeure unless City, in its reasonable discretion, approves a longer period of time.

14. **Assignment and Transfer by Owner.**

With the exception of individual leases entered into between Owner and Eligible Tenants that comply with the terms of this Agreement, Owner shall: (i) notify City in writing of any proposed sale, transfer, or assignment of all or any portion of the Property, and (ii) deliver to City an assignment and assumption agreement (or other agreement) executed by Owner and its transferee/assignee pursuant to which Owner's transferee/assignee has agreed to assume all of Owner's covenants and obligations set forth herein in such form as reasonably approved by City.

14.1.1 Release of Assigning Owner. Upon any sale, transfer, or assignment that complies with the provisions of this Section 14, City shall deliver to Owner upon request a release in writing by City, which release shall be provided by City upon the full satisfaction by Owner of the following conditions:

(a) Owner no longer has a legal or equitable interest in the Property or Project.

(b) Owner is not then in default under this Agreement.

(c) Owner has provided to City and City has reasonably approved written evidence of the assignment and assumption of the rights, duties and obligations arising under or from this Agreement.

14.1.2 Subsequent Assignment. As used in this Agreement, the term "Owner" shall be deemed to include any such transferee or assignee after the date such sale, transfer, or assignment occurs in compliance with this Agreement..

15. **Defaults and Remedies**.

15.1 Defaults. The failure or delay by either Party to perform any term or provision of this Agreement shall constitute a default. Except where a shorter period of time is specified in this Agreement, the defaulting Party shall have thirty (30) days after receipt of written notice from the other Party specifying the nature of the default to cure, correct or remedy the default, or for defaults that cannot reasonably be cured, corrected, or remedied within such thirty (30) day time period, the defaulting Party shall have thirty (30) days after receipt of the notice to commence to cure such failure or delay and shall diligently prosecute such cure, correction or remedy to completion within an additional sixty (60) days following the conclusion of such thirty (30) day period (for a total of ninety (90) days). Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default. Except as required to protect against further damages, the injured Party may not institute legal proceedings against the Party in default until expiration of the cure period.

15.2 Liquidated Damages for Certain Defaults; Remedy For Excessive Rent Charge. It shall constitute a default for Owner to charge or accept for any Inclusionary Unit rent amounts in excess of the Affordable Rent. In the event that Owner charges or receives such higher rental amounts, in addition to any other equitable remedy City shall have for such default, Owner shall be required to pay to City an amount equal to two times the difference between the Affordable Rent that should have been charged and the amount of the rent received from the tenant. It shall also constitute a default for Owner to knowingly (or without investigation as required herein) initially rent any Inclusionary Unit to a tenant who is not an Eligible Tenant. In the event Owner violates this provision, in addition to any other equitable remedy City shall have for such default, Owner, for each separate violation, shall be required to pay to City an amount equal to (i) two times the total rent Owner received from such ineligible tenant, plus (ii) any relocation expenses incurred by City as a result of Owner having rented to such ineligible

person. All amounts paid to City pursuant to this Section 15.2 shall be deposited into City's Inclusionary Housing Fund.

THE PARTIES HERETO AGREE THAT THE AMOUNTS SET FORTH IN THIS SECTION 15.2 (THE "DAMAGE AMOUNTS") CONSTITUTE A REASONABLE APPROXIMATION OF THE ACTUAL DAMAGES THAT CITY WOULD SUFFER DUE TO THE DEFAULTS BY OWNER SET FORTH IN THE FIRST PARAGRAPH OF THIS SECTION 15.2, CONSIDERING ALL OF THE CIRCUMSTANCES EXISTING ON THE EFFECTIVE DATE OF THIS AGREEMENT, INCLUDING THE RELATIONSHIP OF THE DAMAGE AMOUNTS TO THE RANGE OF HARM TO CITY AND ACCOMPLISHMENT OF CITY'S PURPOSE OF PROVIDING AFFORDABLE HOUSING TO ELIGIBLE TENANTS THAT REASONABLY COULD BE ANTICIPATED AND THE ANTICIPATION THAT PROOF OF ACTUAL DAMAGES WOULD BE COSTLY OR INCONVENIENT. THE AMOUNTS SET FORTH IN THIS SECTION 15.2 SHALL BE THE SOLE MONETARY DAMAGES REMEDY FOR THE DEFAULTS SET FORTH IN THIS SECTION 15.2, BUT NOTHING IN THIS SECTION 15.2 SHALL BE INTERPRETED TO LIMIT CITY'S REMEDY FOR SUCH DEFAULT TO OTHER REMEDIES FOR NON-MONETARY DAMAGES TO ENFORCE COMPLIANCE WITH THIS AGREEMENT. IN PLACING ITS INITIAL AT THE PLACE PROVIDED HEREIN BELOW, OWNER SPECIFICALLY CONFIRMS THE ACCURACY OF THE STATEMENTS MADE ABOVE AND THE FACT THAT IT HAS BEEN REPRESENTED BY COUNSEL WHO HAS EXPLAINED THE CONSEQUENCES OF THE LIQUIDATED DAMAGES PROVISION AT OR PRIOR TO THE TIME EACH EXECUTED THIS AGREEMENT.

OWNER'S INITIALS: _____

Notwithstanding anything herein to the contrary, in the event Owner charges an Eligible Tenant of an Inclusionary Unit more than the Affordable Rent, to the extent the tenant from whom Owner charged the excess rent still resides in the Project at the time City discovers this violation, or Owner knows the location of such tenant, Owner shall, in lieu of paying damages to City as described in this Section 15.2 above, refund the tenant the entire amount of excess rent charged to such tenant, calculated with compound interest at the lesser of the maximum legal rate or ten percent (10%). Owner shall provide evidence to City that such payment has been made, within thirty (30) days after City provides notice to Owner of the default hereunder.

16. **Legal Actions**.

16.1 Specific Performance. Subject to notice and cure provisions in Section 15.1 above, either party shall be permitted, but not obligated, to commence an action for specific performance of the terms of this Agreement, or to cure, correct or remedy any default hereunder or to obtain any other legal or equitable remedy consistent with the purpose of this Agreement. City shall also have the right to pursue damages for Owner's defaults but in no event shall Owner be entitled to damages of any kind from City, including, without limitation, damages for economic loss, lost profits, or any other economic or consequential damages of any kind.

16.2 Institution of Legal Actions; Attorney's Fees and Costs. Any legal actions must be instituted in the Superior Court of the County of San Bernardino, State of California, or in any other court in that county. In the event of any litigation between the Parties hereto, the prevailing Party shall be entitled to receive, in addition to the relief granted, its reasonable attorney's fees (provided, however, that the attorneys' fees awarded pursuant to this Section shall not exceed the hourly rate paid by City for legal services multiplied by the reasonable number of hours spent by the prevailing Party in the conduct of the litigation) and costs and such other costs incurred in investigating the action and prosecuting the same, including costs for expert witnesses, costs on appeal, and for discovery.

16.3 Applicable Law; Interpretation. The internal laws of the State of California shall govern the interpretation and enforcement of this Agreement, without regard to conflict of law principles. This Agreement shall be construed according to its fair meaning and as if prepared by both of the Parties hereto.

16.4 Acceptance of Service of Process. In the event that any legal action is commenced by the Owner against the City, service of process on the City shall be made in such manner as provided by law. In the event that any legal action is commenced by the City against the Owner, service of process on the Owner shall be made by personal service upon any officer or director of the Owner or via Owner's registered service agent, and shall be valid whether made within or without the State of California or in such other manner as may be provided by law.

16.5 Rights and Remedies Are Cumulative. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

17. **Miscellaneous**.

17.1 Entire Agreement. This Agreement and all of the exhibits and attachments hereto and thereto set forth and contain the entire understanding and agreement of the Parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein or therein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

17.2 Assignment by City. City shall have the right, in its sole and absolute discretion, to assign its interests in this Agreement without Owner's approval to a non-profit organization of its choosing. City shall provide notice to Owner of any such assignment.

17.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this

Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement.

17.4 Notices.

17.4.1 Delivery. As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder. All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; or (iii) two (2) days after deposit in the United States mail in a sealed envelope, first class mail and postage prepaid, and addressed to the recipient named below; or (iv) one (1) day after deposit with a known and reliable next-day document delivery service (such as FedEx), charges prepaid and delivery scheduled next-day to the recipient named below, provided that the sending Party receives a confirmation of delivery from the delivery service provider. All notices shall be addressed as follows:

If to CITY:
City of Redlands
35 Cajon Street
Redlands, California 92373
Attn: City Manager

If to OWNER:
Lugonia Park Associates, LLC
P.O. Box 542
Loma Linda, CA 92354
Attn: Daniel Kunihira

17.4.2 Change of Address. Either Party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a Party or an officer or representative of a Party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

17.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

17.6 Singular and Plural. As used herein, the singular of any word includes the plural, and vice versa, as context so dictates. Masculine, feminine, and neuter forms of any word include the other as context so dictates.

17.7 Joint and Several Obligations. If at any time during the term of this Agreement the Property and/or Project is owned, in whole or in part, by more than one

Owner, all obligations of such Owner under this Agreement shall be joint and several, and the default of any such Owner shall be the default of all such Owners.

17.8 Computation of Days. Unless otherwise specified in this Agreement, the term "days" shall mean calendar days.

17.9 Waiver. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter.

17.10 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefited thereby of the covenants to be performed hereunder by such benefited Party.

17.11 Project as Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Project is a private development, that neither Party is acting as the agent of the other in any respect hereunder, and that each Party is an independent contracting entity with respect to the terms, covenants, and conditions contained in this Agreement. No partnership, joint venture, or other association of any kind is formed by this Agreement. The only relationship between City and Owner is that of a government entity regulating the development of private property and the Owner of such property.

17.12 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property and the Project; (b) runs with the Property and the Project and each portion thereof; and, (c) is binding upon each Party and each successor in interest during ownership of the Property and the Project or any portion thereof.

17.13 Covenants Run with the Land. The Property shall be held, sold, conveyed, hypothecated, encumbered, used, occupied and improved subject to the covenants, conditions, and restrictions set forth herein. The covenants, conditions, restrictions, reservations, equitable servitudes, liens and charges set forth in this Agreement shall run with the Property and shall be binding upon Owner and all persons having any right, title or interest in the Property, or any part thereof, their heirs, and successive owners and assigns, shall inure to the benefit of City and its successors and assigns, and may be enforced by City and its successors and assigns. The covenants established in this Agreement shall, without regard to technical classification and designation, be binding for the benefit and in favor of City and its successors and assigns, and the Parties hereto expressly agree that this Agreement and the covenants herein

shall run in favor of City, without regard to whether City is or remains an owner of any land or interest therein to which such covenants relate. However, all such covenants and restrictions shall be deemed to run in favor of all real property owned by City which real property shall be deemed the benefited property of such covenants and this Agreement shall create equitable servitudes and covenants appurtenant to all real property owned by City and running with the Property in accordance with the provisions of Civil Code Section 1468. Furthermore, all of the covenants, conditions, and restrictions contained herein shall also constitute easements in gross running in favor of City. City is deemed the beneficiary of the terms and provisions of this Agreement and of the covenants running with the land, for and in its own right and for the purposes of protecting the interests of the community and other parties, public or private, in whose favor and for whose benefit this Agreement and the covenants running with the land have been provided. Owner hereby declares its understanding and intent that the burden of the covenants set forth herein touch and concern the land and that the Owner's interest in the Property is rendered less valuable thereby. Owner hereby further declares its understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Property by the residents of City and by furthering the health, safety, and welfare of the residents of City. Owner hereby further declares its understanding that the covenants set forth in this Agreement are required by Chapter 18. of the Redlands Municipal Code to run with the land and the Property and Project for the duration of the Term.

17.14 No Subordination. City's approval of the necessary land use entitlements that authorize Owner to develop, operate, and maintain the Project was based upon Owner's obligation to provide no less than the twenty (20) Inclusionary Units pursuant to the terms and conditions of this Agreement. During the Term, this Agreement shall have priority over any and all mortgages, deeds of trust, and other similar forms of secured financing recorded against the Property or any portion thereof.

17.15 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. City hereby authorizes City Manager to take such other actions and negotiate and execute any additional agreements as may be necessary or proper to fulfill the City's obligations under this Agreement. The City Manager may delegate her or his powers and duties under this Agreement to an authorized management level employee of the City.

17.16 Third Party Beneficiaries. The Parties acknowledge and agree there are no third party beneficiaries of this Agreement. City shall have full right and ability to enforce each and every covenant and restriction in this Agreement. No other person or entities shall have any right of action hereunder.

17.17 Interpretation and Governing Law. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purpose of the Parties hereto, and the rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California.

17.18 Amendment. Any amendment, change, or modification of this Agreement must be executed in writing and is subject to approval by the City Council, except to the extent the City Manager, or other designee, is authorized to execute any such amendment, change or modification.

17.19 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

17.20 Authority to Execute. The person or persons executing this Agreement on behalf of Owner warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind Owner to the performance of its obligations hereunder.

17.21 Counterparts. This Agreement may be executed in two or more separate counterparts, each of which, when so executed, shall be deemed to be an original. Such counterparts shall, together, constitute and shall be one and the same instrument. This Agreement shall not be effective until the execution and delivery by the Parties of at least one set of counterparts. The Parties hereunder authorize each other to detach and combine original signature pages and consolidate them into a single identical original. Any one of such completely executed counterparts shall be sufficient proof of this Agreement.

[signatures on next page]

IN WITNESS WHEREOF, City and Owner have caused this instrument to be executed on their behalf by their respective officers or agents herein duly authorized as of the date set forth above.

ATTEST:

"CITY"

CITY OF REDLANDS,
a California municipal corporation

_____

_____, City Clerk

By:_____
_____, City Manager

APPROVED AS TO FORM:

_____
Yvette Abich Garcia, City Attorney

ATTEST:

_____

_____, City Clerk

"OWNER"

Lugonia Park Associates, LLC,
a California limited liability company

By:_____
Daniel Kunihira
Its: Manager

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On 9/26/2024, before me, Alicia Diaz, Notary Public, personally appeared Daniel Kyuchira, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ALICIA DIAZ
Notary Public - California
San Bernardino County
Commission # 2417756
My Comm. Expires Sep 23, 2026

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ (Seal)

ATTACHMENT 1

LEGAL DESCRIPTION OF PROPERTY

Description For APN/Parcel ID(s): 0167-171-15-0-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 3, WEST SAN BERNARDINO MERIDIAN, IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SAID PORTIONS BEING DESCRIBED AS PARCELS 1 AND 2 OF THAT CERTAIN DEED TO LUGONIA PARK ASSOCIATES, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED APRIL 11,1984 AS INSTRUMENT NO. 84-083715, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 2, SAID CORNER BEING A POINT OF INTERSECTION BETWEEN THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 21, AND THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 08, 1975 IN BOOK 9745, PAGE 592 AND RE RECORDED AUGUST 08, 1979 IN BOOK 9745, PAGE 595, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING DISTANT SOUTH 89°47'47" EAST 8.23 FEET (8.22 FEET PER SAID DEEDS); THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH HALF AND SAID PARCELS 1 AND 2 SOUTH 89°47'47" EAST 816.41 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE LEAVING THE NORTHERLY LINE OF SAID SOUTH HALF AND ALONG THE EASTERLY LINE OF SAID PARCEL 1 SOUTH O0°18'33" EAST 717.50 FEET; THENCE LEAVING SAID EASTERLY LINE AT RIGHT ANGLES SOUTH 89°41'27" WEST 770.55 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL 2, SAID WESTERLY LINE ALSO BEING THE EASTERLY LINE OF SAID STATE OF CALIFORNIA PARCELS, SAID WESTERLY AND EASTERLY LINES ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF 1200.00 FEET, A RADIAL LINE TO SAID POINT THAT BEARS NORTH 72°19'31" EAST; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2 AND SAID EASTERLY LINE STATE OF CALIFORNIA PARCELTHE FOLLOWING TWO (2) COURSES:

1.) THENCE NORTHERLY ALONG THE ARC OF SAID 1200.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 18°48'40", AN ARC DISTACNE OF 393.98 FEET;

2.) THENCE TANGENT TO SAID CURVE NORTH 01°08'11" EAST 336.47 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL COVENANTS, RIGHTS, DEDICATIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 13.48 ACRES, MORE OR LESS

PURSUANT TO CERTIFICATE OF COM 19, 2023 AS INSTRUMENT NO. 2023-0013742 OF OFFICIAL RECORDS.

ATTACHMENT 2

MEDIAN INCOME AND EXAMPLE OF CALCULATION OF AFFORDABLE RENT – 2024

2024 Median Income

Household Size	1	2	3	4	5
Median (100%)	$68,250	$78,000	$87,750	$97,500	$105,300

Example of Affordable Rent Calculation

For purposes of determining Affordable Rent for the Inclusionary Units, Owner shall comply with Health and Safety Code Section 50053(b)(2) and (b)(4) and Section 6918 of Title 25 of the California Code of Regulations (as enacted as of the Effective Date of this Agreement).

For purposes of determining Affordable Rent, Owner shall use an average of estimated housing costs for the next twelve (12) months, which shall include all of the following:

- Use and occupancy of a housing unit and land and facilities associated therewith.
- Any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
- Should utilities* be paid separately by the tenant, the costs of those utilities, as set forth in the most recent utility allowance schedule issued by the San Bernardino County Development Authority. *Utilities referenced in the utility allowance schedule include garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels, but do not include telephone and cable service.
- If applicable, possessory interest taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than the lessor.

In explanation of the foregoing, Table 1 shows the maximum monthly gross rental housing payment pursuant to Health and Safety Code Section 50053(b)(3) for Very Low Income Households. The gross monthly cost for Very Low Income Households is the product of 30 percent times 50 percent of the San Bernardino County Area Median Income adjusted for household size appropriate to the unit.[1]

[1] "Adjusted for household size appropriate to the unit" shall mean for a household of

Table 1

Should utilities or other costs listed above be paid separately by the tenant, these costs shall be deducted from the above maximum monthly payment to arrive at the net rental payment for the unit. City shall provide Owner with a maximum Affordable Rent chart on an annual basis.

2024 Very Low-Income Units
Gross Monthly Housing Payment

Renting a studio unit, payment may not exceed	$853.13
Renting a 1 bedroom unit, payment may not exceed	$975.00
Renting a 2 bedroom unit, payment may not exceed	$1,096.88
Renting a 3 bedroom unit, payment may not exceed	$1218.75

---

one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, and four persons in the case of a three-bedroom unit.

ATTACHMENT 3

INCLUSIONARY HOUSING PLAN

Developer's Project Narrative

The Project shall comply with applicant's Project Description, dated January 30, 2024, which provides as follows:

The proposed project is approximately 13.48 gross acres located northeast of the intersection at Tennessee Street and Lugonia Avenue in the City of Redlands. The project site is currently part of the East Valley Corridor Specific Plan with a land use designation of EV/SD or Special Development District. Currently, the site is vacant land, vegetated by non-native grass. The proposed project is a mixed-use development with 460 apartment units and approximately 17,899 square feet of commercial space.

The proposed project design comprises of ten buildings. The project incorporates several mix-used buildings with ground floor commercial space and residential units above. There will be six live/work lofts that incorporate retail/office in the bottom story and a residential unit in the second story. We are proposing 5% of the units be very low-income which allows for a 20% density bonus in accordance with the "California Density Bonus Law," revised in January of 2021. These very low-income units will be spread throughout the project to create a cohesive project that doesn't separate the market rate with the very low-income units.

The residential portion of the project consists of 460 apartment units. There is a combination of three- and four-story buildings with residential units occupying each. Units will range in size from one-bedroom to a three-bedroom unit. The three-story buildings will be designed as a walk up while the four story buildings will have stairs and elevators. The architecture of the site, both residential and commercial, combine elements of modern industrial and neoclassical design styles.

The commercial space will be located at the base of buildings eight and ten. The aim of the space is to create a walkable environment for residents to have easy access to goods and services as well as travel to the proposed commercial project to the south. At this stage of the project there are no identified uses/activities for the commercial components. With a total of approximately 17,899 square feet of commercial, using a range of 200-700 square feet per employee, the project's commercial component can anticipate creating 25 to 89 jobs. Parking encompasses a combination of underground, garage, outdoor covered, outdoor uncovered, and commercial parking spaces throughout the project. There are 673 residential parking spaces offered, and 91 commercial spaces totaling 764 spaces. Residential parking is secured through the implementation of gates offering security and separation from the commercial space. The parking and street immediately surrounding building ten will be publicly accessible and connect to the commercial project proposed to the south. There are three points of entry into the project: the entry points are located off Tennessee Street, Pennsylvania Avenue, and the future commercial development to the south.

There are approximately 190,098 square feet of common/private open space proposed. Current proposed outdoor amenities include a walk-through linear park leading to a resort style pool in the center of the project as well as many other open space areas. Additionally, building nine will hold leasing offices, foyer, mail room and other amenities that may include office/meeting spaces, kitchen, movie theater, rooftop bar, etc.

Developer's Phasing Plan for Timely Development of Inclusionary Units

If the market rate units are constructed in phases, a pro rata share of the rental Inclusionary Units obligation must be constructed prior to or concurrently with each phase of the market rate Residential Development. The developer shall not be able to obtain, and the City will not grant, a certificate of occupancy for any units on the subsequent phase of the Residential Development until the required rental Inclusionary Units are completed for the prior phase.

Inclusionary Unit Information

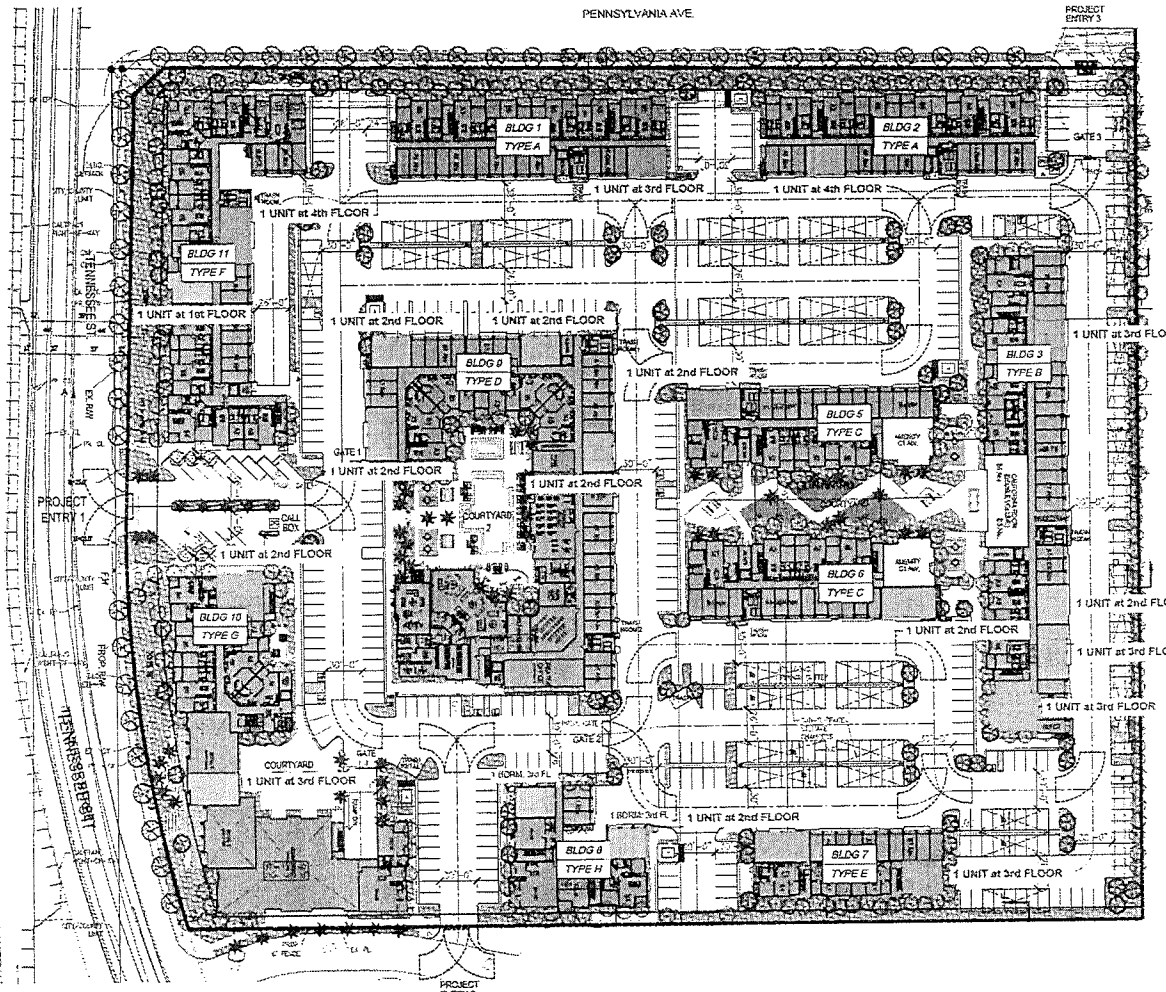
Inclusionary Units

Building	Phase	Floor	Bedroom	# of Units	Average SF
1	2	3	1	1	755
2	2	4	1	1	755
3	2	2	1	1	755
		3	2	2	1,097
			3	1	1,342
5	2	2	2	1	1,097
6	2	2	2	1	1,097
7	2	3	1	1	755
		2	2	1	1,097
8	1	3	1	2	755
9	1	2	1	3	755
			2	1	1,097
10	1	3	1	1	766
		2	2	1	1,139
11	1	1	1	1	766
		4	2	1	1,097
Total Inclusionary Units				20	

Developer shall comply with Site Plan Attached hereto.

SITE PLAN

[Attached]



Inclusionary Units					
Building	Phase	Floor	Bedroom	# of Units	Average SF
1	2	3	1	1	755
2	2	4	1	1	755
3	2	2	1	1	755
		3	2	2	1,097
			3	1	1,342
5	2	2	2	1	1,097
6	2	2	2	1	1,097
7	2	3	1	1	755
		2	2	1	1,097
8	1	3	1	2	755
9	1	2	1	3	755
			2	1	1,097
10	1	3	1	1	766
		2	2	1	1,139
11	1	1	1	1	766
		4	2	1	1,097
Total Inclusionary Units				20	

1 BDRM.

2 BDRM.

3 BDRM.

NORTH

APN: 0167-171-07

1"=40'-0"

TENNESSEE VILLAGE

REDLANDS, CA 92374

INCLUSIONARY HOUSING

DATE: 09/19/2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

ATTACHMENT 4

TENANT INCOME CERTIFICATION FORM AND QUESTIONNAIRE

[Attached]

TENANT INCOME CERTIFICATION

☐ Initial Certification ☐ 1st Recertification ☐ Other_____

Effective Date: _____
Move-in Date: _____
(MM/DD/YYYY)

PART I - DEVELOPMENT DATA

Property Name:_____ County:_____ BIN #: _____

Address: _____ Unit Number:_____ # Bedrooms: _____

PART II. HOUSEHOLD COMPOSITION

HH Mbr #	Last Name	First Name & Middle Initial	Relationship to Head of Household	Date of Birth (MM/DD/YYYY)	F/T Student (Y or N)	Social Security or Alien Reg. No.
1			HEAD			
2						
3						
4						
5						
6						
7						

PART III. GROSS ANNUAL INCOME (USE ANNUAL AMOUNTS)

HH Mbr #	(A) Employment or Wages	(B) Soc. Security/Pensions	(C) Public Assistance	(D) Other Income
TOTALS	$	$	$	$

Add totals from (A) through (D), above — TOTAL INCOME (E): $

PART IV. INCOME FROM ASSETS

Hshld Mbr #	(F) Type of Asset	(G) C/I	(H) Cash Value of Asset	(I) Annual Income from Asset
		TOTALS:	$	$

Enter Column (H) Total If over $5000 $_____ X Passbook Rate .06% = (J) Imputed Income $

Enter the greater of the total of column I, or J: imputed income **TOTAL INCOME FROM ASSETS (K)** $

(L) Total Annual Household Income from all Sources [Add (E) + (K)] $

HOUSEHOLD CERTIFICATION & SIGNATURES

The information on this form will be used to determine maximum income eligibility. I/we have provided for each person(s) set forth in Part II acceptable verification of current anticipated annual income. I/we agree to notify the landlord immediately upon any member of the household moving out of the unit or any new member moving in. I/we agree to notify the landlord immediately upon any member becoming a full time student.

Under penalties of perjury, I/we certify that the information presented in this Certification is true and accurate to the best of my/our knowledge and belief. The undersigned further understands that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the termination of the lease agreement.

_____ Signature _____ *(Date)* _____ Signature _____ *(Date)*

_____ Signature _____ *(Date)* _____ Signature _____ *(Date)*

PART V. DETERMINATION OF INCOME ELIGIBILITY

TOTAL ANNUAL HOUSEHOLD INCOME FROM ALL SOURCES: From item (L) on page 1 $

Current Income Limit per Family Size: $

Household Income at Move-in: $ Household Size at Move-in:

PART VI. RENT

Tenant Paid Rent $

Utility Allowance $

Rent Assistance: $

Other non-optional charges: $

GROSS RENT FOR UNIT:

Unit Meets Rent Restriction at:
Low Income ___
Moderate Income ___

Net Rent (Gross Rent minus Utility Allowance, minus Other Non-Optional Charges) for this unit: $

PART VII. STUDENT STATUS

ARE ALL OCCUPANTS FULL TIME STUDENTS?

☐ yes ☐ no

If yes, Enter student explanation* (also attach documentation)

Enter 1-5

*Student Explanation:
1 AFDC / TANF Assistance
2 Job Training Program
3 Single Parent/Dependent Child
4 Married/Joint Return
5 Former Foster Care

SIGNATURE OF OWNER/REPRESENTATIVE

Based on the representations herein and upon the proofs and documentation required to be submitted, the individual(s) named in Part II of this Tenant Income Certification is/are eligible under the provisions of Section 42 of the Internal Revenue Code, as amended, and the Land Use Restriction Agreement (if applicable), to live in a unit in this Project.

SIGNATURE OF OWNER/REPRESENTATIVE DATE

INSTRUCTIONS FOR COMPLETING TENANT INCOME CERTIFICATION

This form is to be completed by the owner or an authorized representative.

Part I - Development Data

Check the appropriate box for Initial Certification (move-in), Recertification (annual recertification), or Other. If Other, designate the purpose of the recertification (i.e., a unit transfer, a change in household composition, or other state-required recertification).

Move-in Date	Enter the date the tenant has or will take occupancy of the unit.
Effective Date	Enter the effective date of the certification. For move-in, this should be the move-in date. For annual recertification, this effective date should be no later than one year from the effective date of the previous (re)certification.
Property Name	Enter the name of the development.
Address	Enter the address of the building.
Unit Number	Enter the unit number.
# Bedrooms	Enter the number of bedrooms in the unit.

Part II - Household Composition

List all occupants of the unit. State each household member's relationship to the head of household by using one of the following coded definitions:

H	-	Head of Household	S	-	Spouse
A	-	Adult co-tenant	O	-	Other family member
C	-	Child	F	-	Foster child(ren)/adult(s)
L	-	Live-in caretaker	N	-	None of the above

Enter the date of birth, student status, and social security number or alien registration number for each occupant.

If there are more than 7 occupants, use an additional sheet of paper to list the remaining household members and attach it to the certification.

Part III - Annual Income

See HUD Handbook 4350.3 for complete instructions on verifying and calculating income, including acceptable forms of verification.

From the third party verification forms obtained from each income source, enter the gross amount anticipated to be received for the twelve months from the effective date of the (re)certification. Complete a separate line for each income-earning member. List **each** respective household member number from Part II. Include anticipated income only if documentation exists verifying pending employment. If any adult states zero-income, please note "zero" in the columns of Part III.

Column (A)	Enter the annual amount of wages, salaries, tips, commissions, bonuses, and other income from employment; distributed profits and/or net income from a business.
Column (B)	Enter the annual amount of Social Security, Supplemental Security Income, pensions, military retirement, etc.
Column (C)	Enter the annual amount of income received from public assistance (i.e., TANF, general assistance, disability, etc.).

Column (D)	Enter the annual amount of alimony, child support, unemployment benefits, or any other income regularly received by the household.
Row (E)	Add the totals from columns (A) through (D), above. Enter this amount.

Part IV - Income from Assets

See HUD Handbook 4350.3 for complete instructions on verifying and calculating income from assets, including acceptable forms of verification.

From the third party verification forms obtained from each asset source, list the gross amount anticipated to be received during the twelve months from the effective date of the certification. List the respective household member number from Part II and complete a separate line for each member.

Column (F)	List the type of asset (i.e., checking account, savings account, etc.)
Column (G)	Enter C (for current, if the family currently owns or holds the asset), or I (for imputed, if the family has disposed of the asset for less than fair market value within two years of the effective date of (re)certification).
Column (H)	Enter the cash value of the respective asset.
Column (I)	Enter the anticipated annual income from the asset (i.e., savings account balance multiplied by the annual interest rate).
TOTALS	Add the total of Column (H) and Column (I), respectively.

If the total in Column (H) is greater than $5,000, you must do an imputed calculation of asset income. Enter the Total Cash Value, multiply by 10% and enter the amount in (J), Imputed Income.

Row (K)	Enter the greater of the total in Column (I) or (J)
Row (L)	Total Annual Household Income From all Sources Add (E) and (K) and enter the total

HOUSEHOLD CERTIFICATION AND SIGNATURES

After all verifications of income and/or assets have been received and calculated, each household member age 18 or older must sign and date the Tenant Income Certification. For move-in, it is recommended that the Tenant Income Certification be signed no earlier than 5 days prior to the effective date of the certification.

Part V – Determination of Income Eligibility

Total Annual Household Income from all Sources	Enter the number from item (L).
Current Income Limit per Family Size	Enter the Current Move-in Income Limit for the household size.
Household income at move-in Household size at move-in	For recertifications, only. Enter the household income from the move-in certification. On the adjacent line, enter the number of household members from the move-in certification.
Household Meets Income Restriction	Check the appropriate box for the income restriction that the household meets according to what is required by the set-aside(s) for the project.

Part VI - Rent

Tenant Paid Rent	Enter the amount the tenant pays toward rent (not including rent assistance payments such as Section 8).
Rent Assistance	Enter the amount of rent assistance, if any.
Utility Allowance	Enter the utility allowance. If the owner pays all utilities, enter zero.
Other non-optional charges	Enter the amount of non-optional charges, such as mandatory garage rent, storage lockers, charges for services provided by the development, etc.
Gross Rent for Unit	Enter the total of Tenant Paid Rent plus Utility Allowance and other non-optional charges.
Maximum Rent Limit for this unit	Enter the maximum allowable gross rent for the unit.
Unit Meets Rent Restriction at	Check the appropriate rent restriction that the unit meets according to what is required by the set-aside(s) for the project.

Part VII - Student Status

If all household members are full time* students, check "yes". If at least one household member is not a full time student, check "no".

If "yes" is checked, the appropriate exemption must be listed in the box to the right. If none of the exemptions apply, the household is ineligible to rent the unit.

**Full time is determined by the school the student attends.*

SIGNATURE OF OWNER/REPRESENTATIVE

It is the responsibility of the owner or the owner's representative to sign and date this document immediately following execution by the resident(s).

The responsibility of documenting and determining eligibility (including completing and signing the Tenant Income Certification form) and ensuring such documentation is kept in the tenant file is extremely important and should be conducted by someone well trained in tax credit compliance.

These instructions should not be considered a complete guide on tax credit compliance. The responsibility for compliance with federal program regulations lies with the owner of the building(s) for which the credit is allowable.

Tenant Income Certification (June 2020)

TENANT INCOME CERTIFICATION QUESTIONNAIRE

One Form per Adult Member of the Household

NAME: _____ TELEPHONE NUMBER: _____

☐ Initial Certification
☐ Re-certification
☐ Other

Address _____

Unit # _____

INCOME INFORMATION

	YES	NO		MONTHLY GROSS INCOME
1.	☐	☐	I am self-employed. (List nature of self employment) _____	(use net income from self-employment only) $_____
2.	☐	☐	I have a job and receive wages, salary, overtime pay, commissions, fees, tips, bonuses, and/or other compensation: List the businesses and/or companies that pay you: Name of Employer 1)_____ 2)_____ 3)_____	$_____ $_____ $_____
3.	☐	☐	I receive cash contributions of gifts including rent or utility payments, on an ongoing basis from persons not living with me.	$_____
4.	☐	☐	I receive unemployment benefits.	$_____
5.	☐	☐	I receive Veteran's Administration, GI Bill, or National Guard/Military benefits/income.	$_____
6.	☐	☐	I receive periodic social security payments.	$_____
7.	☐	☐	The household receives unearned income from family members age 17 or under (example: Social Security, Trust Fund disbursements, etc.).	$_____
8.	☐	☐	I receive Supplemental Security Income (SSI).	$_____
9.	☐	☐	I receive disability or death benefits other than Social Security.	$_____
10.	☐	☐	I receive Public Assistance Income (examples: TANF, AFDC)	$_____
11.	☐	☐	I am entitled to receive child support payments.	
	☐	☐	I am currently receiving child support payments.	$_____
			If yes, from how many persons do you receive support? _____	$_____
	☐	☐	I am currently making efforts to collect child support owed to me. List efforts being made to collect child support: _____ _____	
12.	☐	☐	I receive alimony/spousal support payments	$_____
13.	☐	☐	I receive periodic payments from trusts, annuities, inheritance, retirement funds or pensions, insurance policies, or lottery winnings.	$_____
			If yes, list sources: 1)_____	$_____
14.	☐	☐	I receive income from real or personal property.	(use net earned income) $_____
15.	☐	☐	Student financial aid (public or private, not including student loans) Subtract cost of tuition from Aid received **For Households receiving Section 8 Assistance Only*	$_____

ASSET INFORMATION

	YES	NO		INTEREST RATE	CASH VALUE
16.	☐	☐	I have a checking account(s). If yes, list bank(s)		
			1)_____	_____%	$_____
			2)_____	_____%	$_____

17. Y Y	I have a savings account(s) If yes, list bank(s) 1)_____ 2)_____	 _____% _____%	 $_____ $_____
18. Y Y	I have an EBT, Debit Visa, MasterCard account(s). (Including Social Security wages, Unemployment, Public Assistance, Disability, Etc...) If yes, list sources(s) of income being received/type of account(s) 1)_____ 2)_____ 3)_____		 $_____ $_____ $_____
19. Y Y	I have a revocable trust(s) If yes, list bank(s) 1)_____	 _____%	 $_____
20. Y Y	I own real estate. If yes, provide description: _____		 $_____
21. Y Y	I own stocks, bonds, or Treasury Bills If yes, list sources/bank names 1)_____ 2)_____ 3)_____	 _____% _____% _____%	 $_____ $_____ $_____
22. Y Y	I have Certificates of Deposit (CD) or Money Market Account(s). If yes, list sources/bank names 1)_____ 2)_____ 3)_____	 _____% _____% _____%	 $_____ $_____ $_____
23. Y Y	I have an IRA/Lump Sum Pension/Keogh Account/401K. If yes, list bank(s) 1)_____ 2)_____	 _____% _____%	 $_____ $_____
24. Y Y	I have a whole life insurance policy. If yes, how many policies _____		 $_____
25. Y Y	I have cash on hand.		 $_____
26. Y Y	I have disposed of assets (i.e. gave away money/assets) for less than the fair market value in the past 2 years. If yes, list items and date disposed: 1)_____ 2)_____		 $_____ $_____

STUDENT STATUS

YES	NO	
Y	Y	Does the household consist of all persons who are full-time students (Examples: K-12, College, Trade School, etc.)?
Y	Y	Does the household consist of all persons who have been a full-time student 5 months in the current calendar year?
Y	Y	Does your household anticipate becoming an all full-time student household in the next 12 months?
		If you answered yes to any of the previous three questions are you:
Y	Y	• Receiving assistance under Title IV of the Social Security Act (AFDC/TANF/Cal Works - **not** SSA/SSI)
Y	Y	• Enrolled in a job training program receiving assistance through the Job Training Participation Act (JTPA) or other similar program
Y	Y	• Married and filing (or are entitled to file) a joint tax return
Y	Y	• Single parent with a dependant child or children and neither you nor your child(ren) are dependent of another individual
Y	Y	• Previously enrolled in the Foster Care program (currently age 18-24)

U, I /. T. F, .

PRINTED NAME OF APPLICANT/TENANT _____ SIGNATURE OF APPLICANT/TENANT _____ DATE _____

WITNESSED BY (SIGNATURE OF OWNER/REPRESENTATIVE) _____ DATE _____

General Commercial (C-3) District
(RMC Title 18, Ch. 18.92)

<table>
<tr><th>DEVELOPMENT STANDARD</th><th>REQUIREMENT</th><th>PROPOSED</th><th>COMPLIES ?</th></tr>
<tr><td>Lot Area
18.92.110</td><td>No requirements</td><td>The project is proposing to subdivide a 13.48 acre parcel (Gross) into four parcels.
1.37 acres
1.49 acres
5.02 acres
4.88 acres</td><td>Yes</td></tr>
<tr><td>Lot Dimensions
18.92.120</td><td>No requirements</td><td>Varies</td><td>Yes</td></tr>
<tr><td>Max. Structure Height
18.92.130</td><td>No height limit, except that the relationship between building floor area and lot area shall not exceed four (4) square feet of total floor area for each one square foot of total lot area. The floor area of parking garages and related structures located at or above ground level shall be included in the calculation ratio.</td><td>54’</td><td>Yes</td></tr>
<tr><td>Floor-Area Ratio (F.A.R.)
18.92.130</td><td>4.0 Maximum</td><td>1.1</td><td>Yes</td></tr>
<tr><td>Lot Coverage
18.92.170</td><td>No requirements</td><td>31%</td><td>Yes</td></tr>
<tr><td>Front Yard & Rear Yard
18.92.140</td><td>No requirements</td><td>Tennessee St. 25’
Pennsylvania Ave. 18’</td><td>Yes</td></tr>
<tr><td>Side Yard
18.92.140(B)</td><td>No side yard requirements;
Except where the C-3 zone adjoins or is across the street from a residential zone, in which case there shall be a side yard of not less than 10 ft. on the side or sides adjoining the street or residential zone (the yard shall be landscaped and maintained).</td><td>Side (South) 55’
Side (East) 10’</td><td>Yes</td></tr>
<tr><td>Access to Street
18.92.160</td><td>All lots in C-3 zones shall have access on a dedicated and improved street.</td><td>Access from Tennessee Street and Future Pennsylvania Avenue</td><td>Yes</td></tr>
<tr><td>On-Site Parking Required
18.164.240</td><td>Neighborhood center: 1 space/200 sq. ft.

Minimum Required = __89_____

Residential Density Bonus Parking

<table><tr><td># Bedrooms</td><td>Required Spaces</td></tr><tr><td>1 BR</td><td>1 Space</td></tr><tr><td>2 BR</td><td>1.5 Spaces</td></tr><tr><td>3 BR</td><td>1.5 Spaces</td></tr></table>571 spaces required

Total required - 668</td><td>Total Parking Required = 673</td><td>Yes</td></tr>
</table>

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Parking Space Location 18.164.250	The off street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty, the planning commission may approve a substitute location which meets the following conditions: A. All or part of the substitute location is within two hundred feet (200') of the principal use for which the parking is being provided; B. The substitute lot is in the same possession as the use it is intended to serve. Such possession may be by deed or long term lease, the terms of which meet the approval of the city.	Commercial parking is located on the parcel which it is intended to serve. Residential parking is not provided based upon this title. Shared parking agreements or mutual access will be provided.	Yes
Parking Space Dimensions 18.164.260	• Standard spaces: 9’ wide by 19’ deep. • Compact spaces: 8’ wide by 15’ deep. • Compact spaces are permitted for projects that provide more than 25 off-street parking spaces. The first 25 spaces shall be standard size stalls; 25% of the remaining parking may be compact spaces. - Including one of the following to be determined by staff: a. Compact parking spaces are permitted in areas of the city where parking does not currently meet code upon a finding by the planning commission that the use of compact parking stalls will alleviate an existing parking problem; or b. Compact spaces are permitted for long term parking when there is a proportionate increase in parking lot landscaping as follows: for each proposed compact space, 30 sq. ft. of landscaping shall be provided in the parking area in addition to the minimum landscape requirements of this code. • Parallel spaces: 8’ wide by 24’ deep. • Stall depths may be reduced up to 1 ft. (or 18’0” total) where pkg space adjacent to a 6 ft. or wider sidewalk. • Where automobile bumpers overhang landscaped planters, 2' of clear areas unobstructed by trees or shrubs shall be provided for overhang. (See RMC 18.168.210(A)(11) referenced below.)	9x19 minimum with certain exceptions. Project proposes shortened stall depths in some locations the applicant is requesting a reduction through approval of the density bonus agreement	Yes with approval of a density bonus agreement.
Access to Parking 18.164.270	A. Forward travel to and from parking facilities from a dedicated street or alley is required. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street. B. All uses which adjoin a major or secondary highway shall, wherever possible, have access by way of a service road or alley. C. The access to all off street parking facilities shall be designed in a manner which will not interfere with the safe movement of traffic. D. Concrete driveway approaches shall be provided for ingress to and egress from all parking facilities. Each parking space shall be easily accessible to the intended user. The width of driveway entrances and exits from a public street shall be measured at the property line and	Forward travel to all street is provided via service roads and parking area circulation routes Driveway on Pennsylvania Avenue is 30’ Driveway on Tennessee Street is a divided two way driveway with 20’ drivelanes	Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
	shall comply with the following standards, unless specific exemptions are made by the director of public works: - single lane: 14 ft. - combined entrances or exits: 26 ft. - maximum driveway width: 30 ft.		
Parking Area Circulation 18.164.280	- Stall depths may be reduced up to one foot (1') where the parking space is adjacent to a six foot (6') or wider sidewalk, or adjacent to a landscaped planter with an interior diameter of five feet (5') or more. - Wheel stops shall be provided only along the side and rear property lines when necessary to protect adjacent property from vehicle encroachment. - Circulation within a parking area with more than one aisle must be such that a car need not enter the street to reach another aisle within the same parking area. - Parking angle and required dimensions: 90-degree spaces: 19’ deep & 26’ two-way aisle 60-degree spaces: 21’ deep & 22’ two-way aisle 45-degree spaces: 20’ deep & 20’ two-way aisle - Directional signs shall be required to differentiate between entrance and exit access points to the street.	9x19 minimum with certain exceptions. Project proposes shortened stall depths in some locations the applicant is requesting a reduction through approval of the density bonus agreement All drive aisle are a minimum of 26’	Yes
Parking Area Improvements 18.164.290 18.164.310	- Where such areas adjoin residential districts, they shall be separated therefrom by a solid masonry wall 6' in height, provided such wall shall not exceed 3' in height where it is in the front yard area of an abutting residential use or district. Where no fence or wall is required along a boundary of an area covered by this section, there shall be a concrete curb or concrete wheel stops not less than six inches (6") in height securely installed and maintained as a safeguard to abutting property or public right of way. The barrier shall not be less than two feet (2') from a property line. - Where such area adjoins a residential district, there shall be a border of appropriate landscaping, not less than 6' in depth, along the residential street frontage to protect the character of the adjoining residential property. - No part of any parking area for more than five (5) vehicles shall be closer than 10' to any residential use, school, hospital, or other institution for human care located on an adjoining lot, unless screened by a masonry wall not less than 4' in height. - When more than five (5) parking spaces are proposed for a parcel, a minimum of seven percent (7%) of such parking area shall be landscaped and maintained in accordance with the provisions of Chapter 18.168. - Parking lots intended for nighttime use shall be adequately lighted for safe vehicular and pedestrian	Residential parking areas on the east side of the project are adjacent to the Lugonia Village project’s parking area. These are separated by stepped walls and slopes exceeding 6’ Appropriate landscaping is provided along the east side of the project exceeding 6’ Both the Lugonia Village project and proposed project include landscaped perimeters adjacent to their abutting parking areas. 10’ of separation is provided.	Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
	movements. Lighting shall be arranged to reflect away from adjoining properties and streets.	15% of the proposed parking area is landscaped. Lighting plans are required to be submitted prior to building permit issuance. These will be reviewed for compliance prior to permit issuance.	
Off-Street Loading 18.92.190 18.164.330	E. Loading space required by this title may occupy a required rear yard, but in no case shall any part of an alley or street be used for loading.	Loading are not clearly indicated	Yes with conditions of approval. Two spaces required.
Corner Cutoff 18.168.010	• Streets; streets & alleys; private driveways & streets/alleys. • Where all private driveways intersect street or alley. • 45 degree angle with side or front P/L. • Minimum 10 ft. deep for 45 degree angle. • No visual obstruction within corner cutoff area.	Appropriate corner cut-offs are provided Buildings are setback from property lines between 15 and 25'.	Yes
Fences & Walls; Permitted When 18.168.020	• Fences & Walls 3 ft. max. in front yard area. • Open fences 4 ft. max. within front yard (90% open). • Fences & Walls 6 ft. max. on side or rear P/L. • Minor exceptions: see 18.168.040 to 18.168.100.	No walls exceeding 6' are proposed. No setbacks are required for this zone. A condition of approval has been added requiring a Minor Exception Permit in the event walls or fences exceeding 6' tall are proposed at the time of building permit.	Yes, with conditions
Fences & Walls; Required When 18.168.030	• 6 ft. fence or wall at top of all slopes where tops of slopes are property lines. • 6 ft. fence or wall along P/L or zone boundary lines to separate industrial & commercial districts and/or uses from abutting residential districts, as follows: 1) Along rear lot line (if no street); 2) Along side lot line (except 3 ft. max. within front setback of the abutting residential zone); 3) If street is boundary, wall set back from P/L by 10 ft. min., with landscaping; 4) If alley is boundary, wall shall be on P/L at alley.	6' fencing is provided on the south side of the project. A combination of walls, slopes and 6' fences are proposed along the east side for the project	Yes
Landscaping; Minimum Dimensions 18.168.180	The minimum width of any required landscaped area, or any form of fixed planter box used to satisfy required landscaping, shall be five feet (5'), unless otherwise specified in this title.	Required landscaping areas are minimum of 5' wide.	Yes

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Transportation Control Measures 18.224.020	*When discretionary review is required:* A. New nonresidential and multi-family (of 10 or more units) developments or remodel, when discretionary review is required, shall install bicycle racks or secured lockers at a rate of one per thirty (30) parking spaces with a minimum of a three (3) space bicycle rack. B. New nonresidential and multi-family (of 10 or more units) developments shall provide on site pedestrian walkways and bicycle facilities to connect each building in the development to public streets. D. New nonresidential and multi-family (of 10 or more units) developments with one hundred (100) or more parking spaces shall have a passenger loading area with a curb length of at least one hundred feet (100') in a location close to the building entrance. The loading area shall be designed so as not to interfere with vehicle circulation. E. New nonresidential development shall designate preferential parking spaces for vanpools near building entrances at a rate of one parking space per one hundred (100) spaces. F. New nonresidential and residential (of 10 or more units) developments along existing or planned transit routes shall install transit improvements such as bus pullouts, bus pads and bus shelters. The need for and nature of these improvements are to be defined by the city in cooperation with Omnitrans.	Conditions of approval have been added requiring bike racks to be clearly shown on the project plan prior to building permit issuance. Yes. Pedestrian paths are provided between buildings and open space areas. To be verified at building permit issuance Project is conditioned to provide evidence of coordination with Omnitrans regarding the need for any improvements.	Yes, with conditions of approval.

PENNSYLVANIA AVENUE

TENNESSEE STREET

PERIMETER & COMMON AREAS

PALMS

PERIMETER

COMMON AREAS

PARKWAYS & ISLANDS

PLANT LEGEND: TREES

BOTANIC NAME	COMMON NAME	SIZE / CALIPER	MATURATION (H x W)	EVERGREEN	QTY.	WUCOLS
LOPHOSTEMON CONFERTUS	BRISBANE BOX	24" BOX / 1.5"-2.5"	30'-40' x 15'-25'	YES	9	MOD
MAGNOLIA GRANDIFLORA 'SAINT MARY'	SAINT MARY MAGNOLIA	24" BOX / 1.5"-2.5"	20'-25' x 20'-25'	YES	9	MOD
PYRUS CALLERYANA 'REDSPIRE'	REDSPIRE PEAR	24" BOX / 1.5"-2.5"	30'-40' x 20'-30'	NO	7	MOD
MAGNOLIA GRANDIFLORA 'SAINT MARY'	SAINT MARY MAGNOLIA	24" BOX / 1.5"-2.5"	20'-25' x 20'-25'	YES	14	MOD
ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	36" BOX / 2.5"-3.5"	20'-40' x 20'-30'	YES	33	LOW
CHITALPA TASHKENTENSIS	CHITALPA	24" BOX / 1.5"-2.5"	20'-30' x 20'-30'	NO	23	MOD
LOPHOSTEMON CONFERTUS	BRISBANE BOX	36" BOX / 1.5"-2.5"	30'-40' x 15'-25'	YES	62	MOD
MAGNOLIA GRANDIFLORA 'SAINT MARY'	SAINT MARY MAGNOLIA	24" BOX / 1.5"-2.5"	20'-25' x 20'-25'	YES	22	MOD
OLEA EUROPAEA	FRUITLESS OLIVE	24" BOX / 2.5"-3.5"	25'-30' x 25'-30'	YES	25	LOW
PINUS ELDARICA	AFGHAN PINE	24" BOX / 1.5"-2.5"	30'-80' x 15'-25'	YES	45	MOD
PINUS HALEPENSIS	ALEPPO PINE	24" BOX / 1.5"-2.5"	30'-60' x 20'-40'	YES	15	LOW
QUERCUS ILEX	HOLLY OAK	36" BOX / 1.5"-2.5"	30'-60' x 30'-60'	YES	7	LOW
PHOENIX DACTYLIFERA	DATE PALM	12' B.T.H.	50'-80' x 20'-40'	YES	44	LOW
WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	12' B.T.H.	50'-60' x 10'-15'	YES	21	LOW

PLANT LEGEND: SHRUBS & GROUNDCOVER

BOTANIC NAME	COMMON NAME	SIZE / SPACING	MATURATION (H x W)	EVERGREEN	QTY.*	WUCOLS
ARISTIDA PURPUREA	PURPLE THREE-AWN	1 GAL @ 24" O.C.	1.5'-3' x 2'	YES	879	LOW
BACCHARIS 'PIGEON POINT'	DWARF COYOTE BRUSH	1 GAL @ 72" O.C.	1'-3' x 8'	YES	290	LOW
CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH	5 GAL @ 48" O.C.	3'-5' x 4'-6'	YES	220	LOW
CEANOTHUS 'JOYCE COULTER'	CREEPING MOUNTAIN LILAC	5 GAL @ 72" O.C.	2' x 8'	YES	290	LOW
ECHIUM CANDICANS	PRIDE OF MADEIRA	15 GAL @ 72" O.C.	5'-6' x 6'-10'	YES	194	LOW
OLEA EUROPAEA 'LITTLE OLLIE'	DWARF OLIVE	5 GAL @ 72" O.C.	6' x 6'	YES	258	LOW
PENNISETUM SETACEUM	FOUNTAIN GRASS	1 GAL @ 36" O.C.	3'-5' x 2'-4'	YES	650	LOW
PRUNUS ILICIFOLIA	HOLLYLEAF CHERRY	15 GAL @ 72" O.C.	15'-20' x 15'-20'	YES	130	LOW
TECOMA STANS	YELLOW BELLS	15 GAL @ 72" O.C.	10'-20' x 10'-15'	YES	162	LOW
AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	1 GAL @ 24" O.C.	1'-2' x 2'-3'	YES	79	LOW
AGAVE DESMETTIANA 'VARIEGATA'	VARIEGATED SMOOTH AGAVE	5 GAL @ 42" O.C.	2'-3' x 3'-4'	YES	81	LOW
ANIGOZANTHOS 'HARMONY'	KANGAROO PAW	1 GAL @ 30" O.C.	2'-3' x 4'-5'	YES	81	LOW
ARCTOSTAPHYLOS EDMUNDSII 'CARMEL SUR'	CARMEL SUR MANZANITA	1 GAL @ 72" O.C.	1.5' x 7'-10'	YES	45	LOW
BOUGAINVILLEA 'ROSENKA'	ROSENKA BOUGAINVILLEA	1 GAL @ 48" O.C.	2'-4' x 4'-6'	YES	52	LOW
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE	5 GAL @ 72" O.C.	10'-20' x 6'-12'	YES	26	LOW
CAREX DIVULSA	EUROPEAN GRAY SEDGE	1 GAL @ 24" O.C.	1'-2' x 1'-2'	YES	322	LOW
CEANOTHUS 'JOYCE COULTER'	CREEPING MOUNTAIN LILAC	5 GAL @ 72" O.C.	2' x 8'	YES	20	LOW
LEYMUS CONDENSATUS	CANYON PRINCE WILD RYE	1 GAL @ 48" O.C.	3'-6' x 3'-6'	YES	143	LOW
MUHLENBERGIA CAPILLARIS	REGAL MIST PINK MUHLY	5 GAL @ 48" O.C.	2'-3' x 4'-5'	YES	73	LOW
PENNISETUM SETACEUM	FOUNTAIN GRASS	1 GAL @ 36" O.C.	3'-5' x 2'-4'	YES	150	LOW
SALVIA 'BEE'S BLISS'	CREEPING SAGE	1 GAL @ 72" O.C.	1'-2' x 6'-8'	YES	65	LOW
DIANELLA REVOLUTA 'LITTLE REV'	LITTLE REV FLAX LILY	1 GAL @ 24" O.C.	2'-4' x 1'-2'	YES	1080	LOW
HESPERALOE PARVIFLORA	RED YUCCA	5 GAL @ 48" O.C.	3'-5' x 4'-6'	YES	126	LOW
LANTANA X 'NEW GOLD'	NEW GOLD LANTANA	1 GAL @ 48" O.C.	1'-2' x 2'-4'	YES	352	LOW
MYOPORUM PARVIFOLIUM	CREEPING MYOPORUM	1 GAL @ 72" O.C.	1' x 6'-12'	YES	120	LOW
ROSMARINUS OFF. 'PROSTRATUS'	DWARF ROSEMARY	1 GAL @ 48" O.C.	1'-2' x 4'-8'	YES	126	LOW

*NOTE: SHRUB AND GROUNDCOVER QUANTITIES PROVIDED ARE ESTIMATES ONLY, DETERMINED BY THE APPROXIMATE SQUARE FOOTAGE OF PLANTER AREA AND RECOMMENDED PLANT SPACING.

LANDSCAPE CALCULATIONS

TOTAL LANDSCAPE AREA: 84,319 SF
PERCENTAGE OF EVERGREEN PLANT SPECIES: 95%
TOTAL TREE QUANTITY: 265
TOTAL PALM QUANTITY: 65
PERCENTAGE OF 24" BOX TREES: 64% (MIN. 25% REQUIRED)
PERCENTAGE OF 36" BOX TREES: 36% (MIN. 25% REQUIRED)

PARKING COVERAGE

TOTAL PARKING AREA (OPEN STALL & CARPORTS): 83,251 SF
TOTAL COVERED PARKING AREA (INCLUDES TREE & CARPORT COVERAGE): 45,633 SF (55%)

ETAF Calculations

Regular Landscape Areas	
Total ETAF x Area	35,569
Total Area	88,816
Average ETAF	0.40

California Water Efficient Landscape Worksheet

Reference Evapotranspiration (ET_o)				Project Type	Non-Residential		0.45
Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas							
Low Water Use Shrubs	0.3	Drip	0.81	0.37	81,525	30,194	1,069,693
Moderate Water Use Shrubs	0.5	Drip	0.81	0.62	-	-	-
Moderate Water Use Trees	0.5	Bubbler	0.81	0.62	3,430	2,117	75,009
Palms	0.5	Bubbler	0.81	0.62	960	593	20,994
Turf Overhead	0.7	Overhead	0.75	0.93	2,281	2,129	75,421
Turf Drip	0.7	Drip	0.81	0.86	620	536	18,982
Water Features	1		1.00	1.00	4,967	4,967	175,965
				Totals	88,816	40,536	1,436,063
						ETWU Total	1,436,063
						Maximum Allowed Water Allowance (MAWA)	4,562,377

CONCEPTUAL LANDSCAPE PLAN

LUGONIA AVE. & TENNESSEE ST.

DIVERSIFIED PACIFIC COMMUNITIES

REDLANDS, CA

LICENSED LANDSCAPE ARCHITECT ★ STATE OF CALIFORNIA ★ SHORT RICE NO. 5771 Signature 2/31/24 Renewal Date 01/17/24 Date

COMMUNITY WORKS DESIGN GROUP EST. 1985

N 0 50' 100' 200'

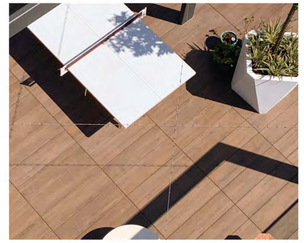
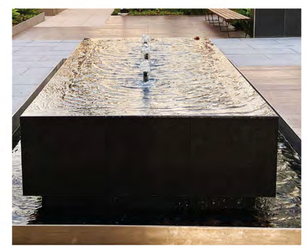
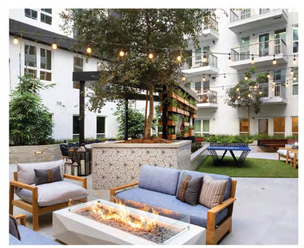
L-1.0

Date: January 17,2024

LEGEND

1. COVERED DINING AREA
2. BBQ GRILLS
3. FIRE PIT
4. DECORATIVE CONCRETE PAVERS
5. WOOD-LOOK CONCRETE PAVERS
6. SYNTHETIC TURF LAWN
7. NATURAL TURF LAWN
8. WATER FEATURE
9. STRING LIGHTS

REFERENCE PHOTOS

BUILDING 5/6 COURTYARD ENLARGEMENT

LUGONIA AVE. & TENNESSEE ST.

REDLANDS, CA

DIVERSIFIED PACIFIC COMMUNITIES

LICENSED LANDSCAPE ARCHITECT — RICE NO. 6471 — STATE OF CALIFORNIA — Signature 2/31/24 — Renewal Date 08/31/24 — Date

COMMUNITY WORKS DESIGN GROUP — EST. 1985

N 0 20' 40' 80'

L-2.0

Date: January 17,2024

LEGEND

1. POOL (30' x 73')
2. SPA (12' x 20')
3. SYNTHETIC TURF
4. SHADE STRUCTURE WITH DECORATIVE LASER CUT STEEL ROOFING
5. 6' TALL TUBULAR STEEL FENCING
6. FIRE PIT
7. BBQ GRILL
8. CONCRETE PAVERS
9. BENCH SEATING
10. SEAT WALL
11. SITE FURNISHINGS

REFERENCE PHOTOS

BUILDING 9 COURTYARD ENLARGEMENT

LUGONIA AVE. & TENNESSEE ST.

DIVERSIFIED PACIFIC COMMUNITIES

REDLANDS, CA

LICENSED LANDSCAPE ARCHITECT
RICE NO. 6441
Signature
12/31/24
Renewal Date
01/3/24
Date
STATE OF CALIFORNIA

COMMUNITY WORKS DESIGN GROUP
EST. 1985

L-3.0

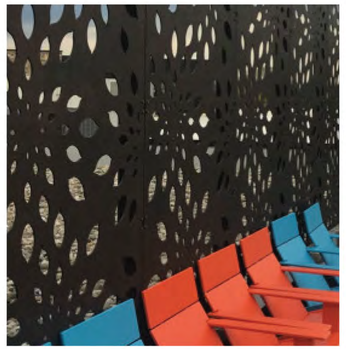
Date: January 17,2024

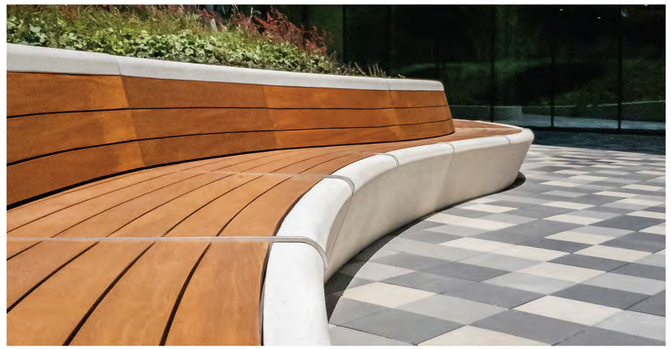
N 0 20' 40' 80'

LEGEND

1. DECORATIVE CONCRETE PAVERS
2. DECORATIVE LASER CUT STEEL FENCE PANELS & GATE
3. WATER FEATURE
4. BBQ GRILL
5. RAISED SUCCULENT GARDENS WITH BUILT-IN SEATING
6. SEAT WALL
7. SPECIMEN TREE IN RAISED PLANTER
8. PET RELIEF AREA
9. MONUMENT SIGN
10. CALL BOX

REFERENCE PHOTOS





BUILDING 10 COURTYARD ENLARGEMENT

LUGONIA AVE. & TENNESSEE ST.

DIVERSIFIED PACIFIC COMMUNITIES

REDLANDS, CA

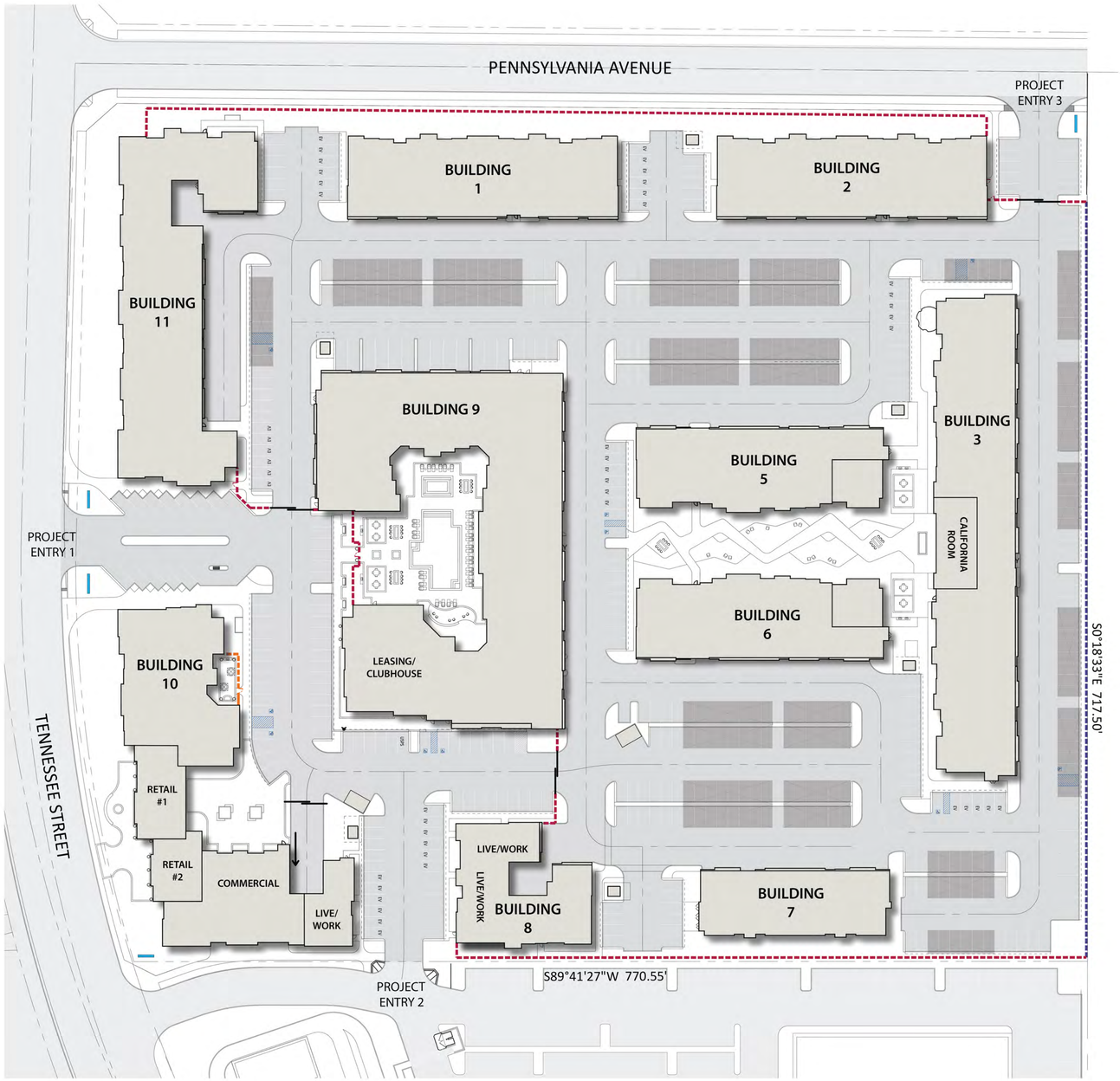
LICENSED LANDSCAPE ARCHITECT — BROOKE H. RICE No. 6484 — STATE OF CALIFORNIA — Signature 12/31/24 Renewal Date 01/17/24 Date

COMMUNITY WORKS DESIGN GROUP — EST. 1985

N 0 20' 40' 80'

L-4.0

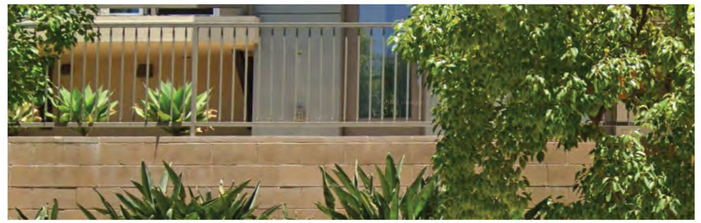
Date: January 17,2024



LEGEND

- 6′ TALL TUBULAR STEEL FENCE
- 6′ TALL TUBULAR STEEL FENCE ATOP 2′TALL RETAINING WALL
- 6′ LASER-CUT STEEL DECORATIVE FENCING
- MONUMENT WALLS
  (UNDER SEPARATE PERMIT; PLANNING COMMISSION APPROVAL REQUIRED)

REFERENCE PHOTOS



FENCE & WALL PLAN

LUGONIA AVE. & TENNESSEE ST.

REDLANDS, CA

DIVERSIFIED PACIFIC COMMUNITIES

LICENSED LANDSCAPE ARCHITECT — SCOTT L. RICE NO. 5677 — STATE OF CALIFORNIA — Signature 12/31/24 Renewal Date 01/31/2026 Date

COMMUNITY WORKS DESIGN GROUP — EST. 1988

N 0 50' 100' 200'

L-5.0

Date: January 17,2024

TENNESSEE VILLAGE

REDLANDS, CALIFORNIA

DESIGN REVIEW SUBMITTAL

COMMISSION REVIEW & APPROVAL NO. # 956
CUP NO. # 1173
TMP NO. # 20688
JANUARY 10, 2024

SHEET	DESCRIPTION
ARCHITECTURE - RESIDENTIAL	
G-0.0	COVER SHEET
G-1.0	PROJECT DATA
A-1.0	CONCEPTUAL SITE PLAN
A-1.2	FIRE MASTER PLAN
A-1.3	OPEN SPACE EXHIBIT
A-1.4-1	WASTE MANAGEMENT EXHIBIT
A-1.4-2	PATH OF TRAVEL EXHIBIT
A-1.5	SITE / BUILDING SECTION A-A
A-1.6	PERSPECTIVE VIEW 1
A-1.7	PERSPECTIVE VIEW 2
A-1.8	PERSPECTIVE VIEW 3
A-1.9	PERSPECTIVE VIEW 4
A-1.10	PERSPECTIVE VIEW 5
A-1.11	PERSPECTIVE VIEW 6
A-1.12	PERSPECTIVE VIEW 7
A-2.1	TYPE A BUILDING 1&2 - FLOOR PLANS
A-2.1-1	TYPE A BUILDING 1&2 - ELEVATIONS
A-2.2	TYPE B BUILDING 3 - FLOOR PLANS
A-2.2-1	TYPE B BUILDING 3 - ELEVATIONS
A-2.3	TYPE C BUILDING 5 & 6 - FLOOR PLANS
A-2.3-1	TYPE C BUILDING 5 & 6 - ELEVATIONS
A-2.4	TYPE D BUILDING 9 - 1ST FLOOR PLAN
A-2.4-1	TYPE D BUILDING 9 - 2ND FLOOR PLAN
A-2.4-2	TYPE D BUILDING 9 - 3RD FLOOR PLAN
A-2.4-3	TYPE D BUILDING 9 - 4TH FLOOR PLAN
A-2.4-4	TYPE D BUILDING 9 - ROOF PLAN
A-2.4-5	TYPE D BUILDING 9 - ELEVATIONS
A-2.4-6	TYPE D BUILDING 9 - ELEVATIONS
A-2.5	TYPE E BUILDING 7 - FLOOR PLANS
A-2.5-1	TYPE E BUILDING 7 - ELEVATIONS
A-2.6	TYPE F BUILDING 11 - 1 ST FLOOR PLAN
A-2.6-1	TYPE F BUIDLING 11 - 2ND, 3RD & 4TH FLOOR PLAN
A-2.6-2	TYPE F - BUILDING 11 - ROOF PLAN
A-2.6-3	TYPE F - BLDG 11 ELEVATIONS 1
A-2.6.4	TYPE F - BLDG 11 ELEVATIONS 2
A-2.7	TYPE G BUILDING 10 - BASEMENT FLOOR PLAN
A-2.7.1	TYPE G BUILDING 10 - 1ST FLOOR PLAN
A-2.7.2	TYPE G BUILDING 10 - 2ND FLOOR PLAN
A-2.7.3	TYPE G BUILDING 10 - 3RD & 4TH FLOOR PLAN
A-2.7.4	TYPE G BUILDING 10 - ROOF PLAN
A-2.7.5	TYPE G BUILDING 10 - ELEVATIONS 1
A-2.7.6	TYPE G BUILDING 10 - ELEVATIONS 2
A-2.8	TYPE H BUILDING 8 - 1ST, 2ND & 3RD FLOOR PLANS
A-2.8.1	TYPE H BUILDING 8 - ELEVATIONS
A-3.1	UNIT FLOOR PLANS
A-3.2	UNIT FLOOR PLANS
A-4.1	AMENITY /FITNESS FLOOR PLAN
A-5.1	PARKING EXHIBIT
A-6.0	MATERIAL BOARD
A-6.1	ENLARGED ELEVATION DETAILS

PROJECT TEAM

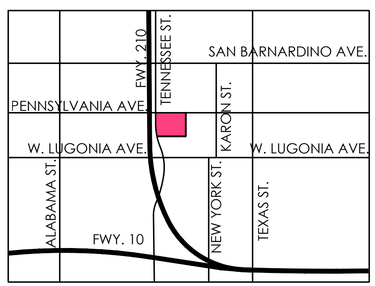
APPLICANT / OWNER
DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE
RANCHO CUCAMONGA, CA 91730
Contact: NOLAN C. LEGGIO
(909)373-2628

CIVIL ENGINEER
KIMLEY - HORN PLANNING DESIGN
ENGINEERING CONSULTANTS
1100 TOWN AND COUNTRY RD.
SUITE 700, ORANGE, CA 92868
Contact: ROB OTTE
(951)534-5630

LANDSCAPE ARCHITECT
COMMUNITY WORKS DESIGN GROUP
4649 BROCKTON AVE.
RIVERSIDE, CA 92506
Contact: ALLISON RUSH
(951)369-0700

ARCHITECT
AO (ARCHITECTS ORANGE)
144 N. ORANGE ST.
ORANGE, CA 92866
Contact: SERAFIN MARANAN
(714)639-9860

VICINITY MAP



CIVIL	
C-1	GRADING & DRAINAGE MASTER PLAN
C-2	CROSS SECTIONS
C-3	UTILITY PLAN
LANDSCAPE	
L-1	CONCEPTUAL LANDSCAPE
L-2	COURTYARD 1 ENLARGEMENT
L-3	COURTYARD 2 ENLARGEMENT
L-4	COURTYARD 3 & 4 ENLARGEMENT
L-5	FENCE & WALL PLAN
SHEET	**DESCRIPTION**
PHASE I	
P-1	PHASE I - PHASING EXHIBIT
P-2	PHASE I - NEIGHBORHOOD DATA
P-3	PHASE I - FIRE MASTER PLAN
P-4	PHASE I - WASTE MANAGEMENT EXHIBIT
P-5	PHASE I - CIVIL IMPROVEMENT EXHIBIT

APN: 0167-171-15

G 1.0

BUILDING G ELEVATION

1 VINYL WINDOW WHITE

2 STORE FRONT SYSTEM DARK BRONZE

3 PREBRICATED METAL RAILING TO MATCH PAINT SPECS

4 METAL AWNING

5 LOUVERED SUN SHADES TO MATCH PAINT SPECS

6 JULIET BALCONY RAILING TO MATCH PAINT SPECS

7 FIBERGLASS FRAMING

8 TIE RODS SYSTEMS

9 STUCCO - OMEGA 20/30 FINISH PAINT GRADE TO MATCH COLOR SPECS

10 BRICK VENEER THIN BELDEN BRICK - WINEWOOD BLEND

11 STONE CLADIDNG- WITH LIMESTONE FINISH

12 CERAMIC TILE

A SW 7035 AESTHETIC WHITE

B SW 7631 CITY LOFT

C SW 9603 QUARRY STONE

D SW 6074 SOAKDUBG GRAY

E SW 9570 IRONCLAD

APN: 0167-171-15

A6.0

LUGONIA AVE. & TENNESSEE ST.

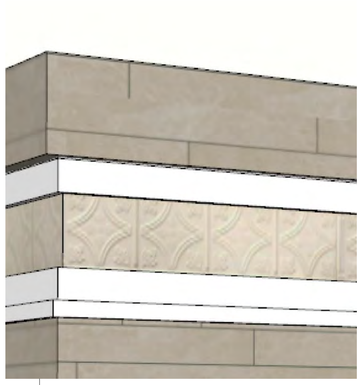
1161 W LUGONIA AVE, REDLANDS, CA 92374

MATERIAL BOARD JOB NO.: 2020-322 DATE: 01-10-2024

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.



DECORTIVE TILE OR HIGH DENSITY EXTERIOR FOAM W/ SMOOTH CEMENTITIOUS FINISH

EXTERIOR JULIET BACONY WITH GALVANIZED METAL LOUVERS

FIBERGLASS FRAMING

TIE RODS SYSTEMS

FAUX WOOD SOFFIT

APN: 0167-171-15

A-6.1

TENNESSEE VILLAGE

REDLANDS, CA 92374

ARCHITECTURE DETAILS

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

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(909) 373-2628

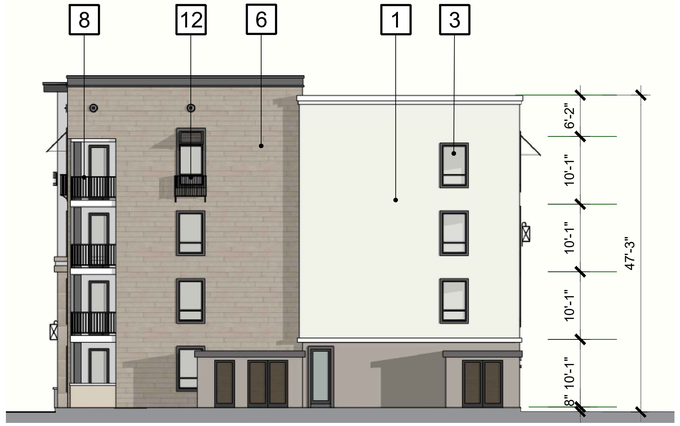
AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture.
Design.
Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

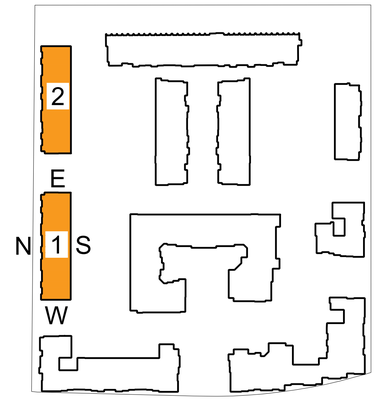
EAST ELEVATION



WEST ELEVATION

NORTH ELEVATION

SOUTH ELEVATION



APN: 0167-171-15

A-2.1-1

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE A - BLDG. 1 & 2 ELEVATIONS

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(909) 373-2628

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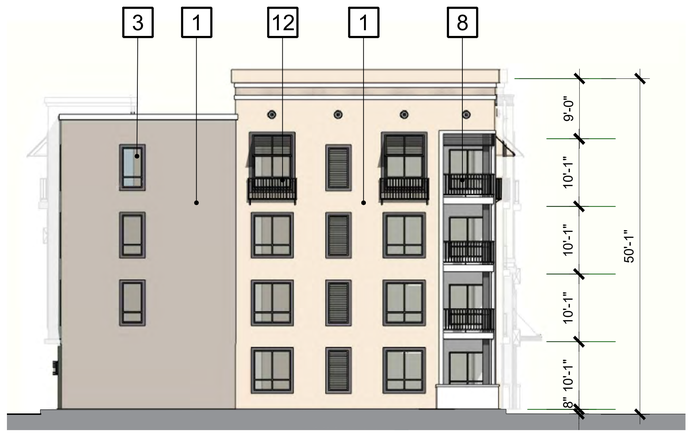
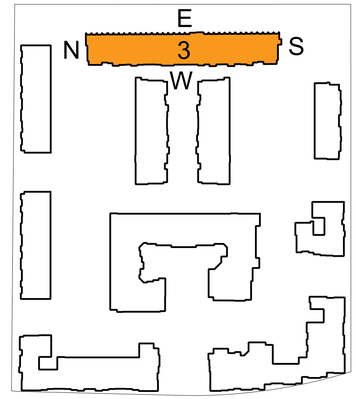
(714) 639-9860

Architecture. Design. Relationships.

SOUTH ELEVATION



NORTH ELEVATION



EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

WEST ELEVATION

EAST ELEVATION

APN: 0167-171-15

A-2.2-1

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE B - BLDG. 3 ELEVATIONS

SCALE : N.T.S.
DATE: 08-30-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
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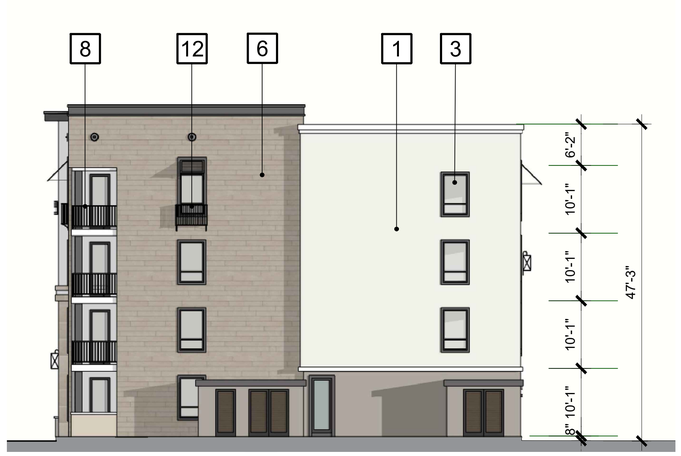
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

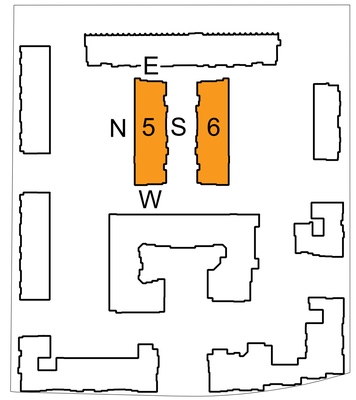


EAST ELEVATION

WEST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION



APN: 0167-171-15

A-2.3-1

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE C - BLDG. 5 & 6 ELEVATIONS

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(909) 373-2628

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(714) 639-9860

Architecture. Design. Relationships.

SOUTH ELEVATION

WEST ELEVATION

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
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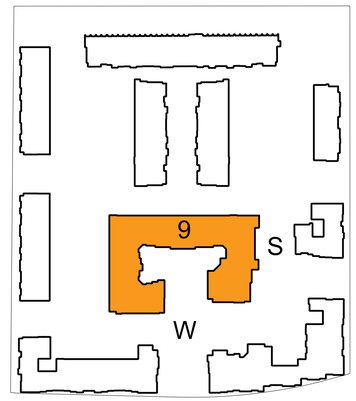
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING



APN: 0167-171-15

A-2.4-5

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE D - BLDG. 9 ELEVATIONS

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

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10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

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(714) 639-9860

Architecture.
Design.
Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
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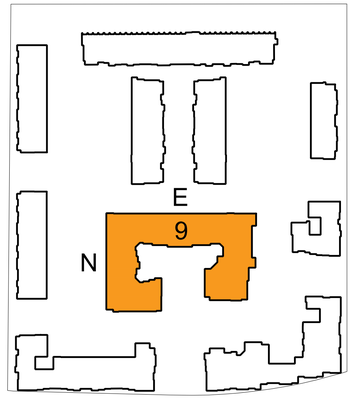
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

NORTH ELEVATION



EAST ELEVATION

APN: 0167-171-15

A-2.4-6

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE D - BLDG. 9 ELEVATIONS

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10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
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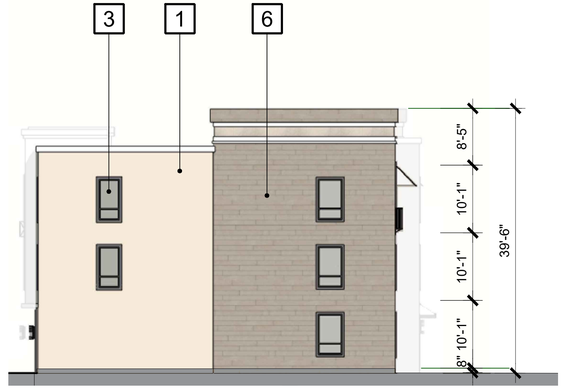
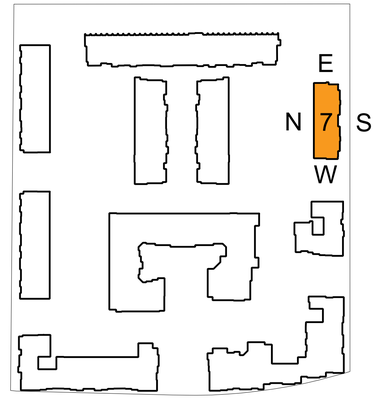
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

SOUTH ELEVATION



WEST ELEVATION



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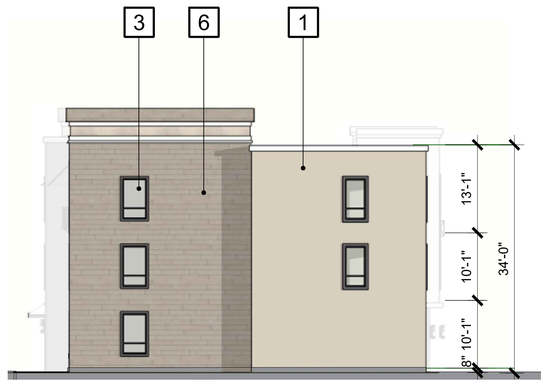

EAST ELEVATION

APN: 0167-171-15

A-2.5-1

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE E - BLDG. 7 ELEVATIONS

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture.
Design.
Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
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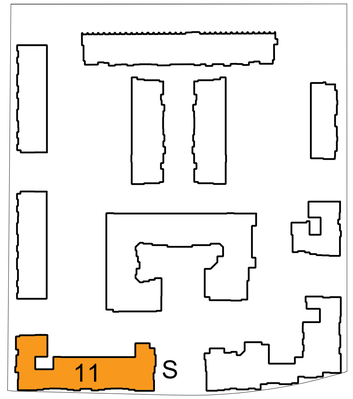
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

SOUTH ELEVATION



WEST ELEVATION

APN: 0167-171-15

A-2.6-3

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE F - BLDG. 11 ELEVATIONS

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144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
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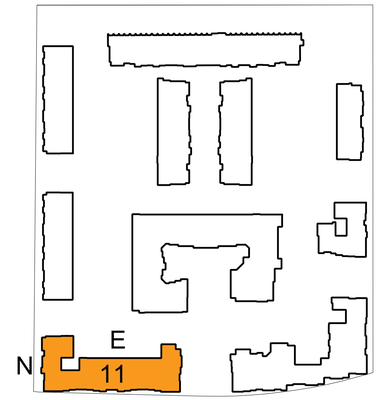
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

NORTH ELEVATION



EAST ELEVATION

APN: 0167-171-15

A-2.6-4

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE F - BLDG. 11 ELEVATIONS

SCALE : 3/32"= 1'-0"
DATE: 08-30-2024
JOB NO.: 2020-322

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10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
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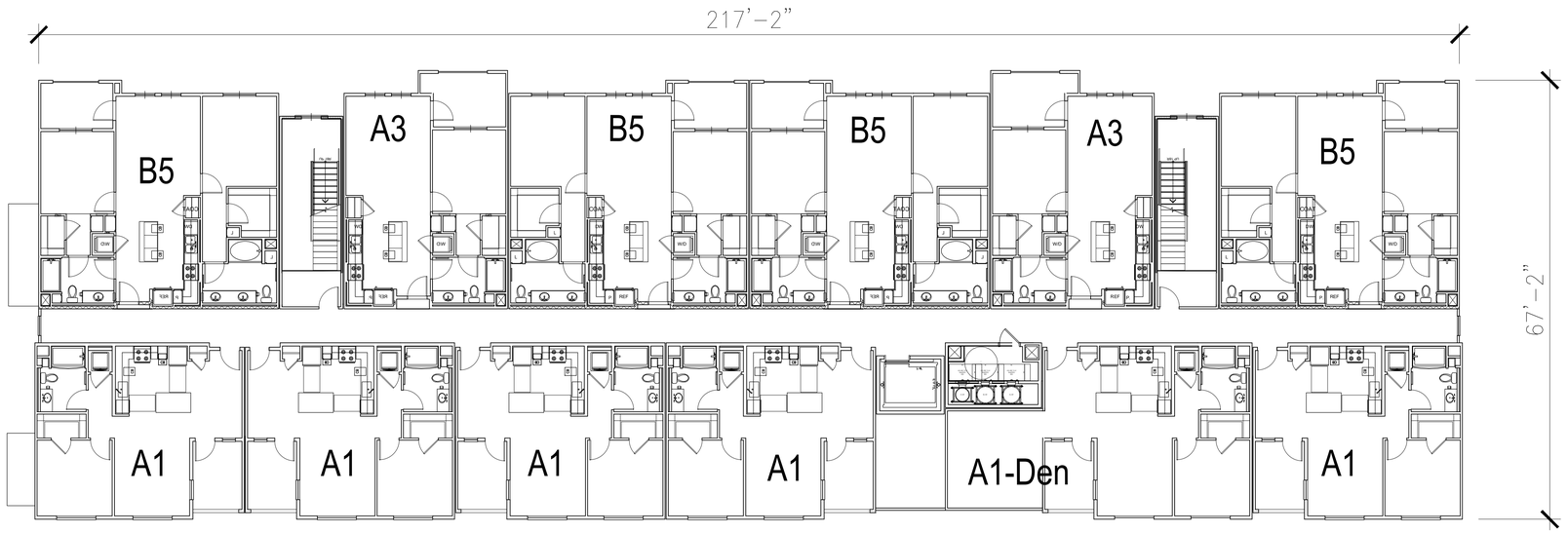
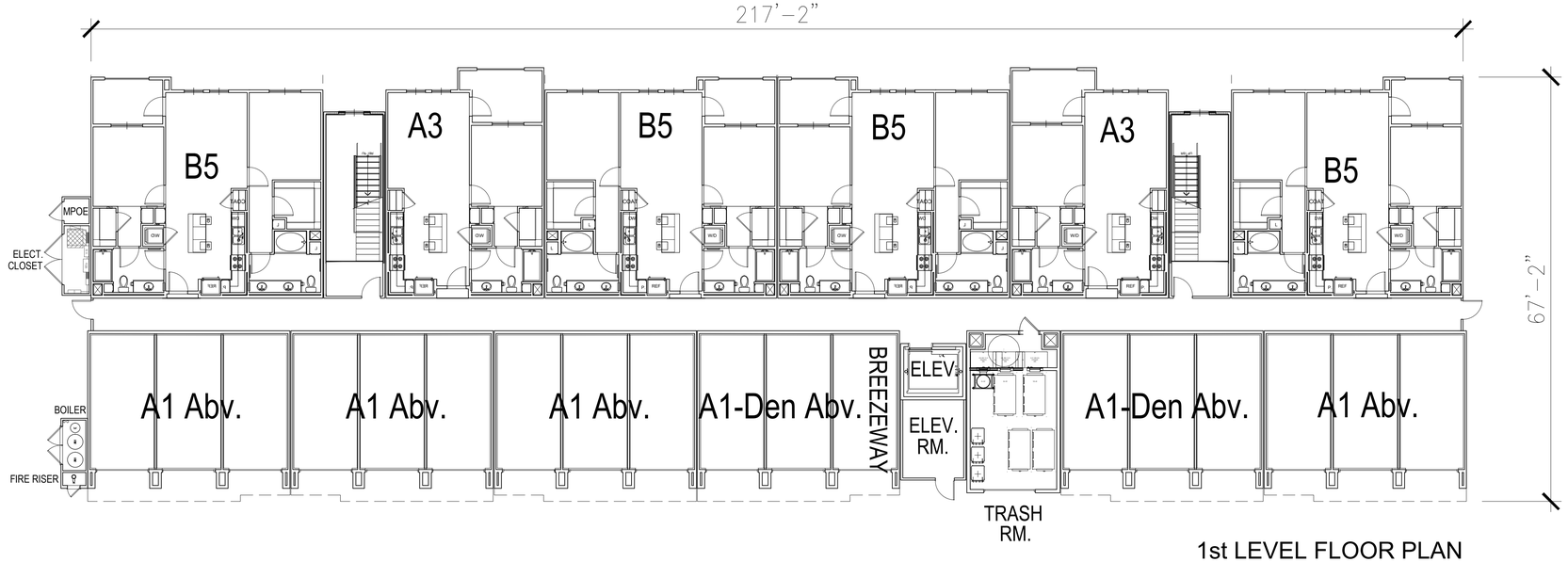
AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.



2nd - 4th LEVEL FLOOR PLAN



1st LEVEL FLOOR PLAN

APN: 0167-171-15

A-2.1

TYPE A BUILDING 1 & 2 - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

1, 2, 3 & 4 FLOOR PLANS DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

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10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
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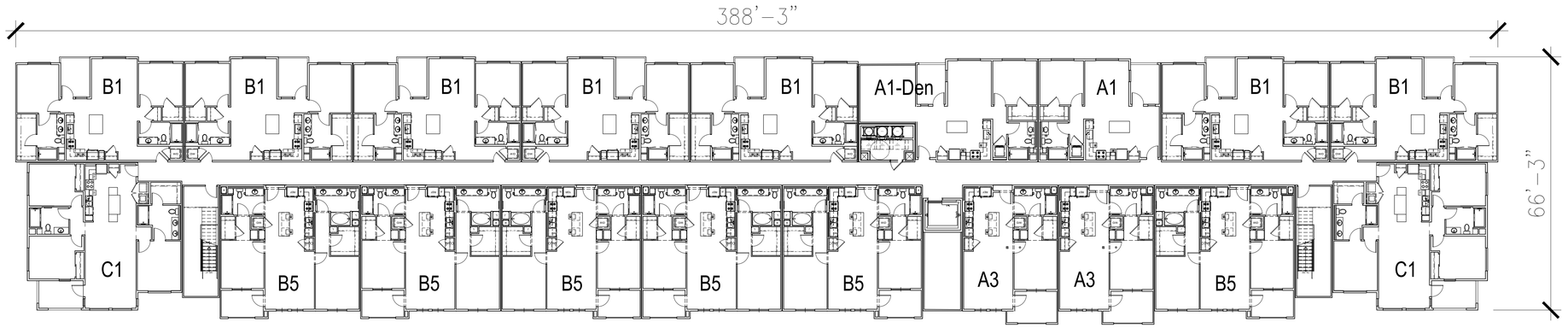
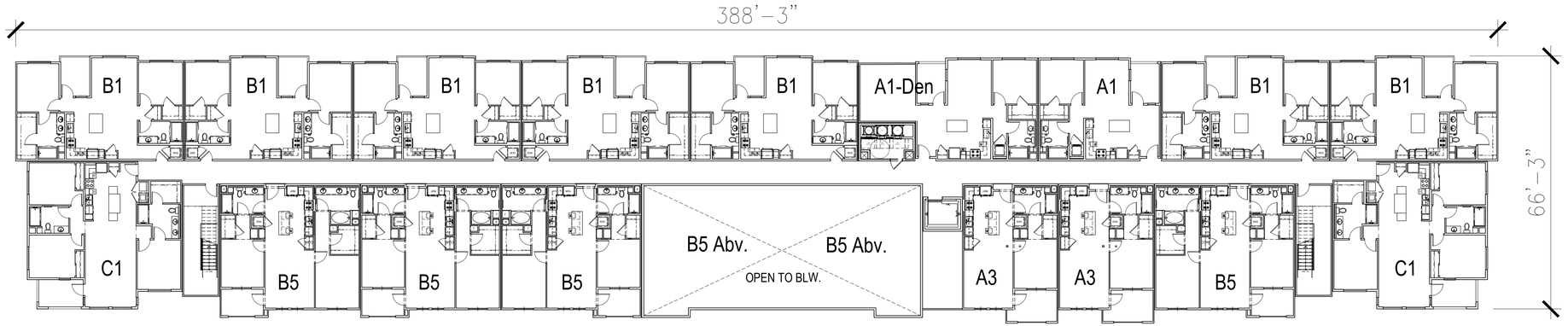
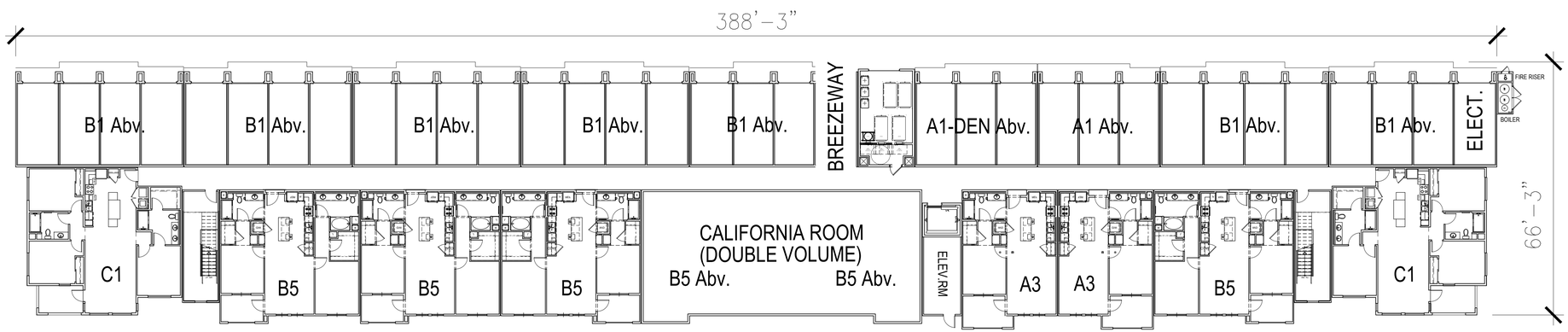
Architecture. Design. Relationships.



3rd & 4th LEVEL FLOOR PLAN



2nd LEVEL FLOOR PLAN



1st LEVEL FLOOR PLAN

TYPE B BUILDING 3 - COMPOSITE LEVEL
1, 2, 3 & 4 FLOOR PLANS

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

APN: 0167-171-15

A-2.2

TENNESSEE VILLAGE

REDLANDS, CA 92374

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144 NORTH ORANGE ST., ORANGE, CA 92866
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Architecture.
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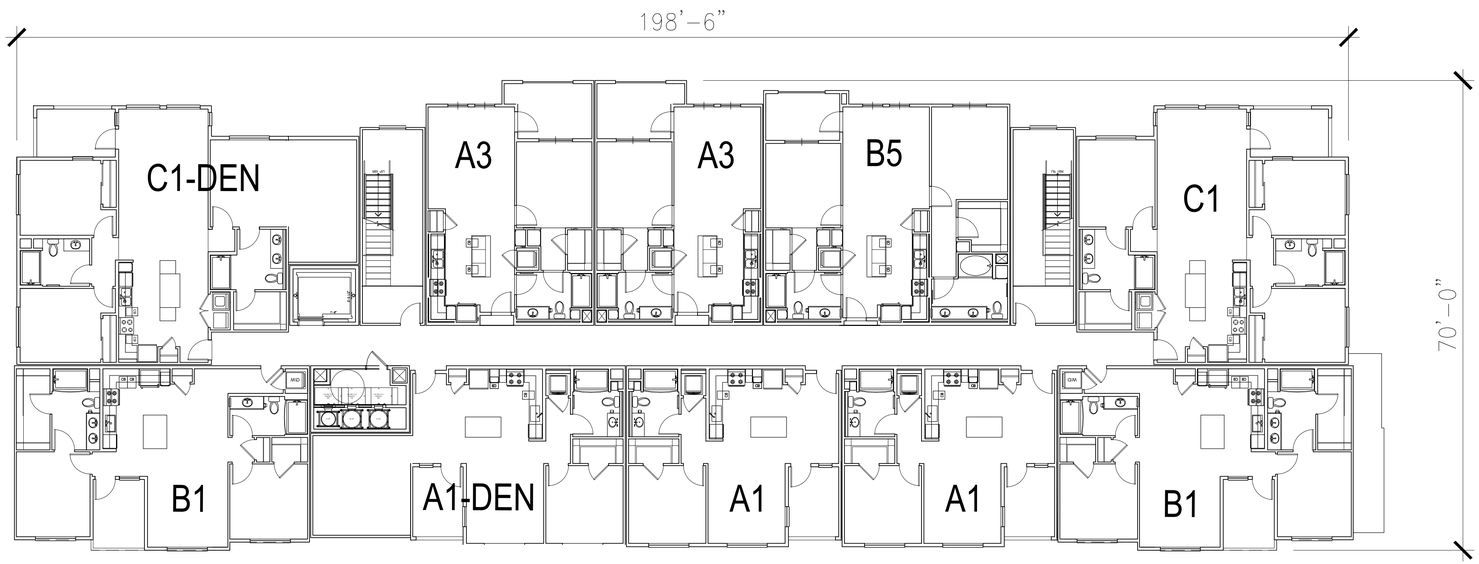
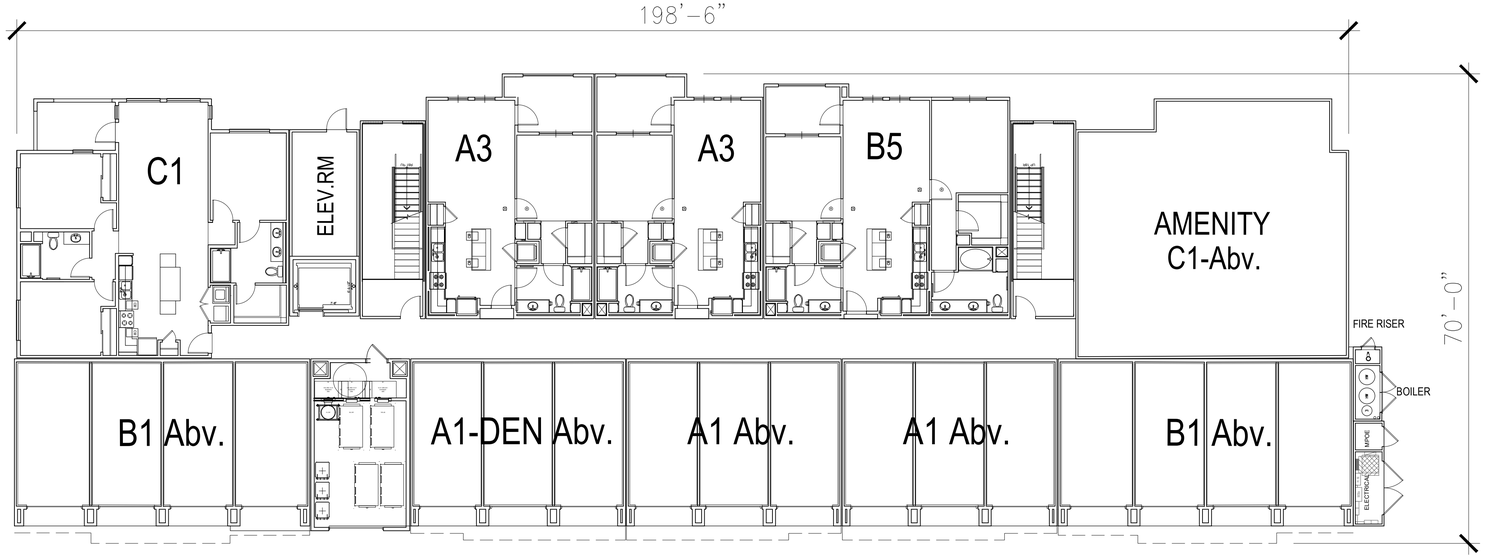


BLDG.5 & 6, 2nd - 4th LEVEL FLOOR PLAN



BLDG. 5 & 6,1st LEVEL FLOOR PLAN

APN: 0167-171-15

A-2.3

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE C (BLDG. 5 &6) - COMPOSITE LEVEL
1st-4th FLOOR PLANS

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
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Architecture.
Design.
Relationships.

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE D BUILDING 9 - COMPOSITE LEVEL

1st FLOOR PLAN

SCALE : 3/32"= 1'-0"

DATE: 01-10-2024

JOB NO.: 2020-322

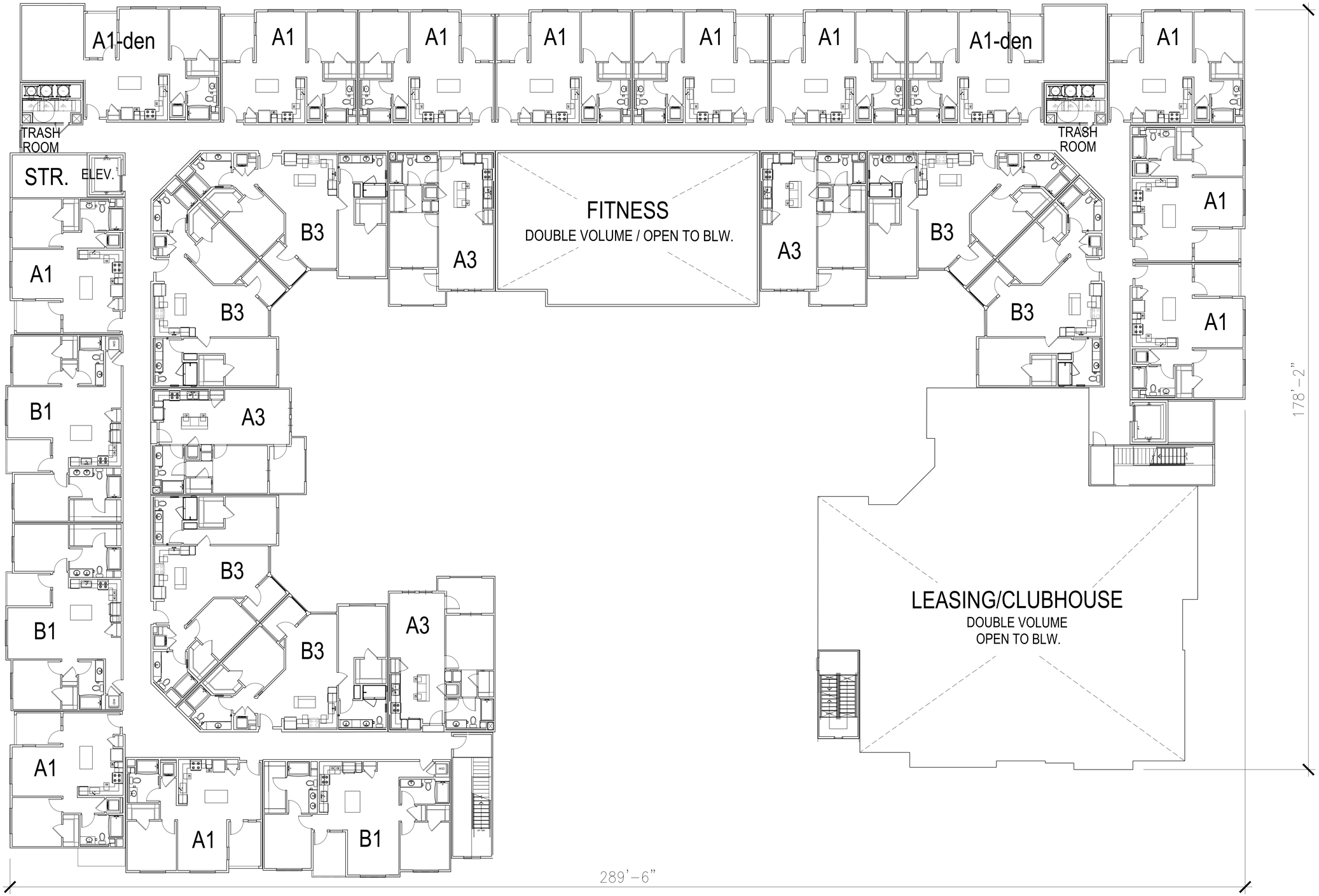
APN: 0167-171-15

A-2.4

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.



TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE D TYPE D BUILDING 9 - COMPOSITE LEVEL

2nd FLOOR PLAN

SCALE : 3/32"= 1'-0"

DATE: 01-10-2024

JOB NO.: 2020-322

APN: 0167-171-15

A-2.4-1

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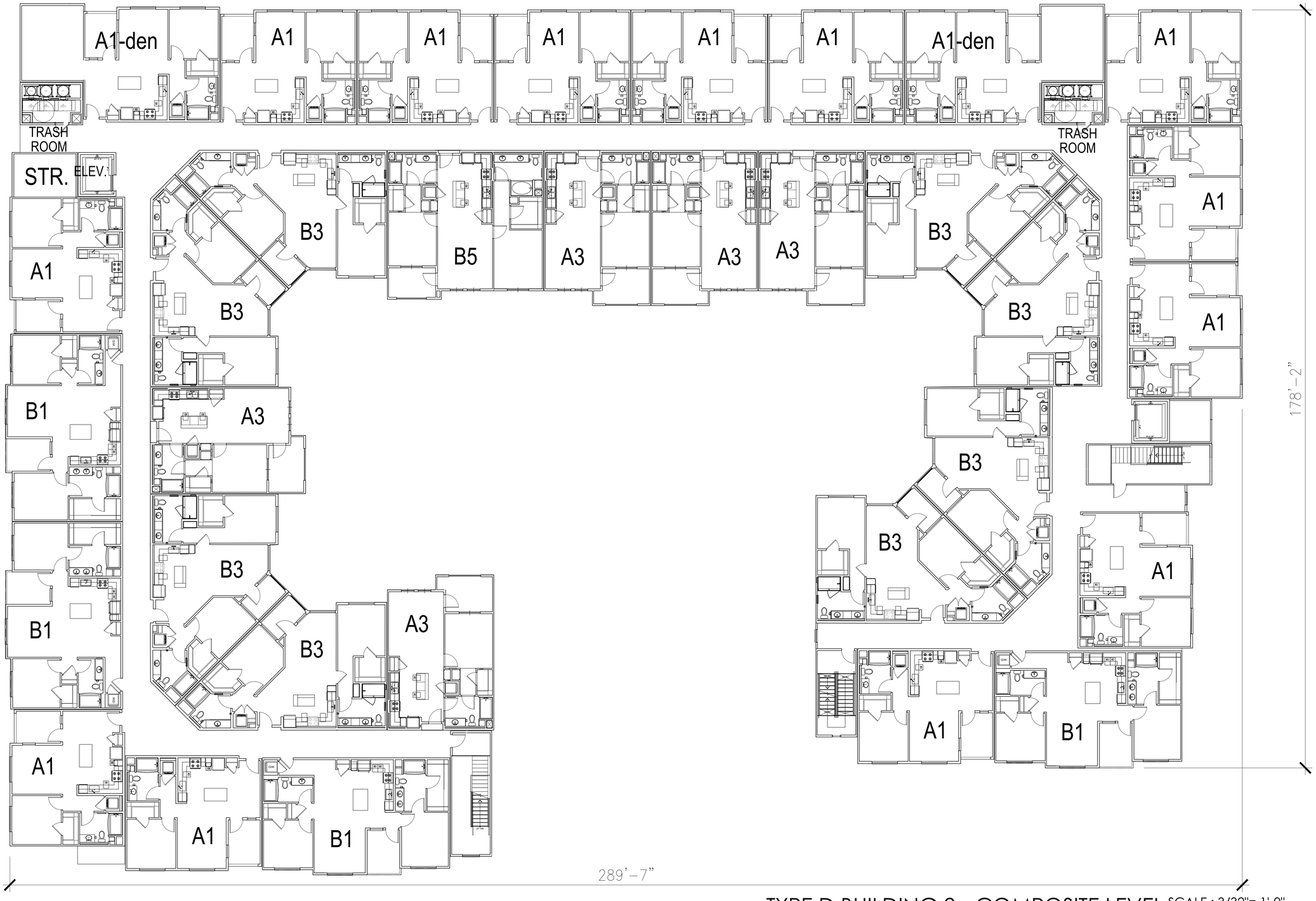
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.4-2

TYPE D BUILDING 9 - COMPOSITE LEVEL
3rd FLOOR PLAN

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

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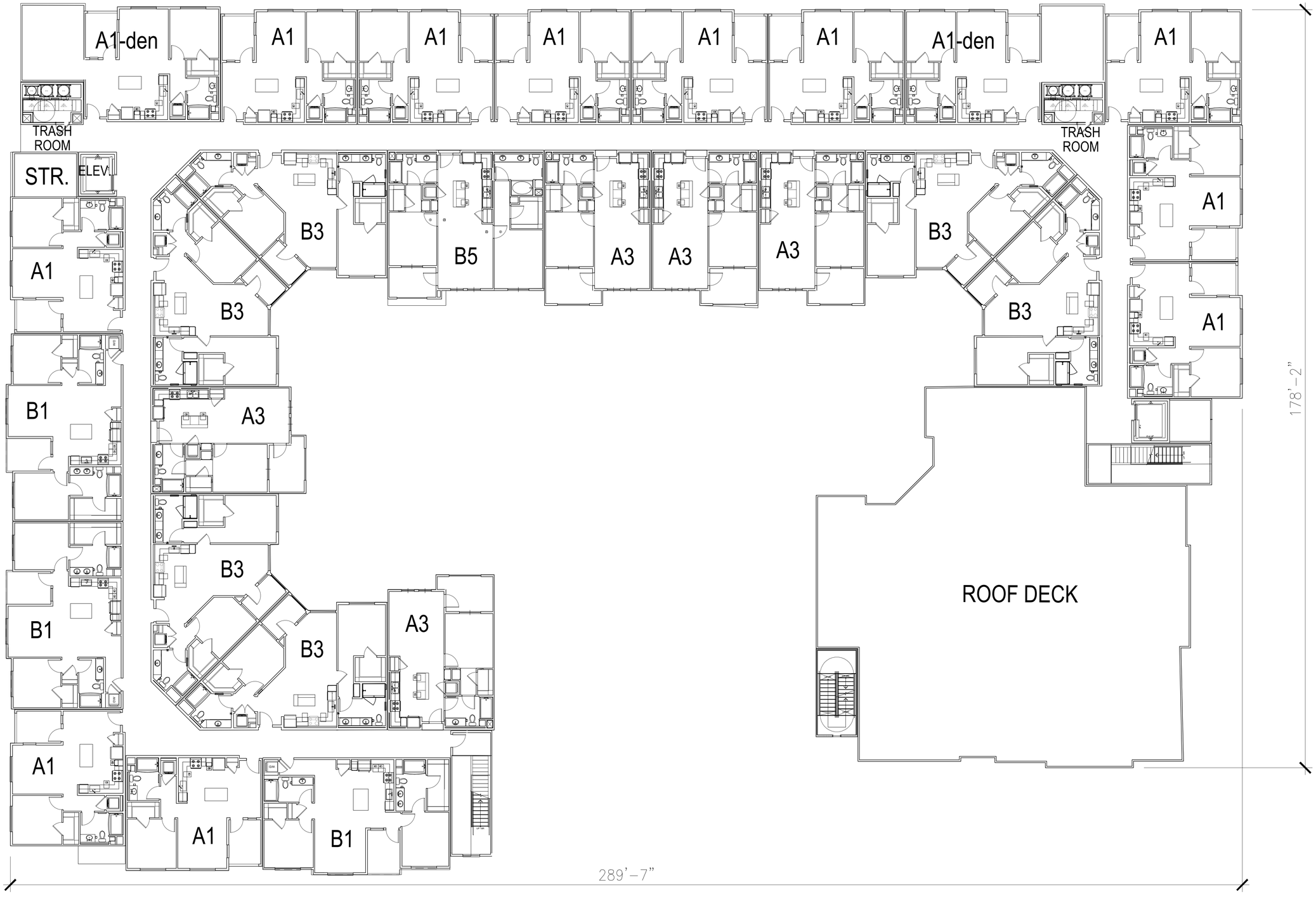
Architecture. Design. Relationships.



TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE D BUILDING 9 - COMPOSITE LEVEL
4th FLOOR PLAN

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

APN: 0167-171-15

A-2.4-3

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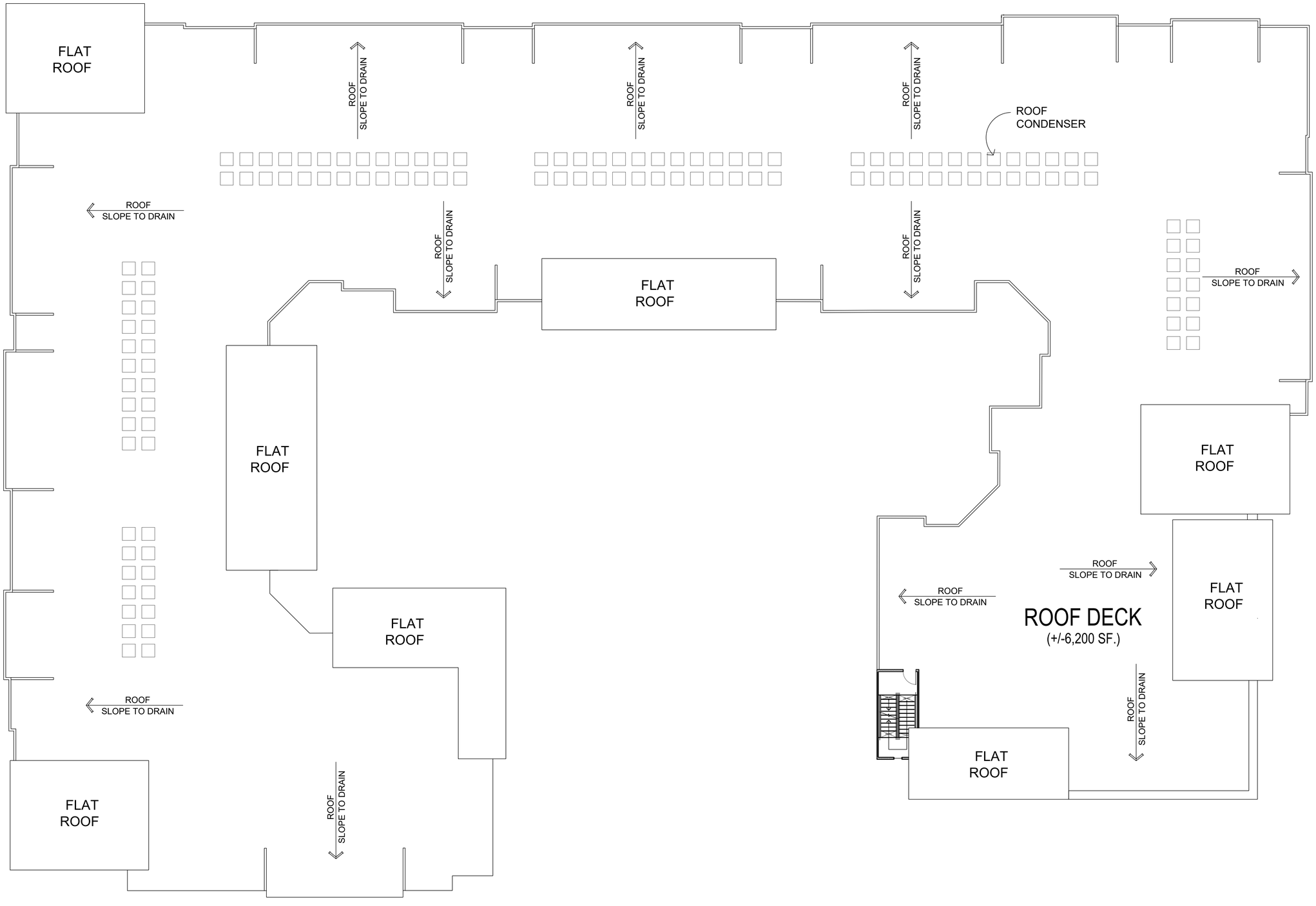
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.4-4

SCALE : 3/32"= 1'-0"

DATE: 01-10-2024

JOB NO.: 2020-322

TENNESSEE VILLAGE

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TYPE D BUILDING 9 - ROOF PLAN

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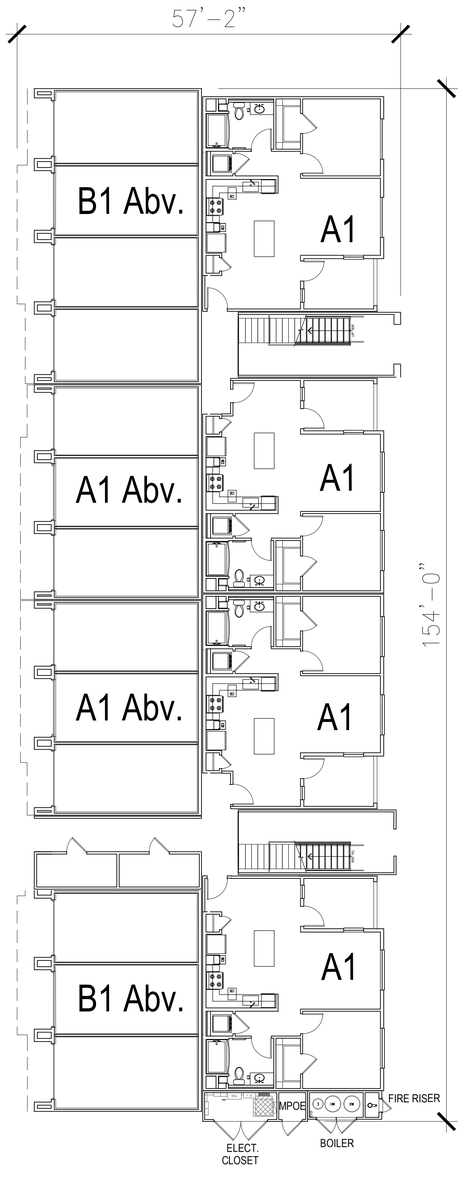
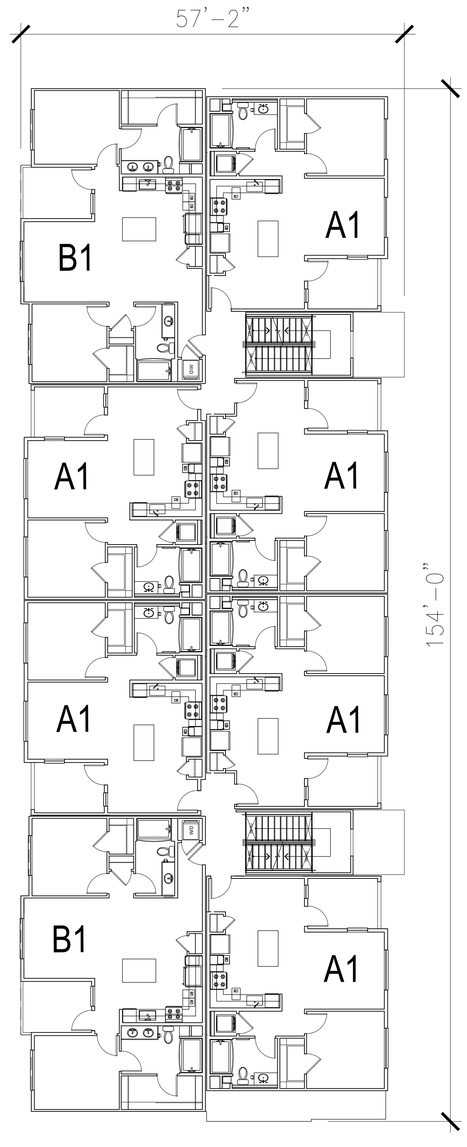
Architecture. Design. Relationships.



1st LEVEL FLOOR PLAN



2nd - 3rd LEVEL FLOOR PLAN

APN: 0167-171-15

A-2.5

TYPE E BUILDING 7 - COMPOSITE LEVEL
1, 2 & 3 FLOOR PLANS

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

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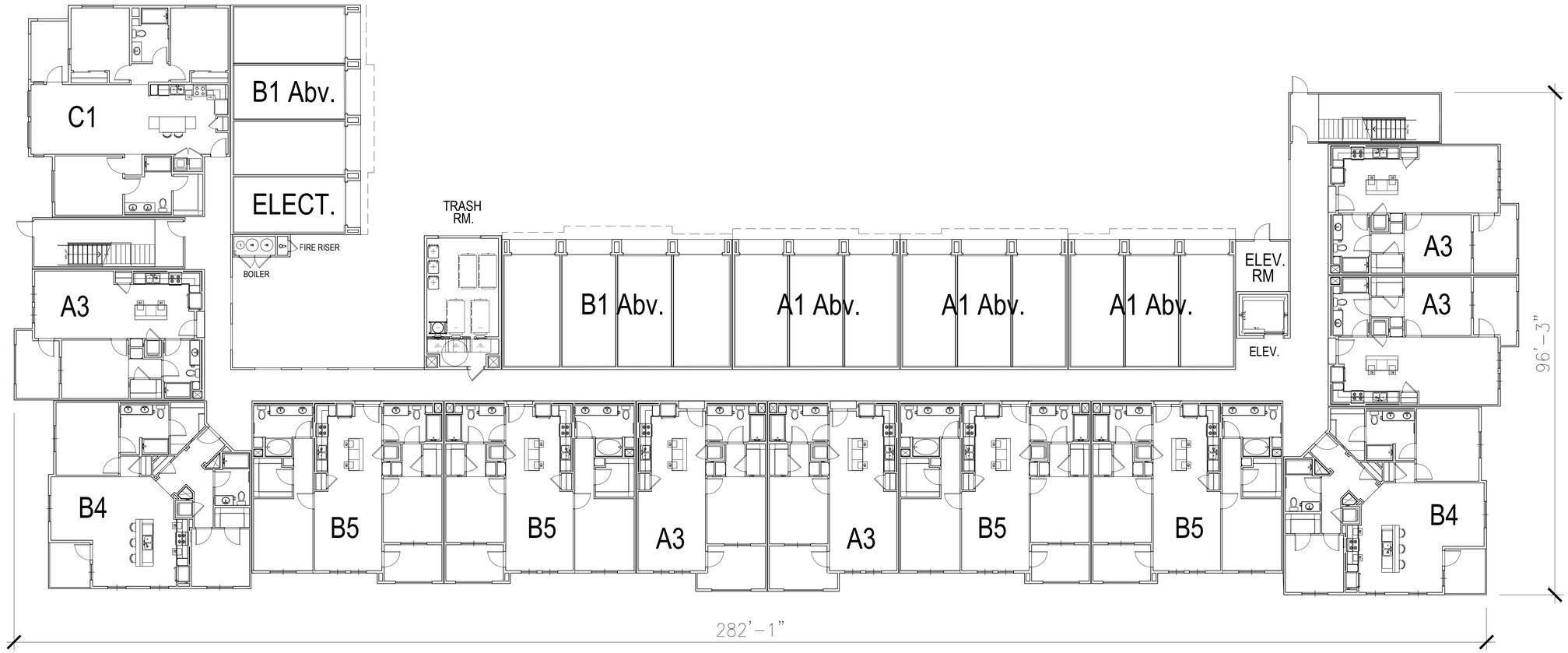
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.6

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE F(BLDLG. 11) - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

1st FLOOR PLAN DATE: 01-10-2024 JOB NO.: 2020-322

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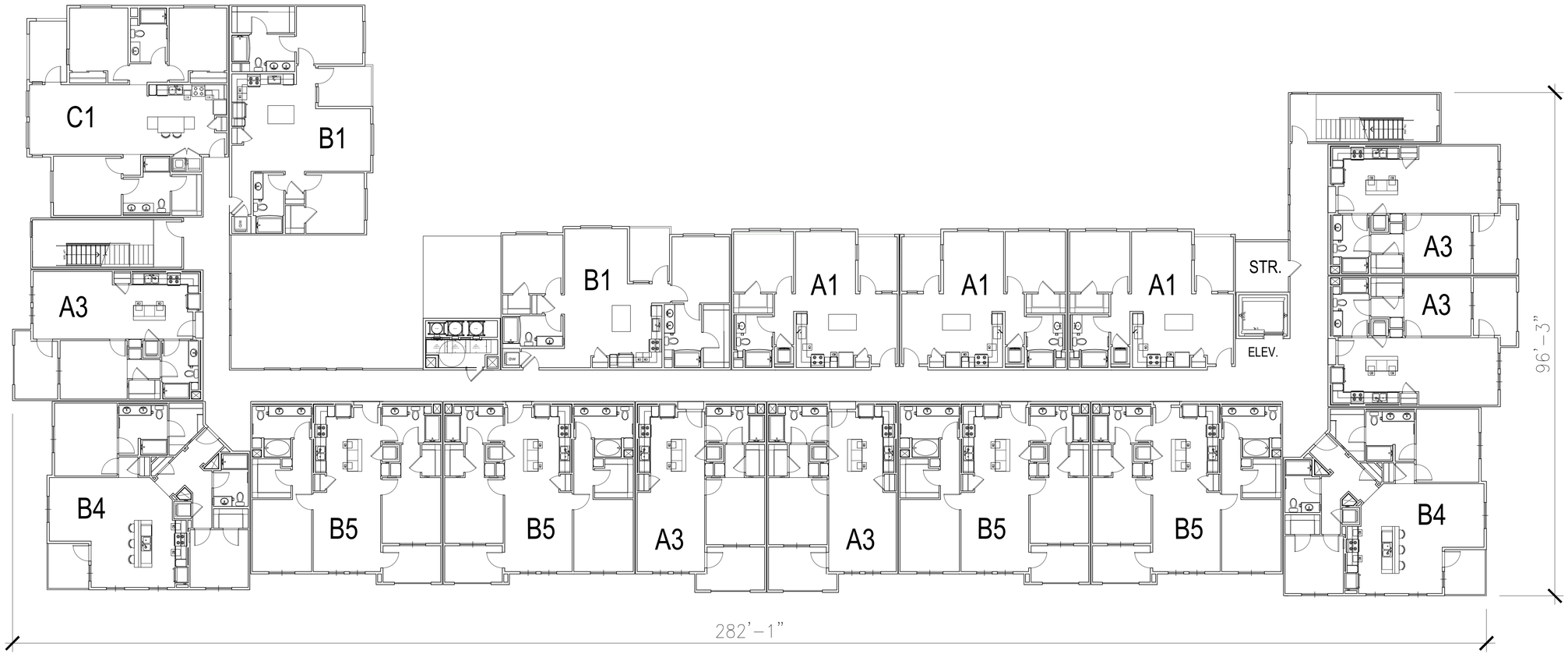
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.6-1

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE F(BLDLG. 11) - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

2nd, 3rd & 4th FLOOR PLAN DATE: 01-10-2024

JOB NO.: 2020-322

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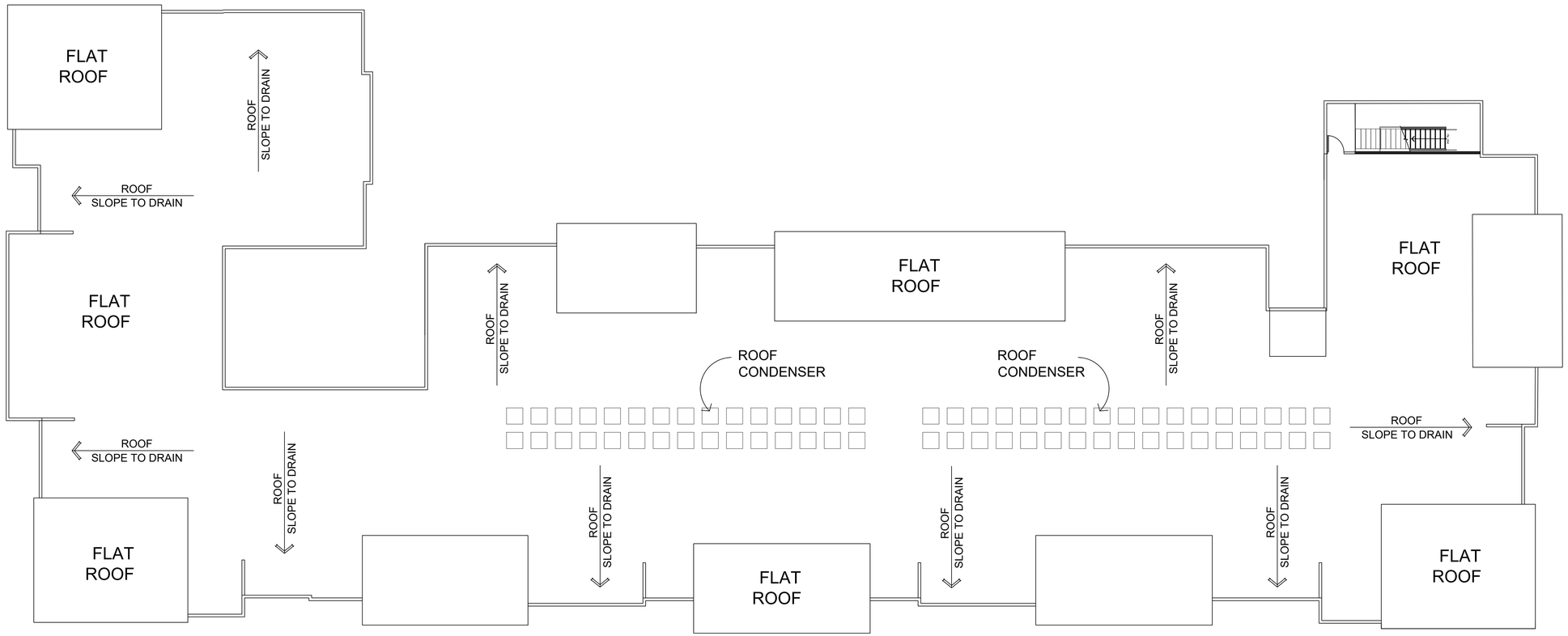
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.6-2

SCALE : 3/32"= 1'-0"

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE F BLDLG. 11 - ROOF PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

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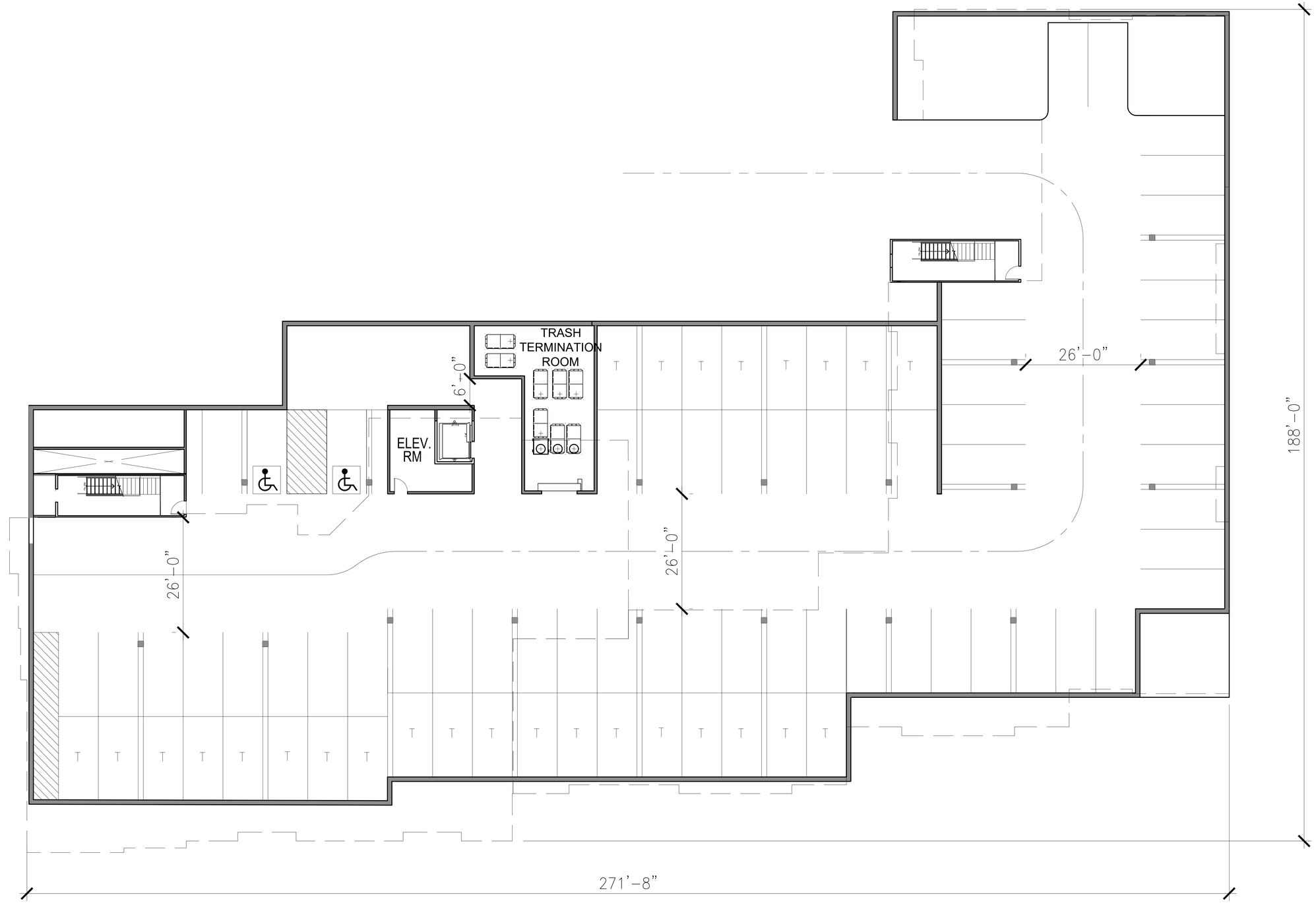

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE G BUILDING 10 - COMPOSITE LEVEL
BASEMENT LEVEL FLOOR PLAN

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

APN: 0167-171-15

A-2.7

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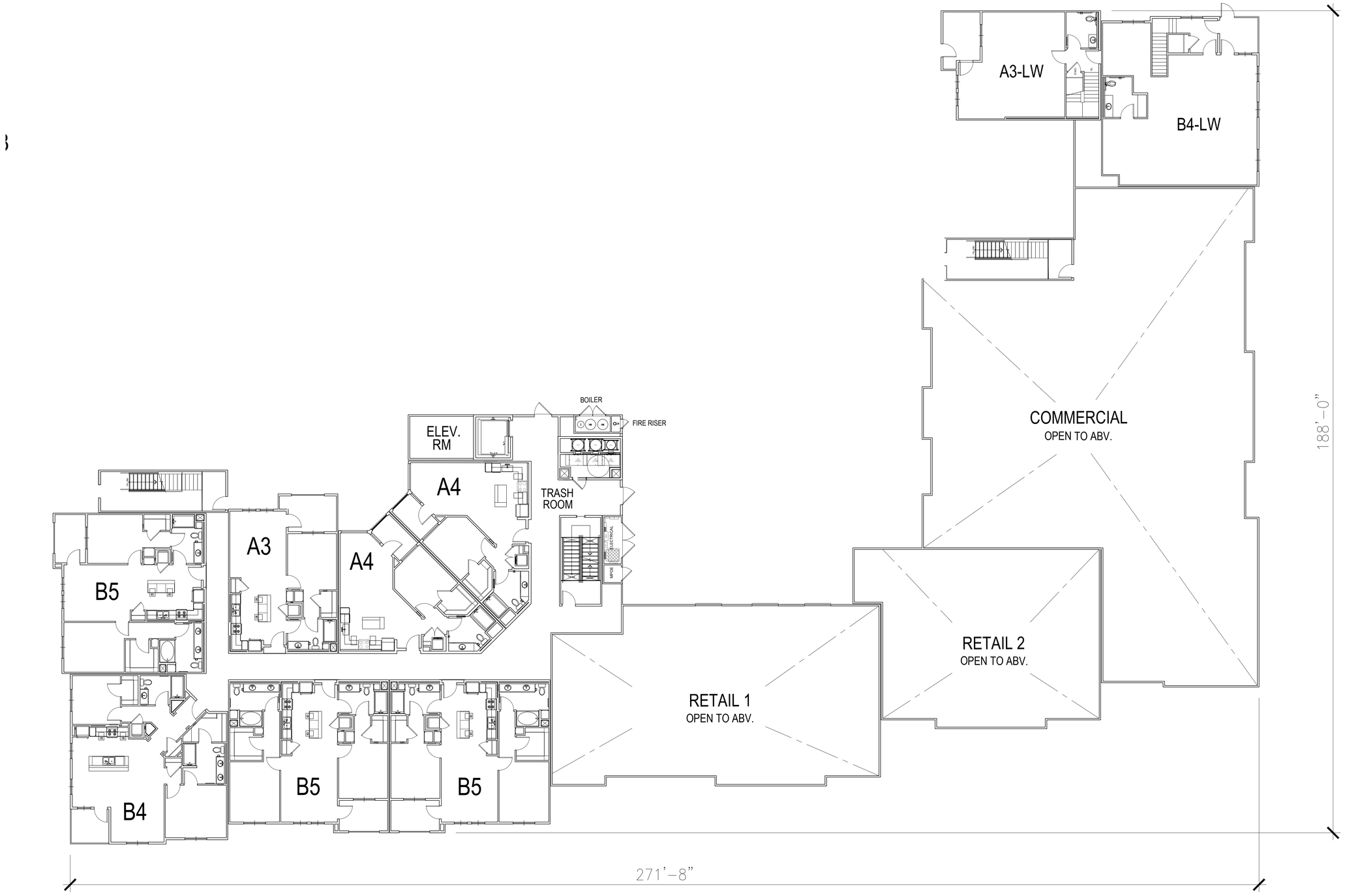
Architecture.
Design.
Relationships.



APN: 0167-171-15

A-2.7-1

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE G BUILDING 10 - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

1st LEVEL FLOOR PLAN DATE: 01-10-2024

JOB NO.: 2020-322

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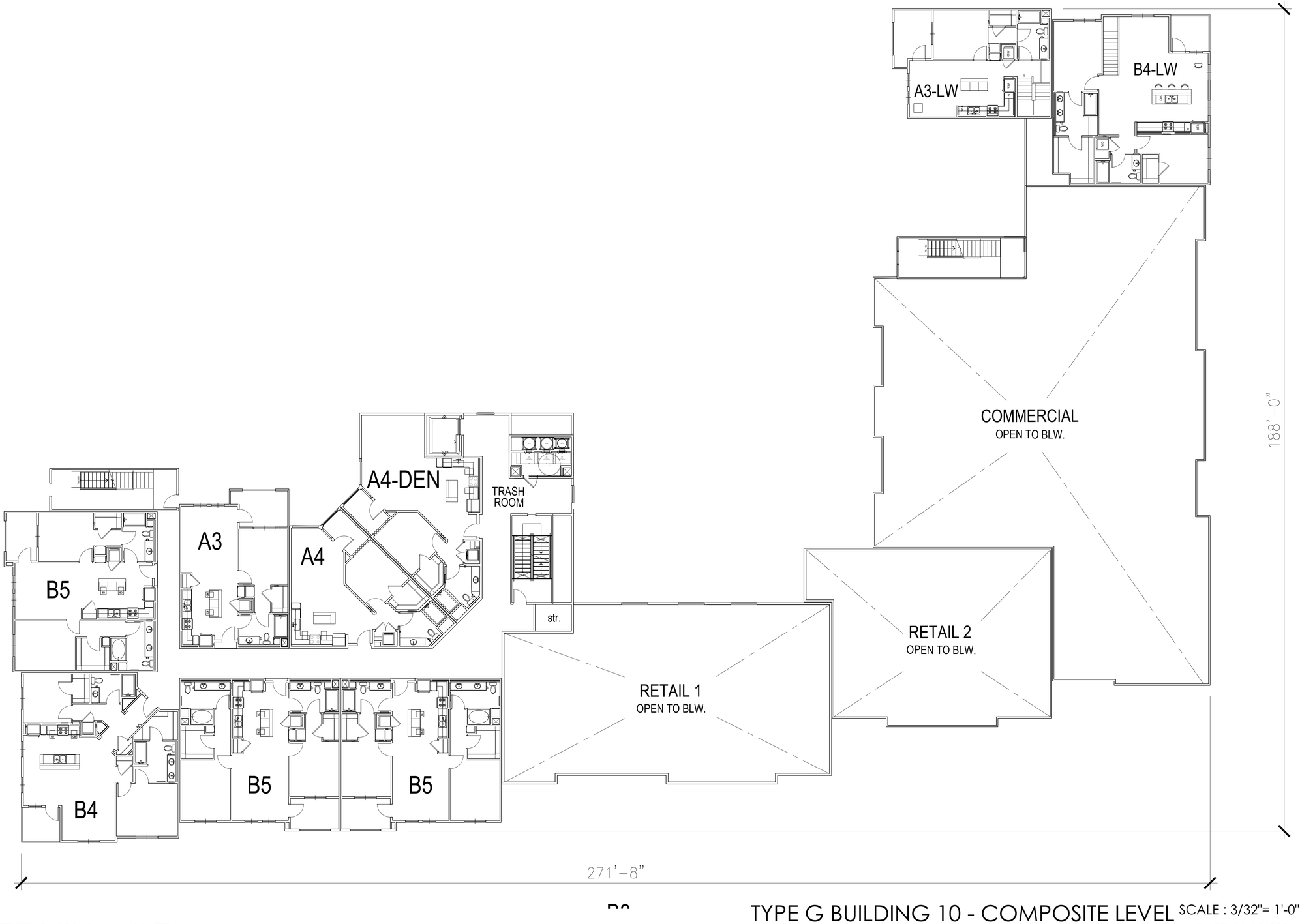
Architecture. Design. Relationships.



TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE G BUILDING 10 - COMPOSITE LEVEL
2nd LEVEL FLOOR PLAN

SCALE : 3/32"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

APN: 0167-171-15

A-2.7-2

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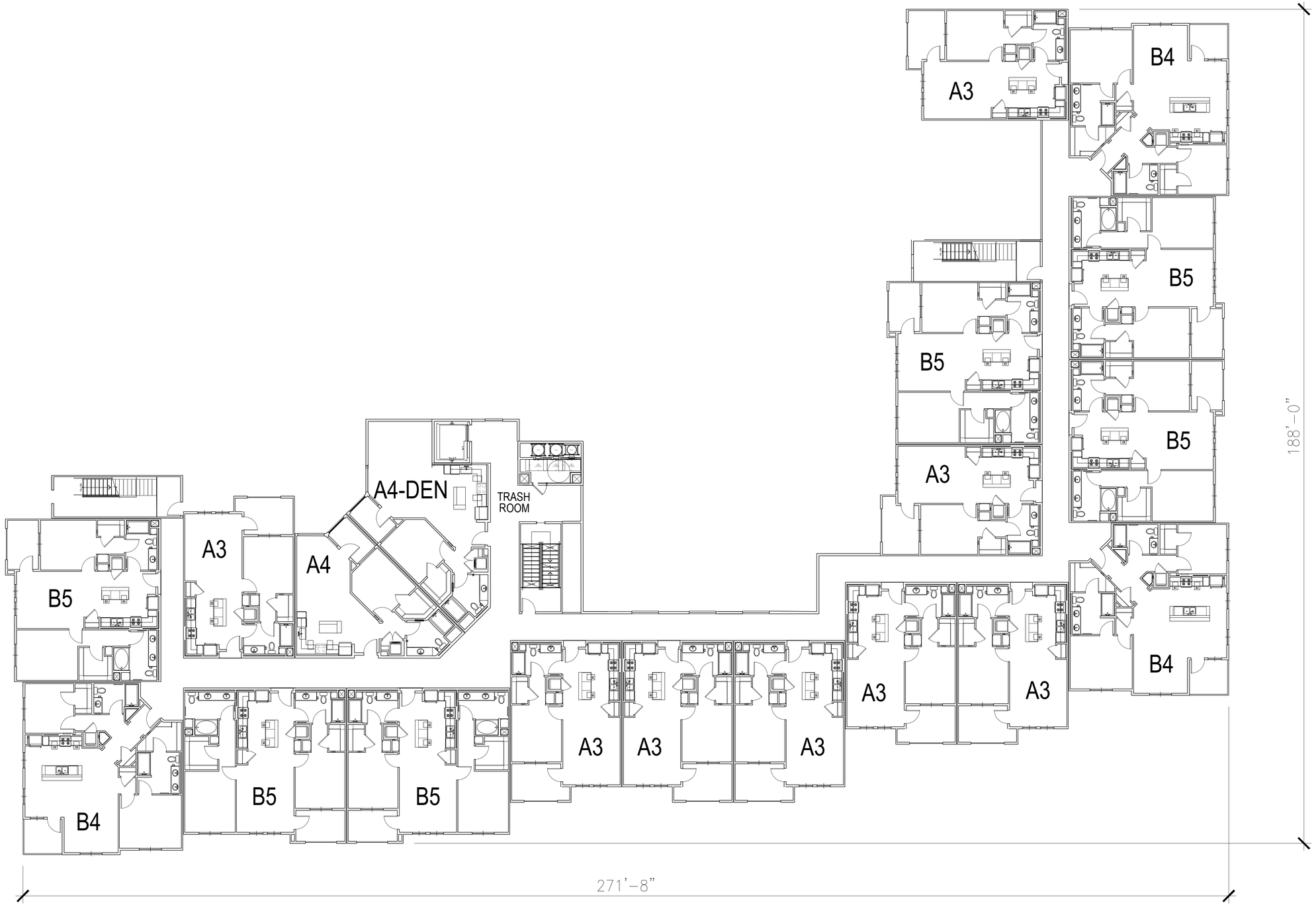
Architecture. Design. Relationships.



A1 TYPE G BUILDING 10 - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

3rd & 4rd LEVEL FLOOR PLAN DATE: 01-10-2024 JOB NO.: 2020-322

APN: 0167-171-15

A-2.7-3

TENNESSEE VILLAGE

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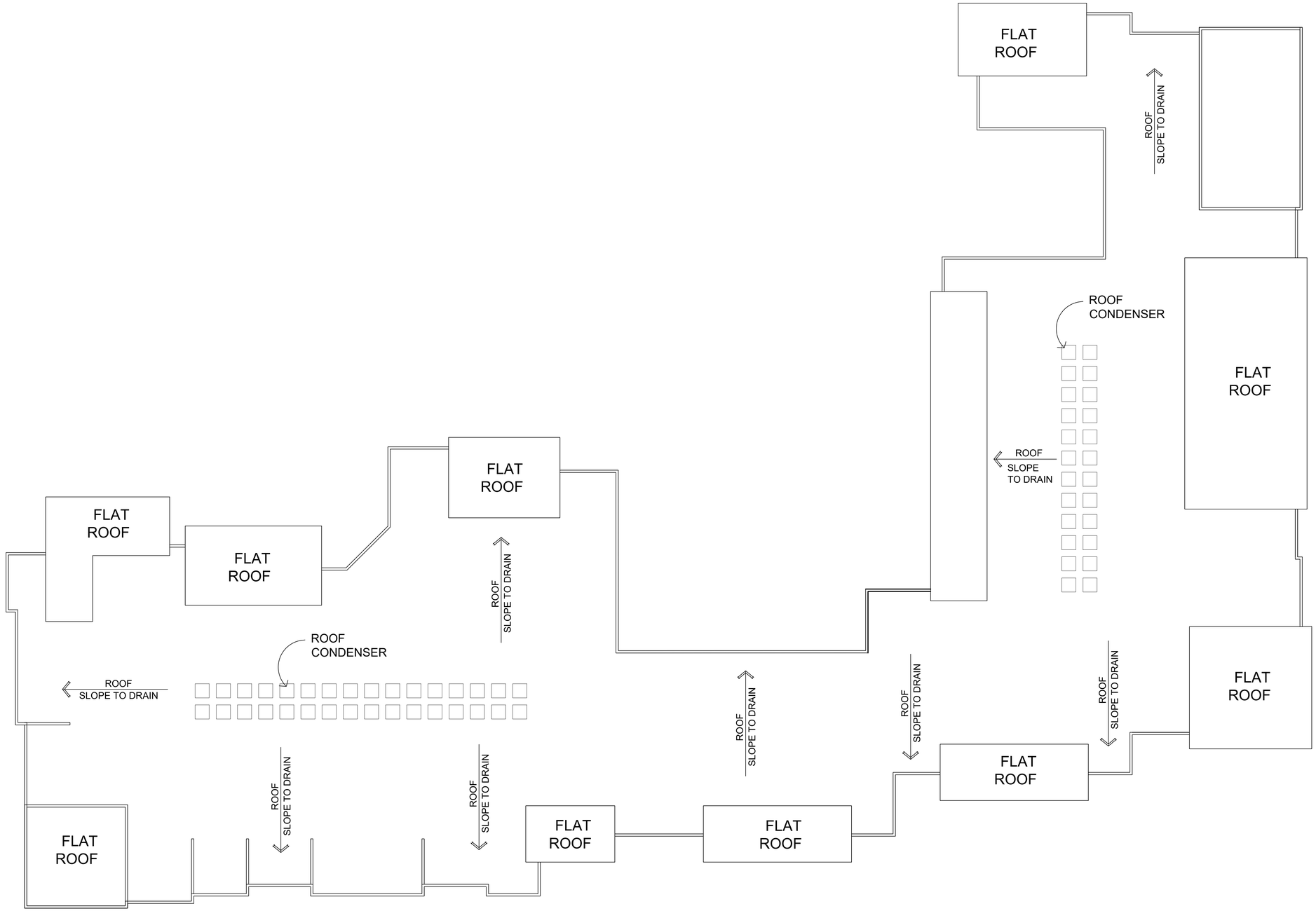
Architecture. Design. Relationships.



APN: 0167-171-15

A-2.7-4

TENNESSEE VILLAGE

REDLANDS, CA 92374

TYPE G BUILDING 10 - ROOF PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

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(909) 373-2628

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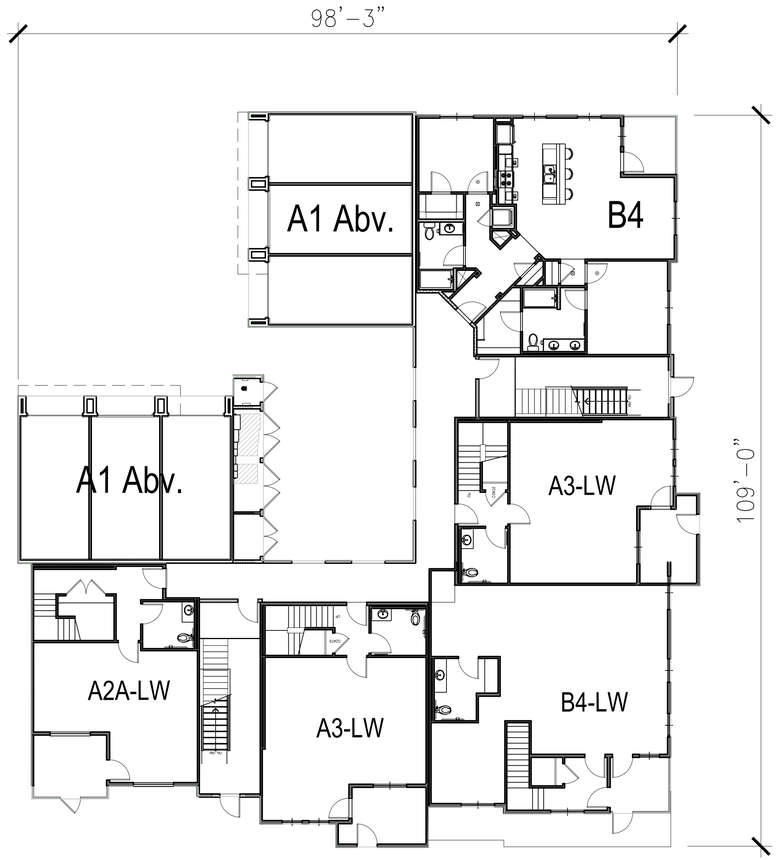
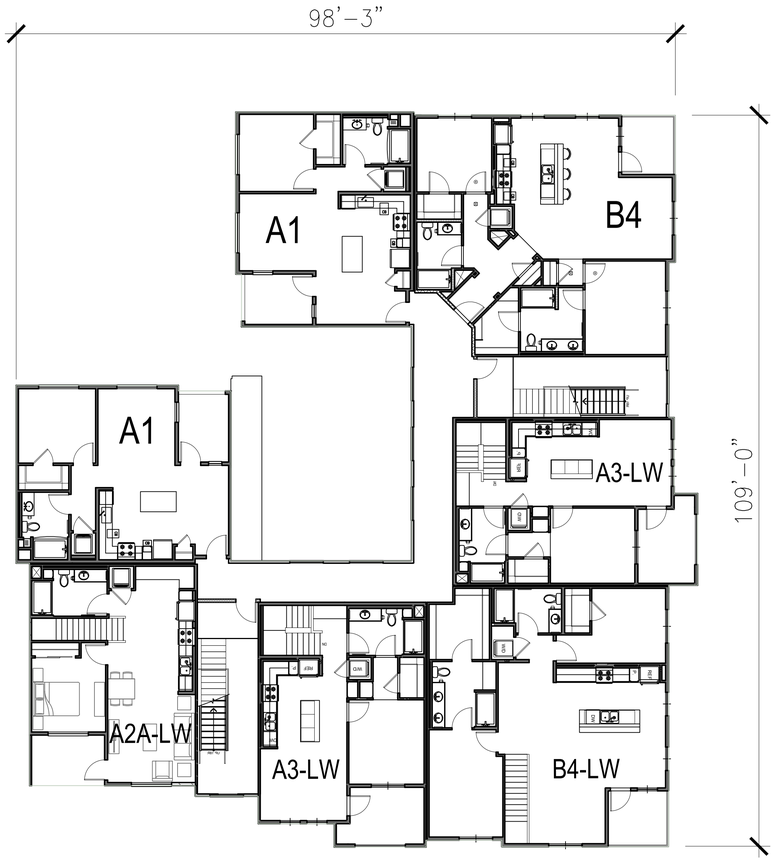
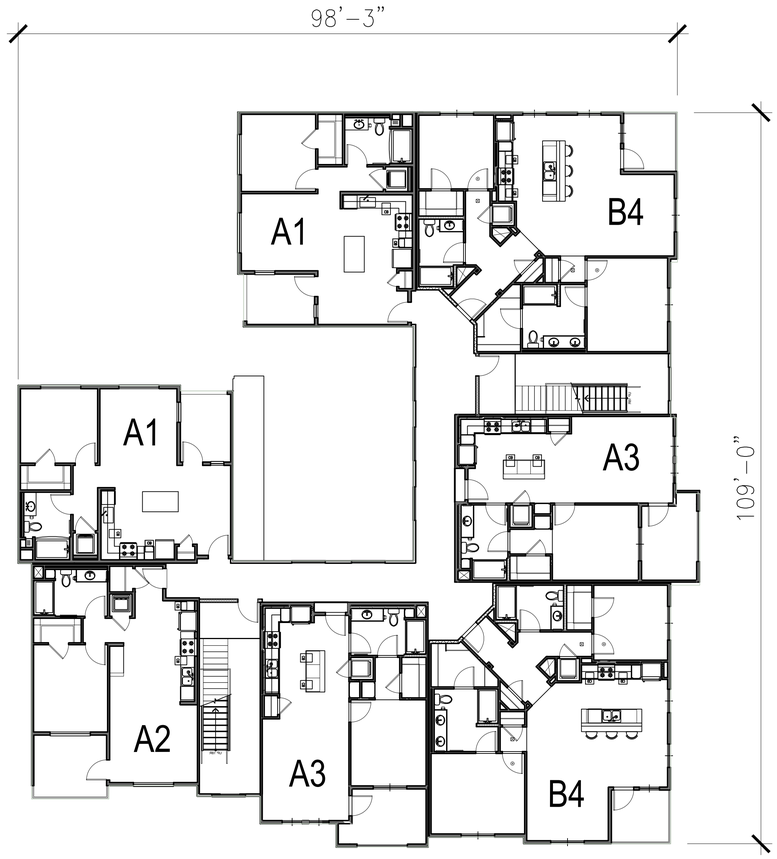
Architecture. Design. Relationships.



1st LEVEL FLOOR PLAN



2nd LEVEL FLOOR PLAN



3rd LEVEL FLOOR PLAN

APN: 0167-171-15

A-2.8

TYPE H BUILDING 8 - COMPOSITE LEVEL SCALE : 3/32"= 1'-0"

1, 2 & 3 FLOOR PLANS DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

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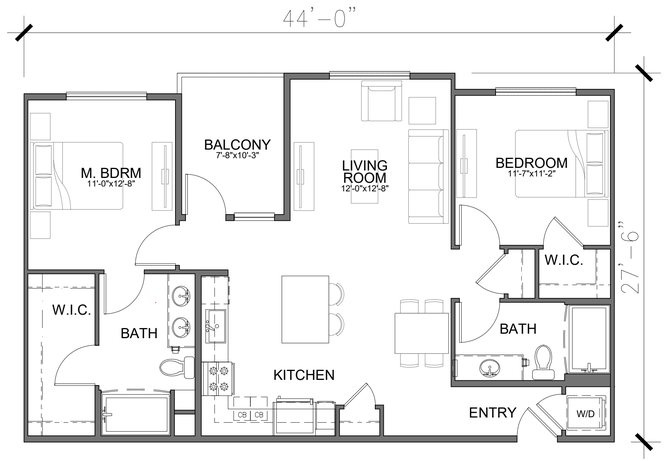
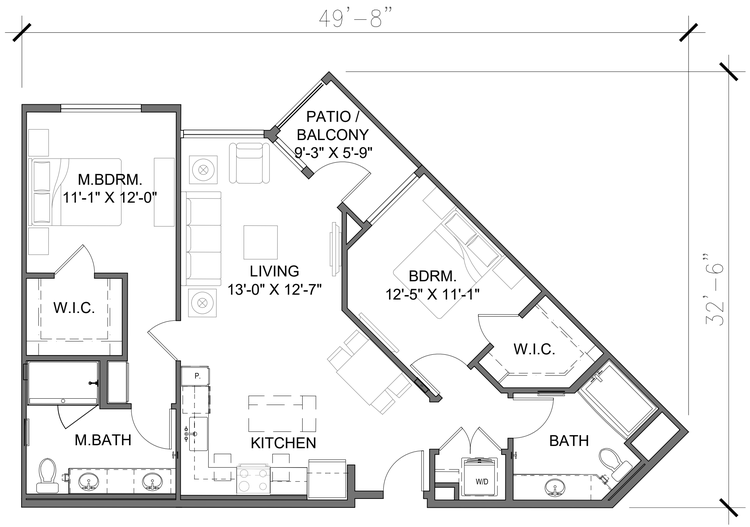
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture.
Design.
Relationships.



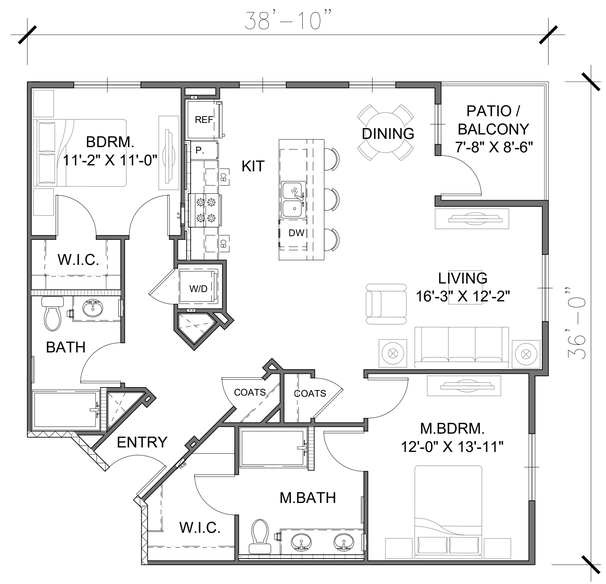
UNIT B1: 2BR/2BA

RENTABLE: 1,097 SQ.FT.
PATIO/BALCONY: 78 SQ.FT.



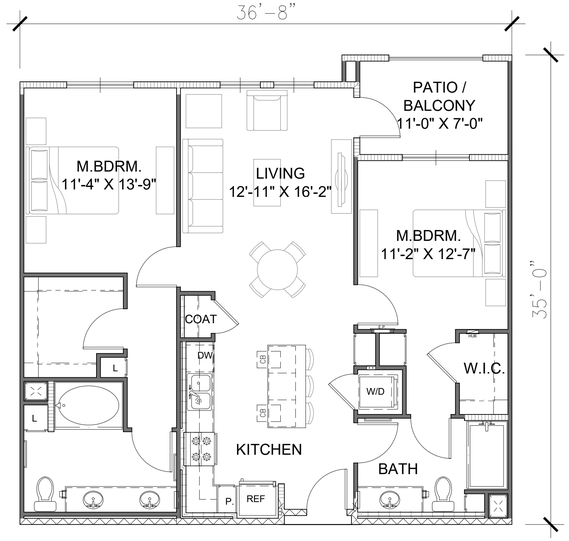
UNIT B3: 2BR/2BA

RENTABLE: 1,111 SQ.FT.
PATIO/BALCONY: 54 SQ.FT.



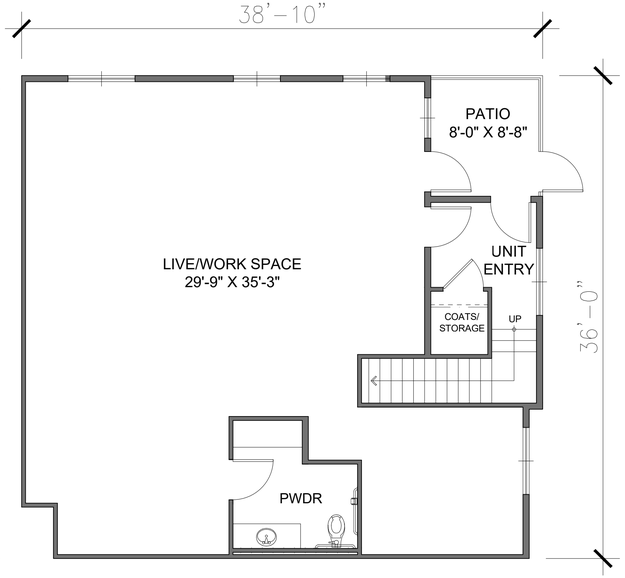
UNIT B4: 2BR/2BA

RENTABLE: 1,246 SQ.FT.
PATIO/BALCONY: 71 SQ.FT.



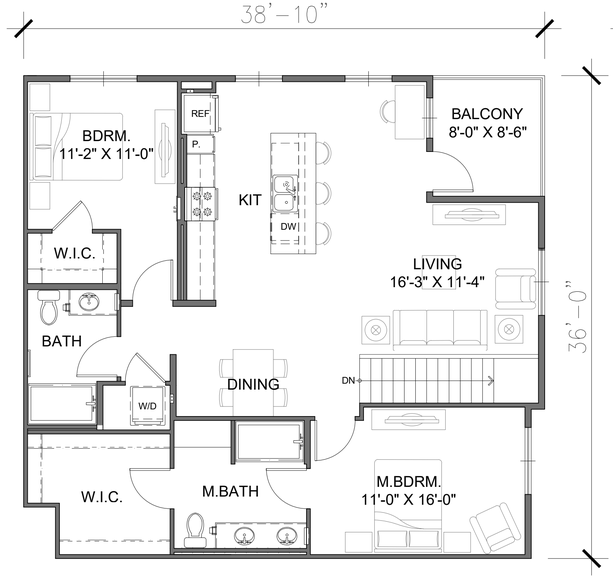
UNIT B5: 2BR/2BA

RENTABLE: 1,145 SQ.FT.
PATIO/BALCONY: 77 SQ.FT.



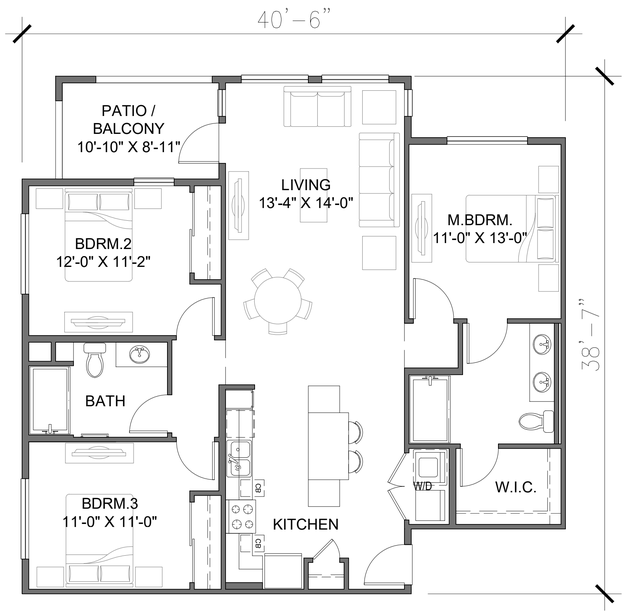
UNIT B4 LW: 2BR / 2.5BA/ LW

LEVEL 1 AREA: 1303 SQ. FT.
LEVEL 2 AREA: 1256 SQ. FT.
TOTAL AREA: 2,559 SQ. FT.
BALCONY + PATIO: 75 SQ. FT. + 75 SQ. FT. = 150 SQ. FT.



UNIT C1: 3BR/2BA

RENTABLE: 1,342 SQ.FT.
PATIO/BALCONY: 84 SQ.FT.



APN: 0167-171-15

A-3.2

SCALE : 3/16"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

UNIT PLANS 2

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(714) 639-9860

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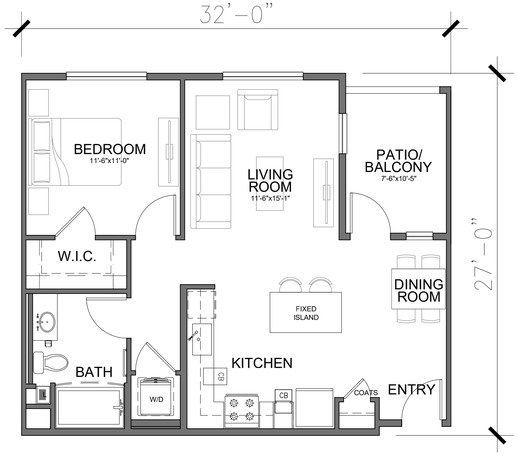
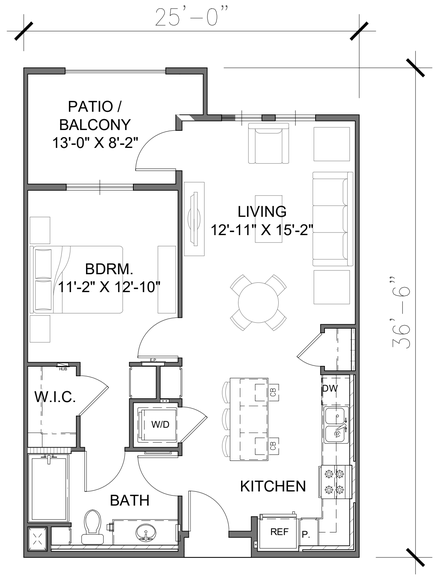


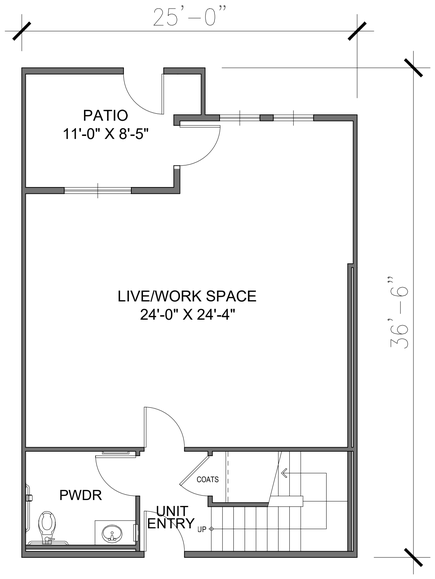
UNIT A1: 1BR/1BA

RENTABLE: 767 SQ.FT.
PATIO/BALCONY: 78 SQ.FT.



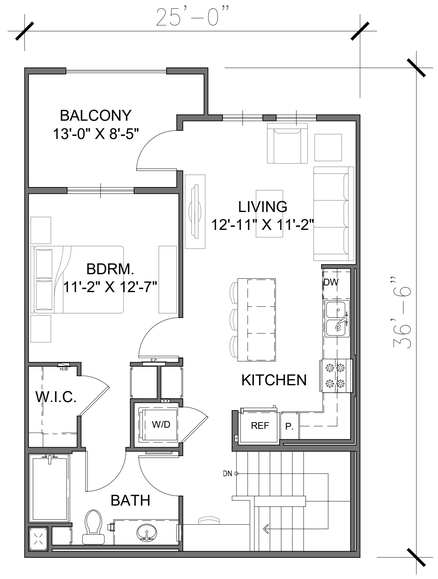
UNIT A3: 1BR/1BA

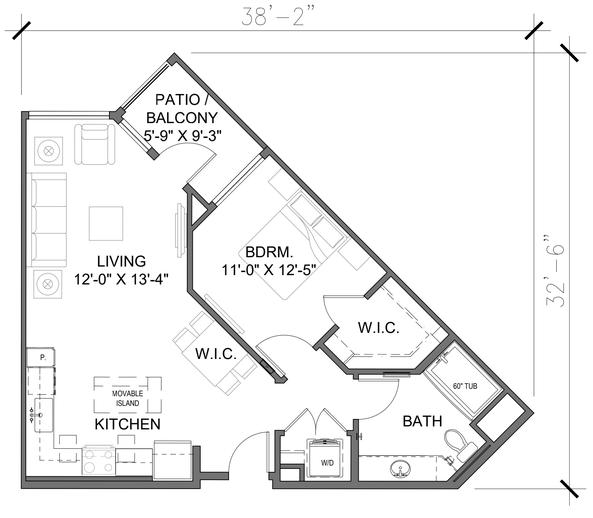
RENTABLE: 766 SQ.FT.
PATIO/BALCONY: 100 SQ.FT.



UNIT A3 LW: 1BR / 1.5BA/ LW

LEVEL 1 AREA: 764 SQ. FT.
LEVEL 2 AREA: 697 SQ. FT.
TOTAL AREA: 1,461 SQ. FT.
BALCONY + PATIO: 100 SQ. FT. + 100 SQ. FT. = 200 SQ. FT.





UNIT A4: 1BR/1BA

RENTABLE: 765 SQ.FT.
PATIO/BALCONY: 54 SQ.FT.

APN: 0167-171-15

A-3.1

SCALE : 3/16"= 1'-0"
DATE: 01-10-2024
JOB NO.: 2020-322

TENNESSEE VILLAGE

REDLANDS, CA 92374

UNIT PLANS 1

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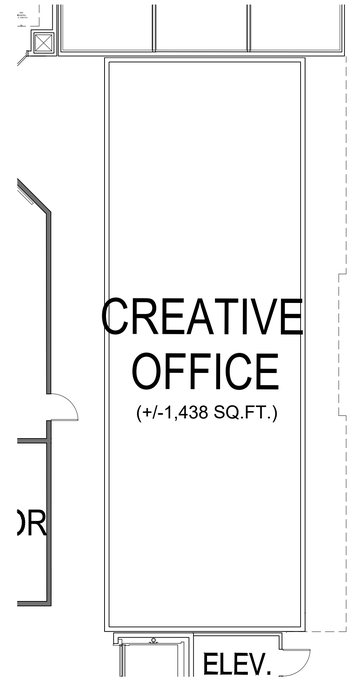
(714) 639-9860

Architecture. Design. Relationships.



+/-12,064 + +/-1,438 =+/-13,502 SQ.FT.

APN: 0167-171-15

A-4.1

TENNESSEE VILLAGE

REDLANDS, CA 92374

AMENITY FLOOR PLAN

DATE: 01-10-2024
JOB NO.: 2020-322

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(909) 373-2628

AO ARCHITECTS
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(714) 639-9860

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Monday, November 20, 2023 1:51:39 PM
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APN: 0167-171-15

TENNESSEE VILLAGE

REDLANDS, CA 92374

PERSPECTIVE OF PROJECT ENTRY 1 ON TENNESSEE STREET

DATE: 01-10-2024
JOB NO.: 2020-322

A-1.6

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TENNESSEE VILLAGE

REDLANDS, CA 92374

VIEW TO PROJECT FROM TENNESSEE STREET INTERSECTION -1

DATE: 01-10-2024
JOB NO.: 2020-322

A-1.7

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REDLANDS, CA 92374

VIEW TO PROJECT FROM TENNESSEE STREET INTERSECTION - 2

DATE: 01-10-2024
JOB NO.: 2020-322

A-1.8

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

APN: 0167-171-15

A-1.9

TENNESSEE VILLAGE

REDLANDS, CA 92374

PROJECT ENTRY 2 STREET SCENE

DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
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AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
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Architecture. Design. Relationships.

APN: 0167-171-15

TENNESSEE VILLAGE

REDLANDS, CA 92374

PROJECT ENTRY 2 & BUILDING 8 PERSPECTIVE

DATE: 01-10-2024
JOB NO.: 2020-322

A-1.10

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

APN: 0167-171-15

A-1.11

TENNESSEE VILLAGE

REDLANDS, CA 92374

INTERNAL STREET PERSPECTIVE
at BUILDING 10

DATE: 01-10-2024
JOB NO.: 2020-322

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

APN: 0167-171-15

TENNESSEE VILLAGE

REDLANDS, CA 92374

INTERNAL STREET PERSPECTIVE of BUILDING 8 &10

DATE: 01-10-2024
JOB NO.: 2020-322

A-1.12

DIVERSIFIED PACIFIC
10621 CIVIC CENTER DRIVE, RANCHO CUCAMONGA, CA 91730
(909) 373-2628

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

Architecture. Design. Relationships.

ARCHITECTURAL DESIGN GUIDELINES (Tennessee Village)

DESIGN GUIDELINES	PROPOSED PROJECT
I. Project Architecture	
Provide architectural treatment to all elevations that are visible from either public or private vantage points.	Consistent. All sides and elevations have architectural treatments of varying types.
Avoid expanses of blank wall, devoid of any articulation or embellishment for both buildings and freestanding walls.	Consistent. There are no large expanses of blank walls without openings (e.g., windows, doors, pathways, etc.) or utilization of different colors or materials.
Elevations should be visually attractive by providing surface articulation in all areas of the building plane, including vertical and horizontal variation to the roofline.	Consistent. All buildings have a significant amount of wall plane offsets and articulation. All sides of all buildings present varying amounts of surface articulation with vertical and horizontal wall plane offsets.
Rooftop equipment shall be concealed by providing raised architectural elements around equipment to screen roof equipment on buildings or integrating the screening within the roof slopes. Screening is acceptable by parapets or by equipment screens when a parapet is not feasible.	Consistent. Parapets can conceal any rooftop equipment. A condition of approval will be included that requires appropriate screening of all rooftop equipment, and will be verified in Plan Check.
Vary the roof through the use of vertical separations, varying roof structure, varying the parapet line or ridge line.	Consistent. Roofs and rooflines vary and are offset on all sides of all buildings.
Within developments, provide a safe and comfortable walking environment for pedestrians. Pedestrian areas should be shaded and contain small niches, landscaped planters, or raised planters, and other amenities to create additional visible interest.	Consistent. Features throughout the development are designed as pedestrian-friendly, with open space areas, recreation amenities, trees, landscape areas, and lighting.

DESIGN GUIDELINES	PROPOSED PROJECT
Provide focal points in the architectural theme to create a strong entry statement and provide a sense of place. Towers, spires, massing, colors, trellises, fountains, public art, and plazas are encouraged.	Consistent. Enhanced entries are provided to commercial portions of the project with open space amenities planned near building entries as a focal point.
Building articulation shall be included in the design of building, in order to create a formal entry statement.	Consistent. Exterior façades include architectural features significant articulation.
All projects are strongly encouraged to be designed by a licensed architect with experience in commercial architecture.	Consistent. Project plans prepared by licensed architects.
Use building materials that provide texture and character to building surfaces.	Consistent. A variety of materials/textures are proposed.
Architectural details may include accent colors treatments, however projects should avoid an excessive amount of bright or highly reflective colors which overpower the building.	Consistent. A variety of materials, textures, and colors are proposed (including brick veneer, tile, and stucco finishes) None of the proposed materials or colors are brightly colored or highly reflective.
Consider site amenities, such as walls, raised planters, hardscape, street furniture, trash enclosures, lighting, and monument signs, as part of the total architectural package for the project. Articulate and integrate bike racks and other components into design of buildings, placing racks in visible locations.	Consistent. The project plans carefully consider the landscaping and hardscape elements of the project. The Site Plan can accommodate multiple bike racks.
27. Project signage must be incorporated into the overall architectural theme of a development. Sign programs shall consider different types of signage designed for pedestrian and auto orientation and shall develop ways to integrate the specific type of sign being used (building, monument, freeway oriented) to a project's design.	Consistent. Space for signs is anticipated. Future signs will fall under separate review and approval.

DESIGN GUIDELINES	PROPOSED PROJECT
II. Site Design	
1. Whenever possible, new structures should be clustered. This creates plazas or pedestrian mall and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, other open structures, open space planting scheme, plaza, pedestrian areas and enhanced paving.	Consistent. The proposed site plan arranges new buildings around open space areas and pedestrian paths. New buildings are placed at or near the areas which encourage pedestrian use.
2. Plot buildings to create plazas and logical pedestrian connections. Pedestrian walkways should connect public transportation, street access, parking lots, and buildings. Pedestrians should be able to access buildings without walking in drive aisles. Major pedestrian components should have amenities such as shade, adjacent landscaping, and visual interest. All intersections with drive aisles should be clearly marked and signed for safety.	Consistent. The proposed site plan arranges new buildings around a open space areas. New buildings are placed at or near the areas which encourage pedestrian use.
3. Recognize the importance of spaces between structures as "outdoor rooms" on the site. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply "left over" areas between structures. Outdoor spaces should provide pedestrian amenities such as shade, benches, water features, etc.	Consistent. The proposed site plan arranges new buildings around a new central green belt. New buildings are placed at or near the areas which encourage pedestrian use. .
29. Screen trash enclosures, ground-mounted equipment and utilities from public view with landscaping or orientation of the building.	Consistent. Service areas are screened.

TENTATIVE PARCEL MAP No. 20688
TENNESSEE VILLAGE PROJECT

APPLICANT
DIVERSIFIED PACIFIC
DEVELOPMENT GROUP
10621 CIVIC CENTER DRIVE
RANCHO CUCAMONGA, CA 91730
PH: 909.373.2628
FAX: 909.481.1151

PROJECT GEOLOGIST
PETRA GEOSCIENCES - GRAYSON WALKER

CIVIL ENGINEER
KIMLEY-HORN
3801 UNIVERSITY AVENUE, SUITE 300
RIVERSIDE, CA 92501
PH: 951.543.9868

OWNER
SEE EXISTING OWNERSHIP INFORMATION BELOW

LEGEND
RIGHT-OF-WAY LINE
LOT/PARCEL LINE
STREET CENTERLINE
BOUNDARY LINE
ORIGINAL LOT/PARCEL LINE
PUBLIC ACCESS EASEMENT
(101) 1 FOOT CONTOUR INTERVAL
(105) 5 FOOT CONTOUR INTERVAL
NO VEHICULAR ACCESS
UTILITY MH
STREET LIGHT
VEGETATION

MAP PREPARED BY:

Kimley»Horn

© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
3801 UNIVERSITY AVENUE, SUITE 300, RIVERSIDE, CA 92501
PHONE: 951.543.9868
WWW.KIMLEY-HORN.COM

REGISTERED PROFESSIONAL ENGINEER JOHN POLOCK No. 86160 CIVIL STATE OF CALIFORNIA

BASIS OF BEARING
THE BEARINGS SHOWN HEREON ARE BASED ON STATIC GPS TIES TO TWO CONTINUOUS GPS STATIONS (CGPS) REFERRED TO AS "P613" AND "P612", BEING NORTH 87°14'55" EAST BASED ON POSITIONS PUBLISHED IN THE CALIFORNIA SPATIAL REFERENCE CENTER.

CGPS STATION "P613"
NORTHING: 1,895,135.918
EASTING: 6,848,949.030

CGPS STATION "P612"
NORTHING: 1,891,277.943
EASTING: 6,768,672.068

DATUM STATEMENT
THE COORDINATES SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83) ZONE V, RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 (2017.50 EPOCH GPS ADJUSTMENT)

ALL DISTANCES SHOWN ARE GROUND, UNLESS OTHERWISE NOTED. TO OBTAIN GRID, MULTIPLY GROUND DISTANCE BY A COMBINED FACTOR OF 0.9999357675.

APN'S
APN 0167-171-015

BENCHMARK
NATIONAL GEODETIC SURVEY BENCHMARK PID "EV9085"
ELEVATION: 1404.80 FEET [DATUM: NAVD 88]
DESCRIPTION: METAL ROD WITH NGS STAMP "U 1418 1988"
LOCATION: 2.1 KM (1.30 MI) NORTH FROM REDLANDS. 1.3 KM (0.80 MI) NORTH ALONG ORANGE STREET FROM THE INTERSTATE HIGHWAY 10 INTERCHANGE IN REDLANDS, THENCE 0.8 KM (0.50 MI) ALONG PENNSYLVANIA AVENUE, AT THE JUNCTION OF CHURCH STREET, 52 M (170.6 FT) WEST OF THE WEST CURB OF THE STREET, 5.2 M (17.1 FT) NORTH OF THE AVENUE CENTERLINE, 0.73 M (2.4 FT) NORTH OF THE NORTH CURB OF THE AVENUE, 4.0 M (13.1 FT) EAST OF A STREET LIGHT, 0.9 M (3.0 FT) EAST OF A LARGE POWER POLE, 1.4 M (4.6 FT) SOUTH OF THE SOUTH EDGE OF A SIDEWALK. NOTE--ACCESS TO DATUM POINT IS HAD THROUGH A 5-INCH LOGO EV9085'CAP. THE MARK IS 0.3 M ABOVE THE AVENUE.

LEGAL DESCRIPTION
BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 3, WEST SAN BERNARDINO MERIDIAN, IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SAID PORTIONS BEING DESCRIBED AS PARCELS 1 AND 2 OF THAT CERTAIN DEED TO LUGONIA PARK ASSOCIATES, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED APRIL 11, 1984 AS INSTRUMENT NO. 84-083715, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

SOURCE OF SURVEY
TOPOGRAPHIC SURVEY DATED 12/16/2021
AS CONDUCTED BY:
PBLA SURVEYING, INC.
1481 FORD ST., STE 201
REDLANDS, CA 92373
(888)714-9642

ABBREVIATIONS

APN	ASSESSOR PARCEL NUMBER	P.	PROPERTY LINE
CB	CATCH BASIN	PROP.	PROPOSED
℄	CENTERLINE	GB	GRADE BREAK
DW	DOMESTIC WATER	HP	HIGH POINT
DWY.	DRIVEWAY	R/W	RIGHT OF WAY
ELEV.	ELEVATION	REF	REFERENCE
EG	EXISTING GRADE	SD	STORM DRAIN
EX.	EXISTING	SWR	SEWER
FG	FINISHED GRADE	S/W	SIDEWALK
FW	FIRE WATER	TC	TOP OF CURB
FL	FLOWLINE	TF	TOP OF FOOTING
HP	HIGH POINT	TG	TOP OF GRATE
INV.	INVERT	TW	TOP OF WALL
MIN.	MINIMUM	TRW	TOP OF RETAINING WALL
MAX.	MAXIMUM	W/	WITH
NG	NATURAL GROUND		

EXISTING OWNER INFORMATION:
PROPERTY OWNER(S): LUGONIA HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 25% INTEREST; LUGONIA PARK ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 65% INTEREST AND CANYON RANCH DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FORMERLY KNOWN AS CALIFORNIA RANCH ASSOCIATES, LTD., A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 10% INTEREST, AS TENANTS IN COMMON AS TO PARCELS 1 AND 2 AND AN UNDIVIDED 6/30TH/ INTEREST IN AND TO PARCEL 3;

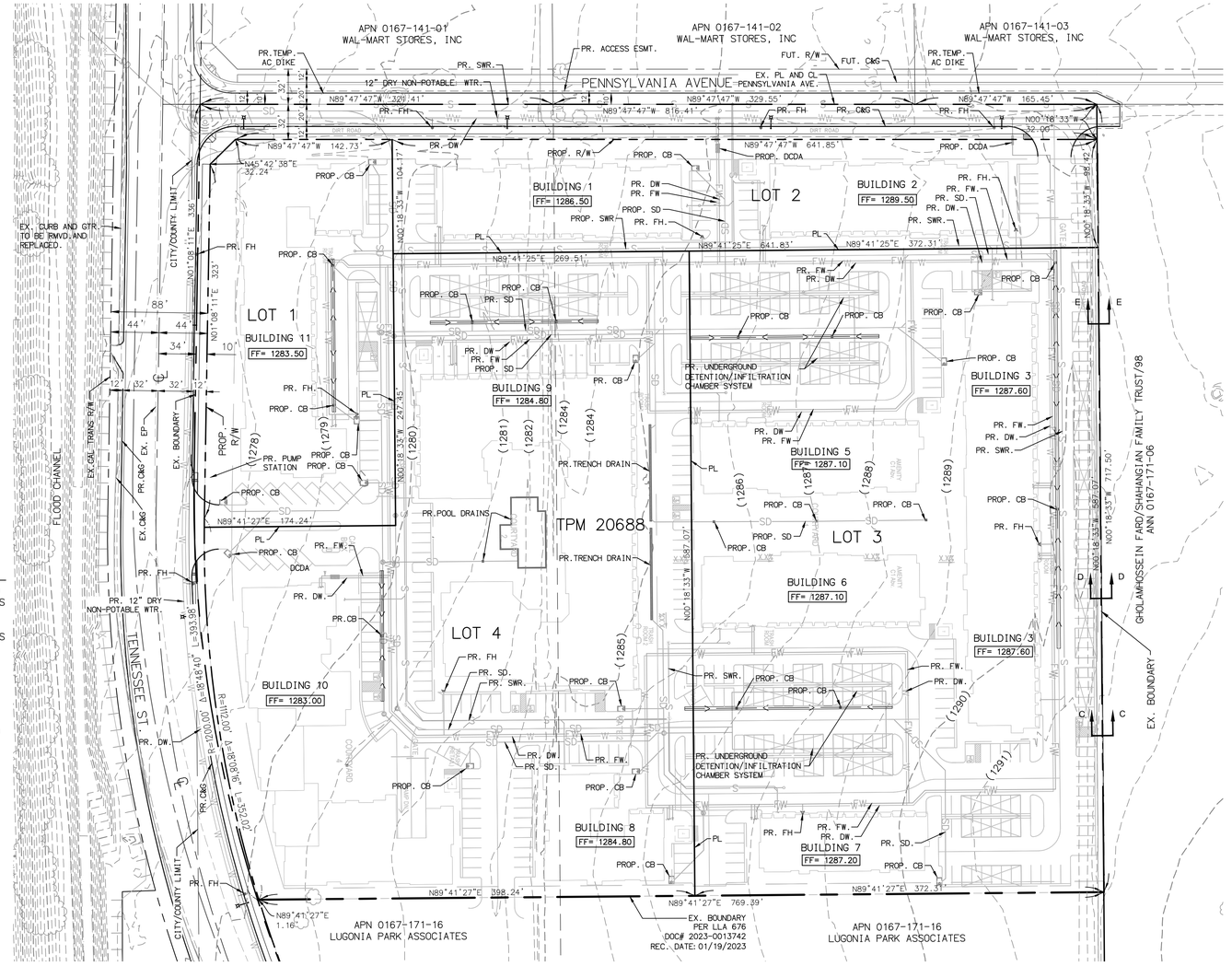
LAURA ANNE RAMIREZ, AN UNMARRIED WOMAN, AS TO AN UNDIVIDED 5/30TH/ INTEREST IN AND TO PARCEL 3

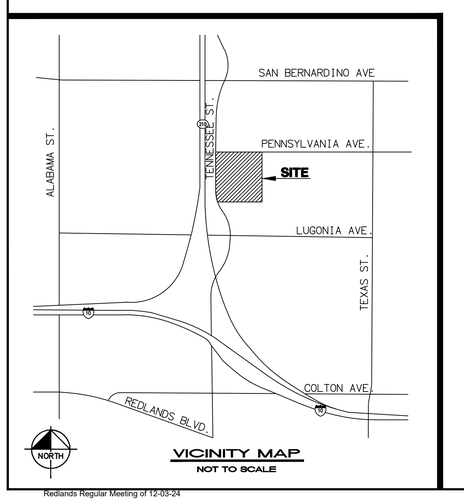
JOHN CURCI, TRUSTEE, AS TO AN UNDIVIDED 2/30TH/ INTEREST IN AND TO PARCEL 3

ORANGE TREE WEST, A LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 17/30TH/ INTEREST IN AND TO PARCEL 3

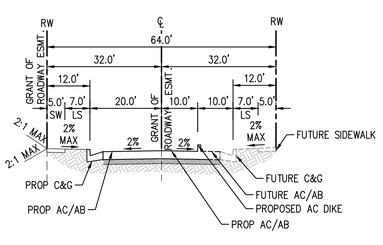
OWNER'S ADDRESS: P.O. BOX 542, LOMA LINDA, CA 92354-0542

GENERAL NOTES
1. ASSESSOR'S PARCEL NUMBER: 0167-171-015
2. EXISTING ZONING DESIGNATION: EV/SD (EAST VALLEY/SPECIAL DEVELOPMENT)
3. PROPOSED ZONING DESIGNATION: COMMERCIAL C-3
4. EXISTING GENERAL PLAN DESIGNATION: COMMERCIAL
5. PROPOSED GENERAL PLAN DESIGNATION: COMMERCIAL
6. EXISTING USE: VACANT LAND
7. PROPOSED USE: MIXED USE; COMMERCIAL AND MULTI-FAMILY
8. NO REGULATED TREES OR PLANTS KNOWN TO EXIST ON-SITE.
9. NO ADJACENT STRUCTURES WITHIN 15' OF PROJECT PROPERTY LINE, UNLESS OTHERWISE SHOWN.
10. THE PROJECT AREA IS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. (FIRM # 06071C8704H)
11. PROJECT GROSS AREA: 587,128 SF (13.48 AC)
12. PROJECT NET AREA: 555,661 SF (12.76 AC)
    (SEE PROJECT AREA TABLE BELOW)
13. PROPOSED NUMBER OF LOTS: 4
14. SEE PRELIMINARY DRAINAGE STUDY TRIBUTARY MAP FOR DRAINAGE AREAS.

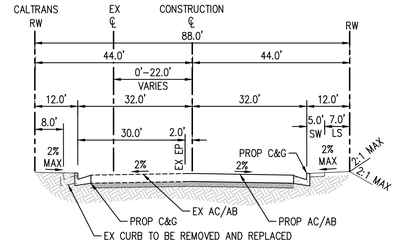




VICINITY MAP
NOT TO SCALE



PENNSYLVANIA AVENUE
COLLECTOR (64' R/W - 40' STREET)



TENNESSEE STREET
MINOR ARTERIAL (88' R/W - 64' STREET)

	SF	ACRES
LOT 1	59,558	1.37
LOT 2	65,014	1.49
LOT 3	218,575	5.02
LOT 4	212,514	4.88
SUB-TOTAL (NET AREA)	**555,661**	**12.76**
ADDITIONAL TENNESSEE ST. R/W	6,429	0.15
ADDITIONAL PENNSYLVANIA AVE. R/W	25,038	0.57
SUB-TOTAL	**31,467**	**0.72**
Totals	**587,128**	**13.48**

UTILITIES
ELECTRIC
SOUTHERN CALIFORNIA EDISON COMPANY
287 TENNESSEE STREET
REDLANDS, CA 92373
909.307.6731

TELEPHONE
VERIZON INC.
1500 CRAFTON AVENUE
MENTONE, CA 92359
909.794.8210

WATER/SEWER
CITY OF REDLANDS
P.O. BOX 6905
REDLANDS, CA 92375-0903
909.798.7516

GAS
SOUTHERN CALIFORNIA GAS CO.
1981 W. LUGONIA AVENUE
REDLANDS, CA 92374-9720
800.427.2200

CABLE
TIME WARNER CABLE
1722 ORANGE TREE LANE
REDLANDS, CA 92373
909.793.2321

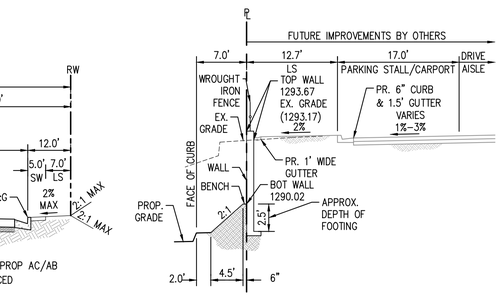
EASEMENTS AND RIGHTS
EASEMENTS AND RESTRICTIONS OF RECORD UNDER TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, DATED OCTOBER 1, 2021, ORDER NO.: 62218A-987-OC1-K27

EASEMENTS AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVED I NTHE FOLLOWING INSTRUMENTS:

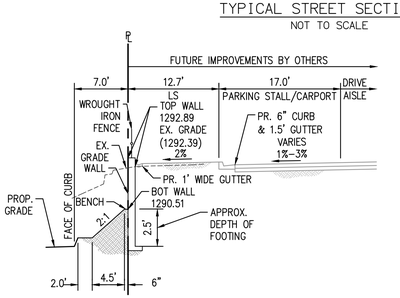
(1) PURPOSE:
A PIPE LINE TO CARRY AND FLOW THE WATER OBTAINED FROM WELL-SITE

RECORDING DATE: MAY 15, 1945
RECORDING NO: IN BOOK 1891, PAGE 275 OF OFFICIAL RECORDS
AFFECTS: EXISTING PARCEL 2

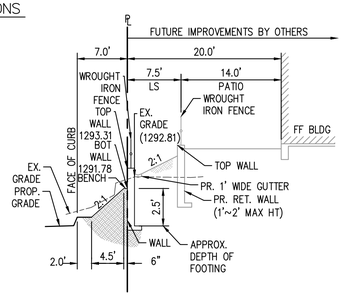
TYPICAL STREET SECTIONS
NOT TO SCALE



SECTION C-C
HORIZ: 1" = 10'



SECTION D-D
HORIZ: 1" = 10'



SECTION E-E
HORIZ: 1" = 10'

NOTE:
WALL HEIGHT ALONG THE PROPERTY LINE TO BE DESIGNED IN COORDINATION WITH EASTERN PROPERTY OWNER PRIOR TO FINAL DESIGN AND FABRICATION.

NORTH
GRAPHIC SCALE IN FEET
0 30 60 120
1"=50'
WHEN PRINTED AT FULL SIZE (24" BY 36")

K:\RIV_LDEV\194423001 - DPC REDLANDS\CAD\TPM\194423001-TPM.DWG 1/22/2024 3:07:57 PM

SOCIO-ECONOMIC EVALUATION CHECKLIST FORM

BACKGROUND

1. Project Title: Tennessee Village Mixed-Use Project
   Amendment No. 50 to Specific Plan 40
   Zone Change No. 477
   Parcel Map No. 20688
   Conditional Use Permit No. 1173
   Commission Review and Approval No. 956

2. Lead Agency Name and Address:
   City of Redlands
   Development Services Department
   35 Cajon Street, Suite 20
   Redlands, CA 92373

   Mailing Address:
   City of Redlands
   Development Services – Planning
   P.O. Box 3005
   Redlands, CA 92373

3. Contact Person & Telephone: Sean Reilly, (909) 798-7555

4. Project Location: The project is located on the east side of Tennessee Street approximately 600 feet north of West Lugonia Avenue within the Special Development (EV/SD) District of the East Valley Corridor Specific Plan (APN: 0167-171-15-0000)

5. Project Sponsor's Name and Address: Diversified Pacific Development Group, LLC

6. General Plan Designation: Commercial

7. Existing Zoning Designation: EV/SD (Special Development)

8. Proposed Zoning Designation: C-3 (General Commercial)

9. Description of Project: The applicant proposes to develop a vacant 12.79-acre (net) project site with ten buildings, which include a mix of residential and commercial uses. The project includes 460 residential units and approximately 18,000 square feet of commercial space. Mixed-use buildings include ground floor commercial space with residential units above and six live/work lofts that incorporate retail/office in the bottom story and a residential unit on the second story. Commercial uses within the project are located near the southwestern corner of the project in Building 8 and Building 10. The remainder of the buildings are residential apartments only.

A total of 20 residences within the apartment community would be restricted for rental only to Very Low-income households, as defined. Therefore, the project is eligible for a Density Bonus and concessions and waivers pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.).

The proposed project would restrict a total of 20 units, which is 5% of the unit count of the project (384 DU x 0.05 = 20), for affordable housing in exchange for approval of a density bonus. By providing 20 affordable housing units, the allowable density bonus is equivalent to 20% of the allowable base unit count (384 DU x 0.2 = 76 units). Approval of the project and the related density bonus agreement would allow a total of 460 units (382 + 76 = 460).

10. Existing On-site Land Use and Setting:
The project site is a nearly square 12.7-acre property located on the east side of Tennessee Street approximately 600 feet north of Lugonia Avenue. The site is approximately 815' wide (east to west) and 720' long (north to south), approximately rectangular in shape, and located abutting the east side of the existing Tennessee Street, south of the future alignment of Pennsylvania Avenue.

The project site is in an area that is surrounded by properties that are proposed for development or in the process of being entitled. To the east of the site, the Lugonia Villages project has been entitled, which includes a mix of residential uses including multi-family apartments and condos. Anticipated future development of the properties located to the immediate south of the project is likely to include commercial development which will complement this proposed mixed-use development.

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): None.

COST BENEFIT FACTORS:

The cost benefit factors are evaluated independently using the cost benefit model. A positive or negative cost/benefit ratio will be derived by evaluating projects. A complete model used to evaluate the project is available in the Development Services Department. A summary of that analysis is provided here:

According to the Cost Benefit Model used by the City, this project will provide the City approximately $564,399 in revenue and costs of $322,042 resulting in a positive balance of $242,357 with a Cost Benefit Ratio of 1.75 over the period of 2025-2034.

PUBLIC INFRASTRUCTURE AND EFFECT ON THE CITY OF REDLANDS:

Identify the public infrastructure required for development of this project and identify the source(s) of funding for these improvements. Identify the effects of such development

upon the City of Redlands.

a) List of public infrastructure required for the project:

The applicant will provide the infrastructure as required by the Municipal Utilities and Engineering Department. The project has an immediate street frontage on Tennessee Street and Pennsylvania Avenue. The following items will be required.

Road Lane Miles:	Tennessee Street: 0.28
	Pennsylvania Avenue: 0.15
Storm Drain Facilities:	
Street Lights:	Tennessee Street: 3
	Pennsylvania Avenue: 4
Parkway landscaping:	Tennessee Street: 4,380 sf
	Pennsylvania Avenue: 4,634 sf

b) Sources of funding for these improvements to include developer installed payment of impact fees, assessment districts, etc.:

The developer will directly find the construction of required new infrastructure to serve the project and the developer will be required to pay applicable Development Impact Fees and permit fees as required by the Redlands Municipal Code.

c) The effect of the project upon the City of Redlands relative to public infrastructure is as follows:

This project will impact existing public infrastructure systems. However, any impact or maintenance costs will be offset by the developer's payment of Development Impact Fees and extension of utility lines into the project site.

BENEFITS OF THE PROJECT TO THE CITY OF REDLANDS:

The following is a list of benefits that can be attributed to the proposed project. The benefits may fall into the categories identified or a miscellaneous category. Each benefit identified will be described in detail with supporting reasons as to how the item benefits the community.

A. Citrus Enhancements or Preservation. Does the project preserve citrus? The following are accepted ways to enhance or preserve citrus which may be determined to be

a benefit to the City of Redlands.

1. Provide conservation easement(s) on citrus groves the City hopes to preserve.
2. Acquire citrus grove(s) and donate all or a portion of the grove to the City.
3. Enhance viability and productivity of existing groves by enhancing irrigation or adding frost water.
4. Maintain a viable buffer of citrus around the project (at least 3 rows).
5. Other ways to preserve citrus.

If this project provides benefit(s) that apply to citrus enhancement or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project will not benefit citrus or agriculture. No citrus will be removed by the project and no agriculture or citrus preservation is proposed.

B. Cultural Enhancements or Preservation. Does the project enhance or preserve cultural aspects of the community? The following are accepted ways to enhance and/or preserve cultural aspects of the community which may be determined to be a benefit to the City of Redlands.

1. Contributes to “art in public places” concept to a minimum of 1% of total project value.
2. Contributes to the alleviation of problems at cultural sites.
3. Provides an electronic library available to the public.
4. Enhances or contributes to current services or cultural resources.
5. Contribute to performing arts venues.

If this project provides benefit(s) that apply to cultural enhancements or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project does not propose contributions or enhancements to cultural aspects of the community. The project will pay City established Development Impact Fees and provide additional revenue from increased property tax assessment, business license tax, and other revenue sources that will indirectly provide funding that will contribute to enhancing and/or maintaining some of the cultural facilities within the City.

C. Heritage Enhancements or Preservation. Does the project enhance or preserve

heritage aspects of the community? The following are accepted ways to enhance and/or preserve heritage aspects of the community which may be determined to be a benefit to the City of Redlands.

1. Renovates existing historic homes.
2. The project has design features which include garage doors do not face street; 50% wrap around porch on 1-1/2 sides; broad overhangs on roof; driveway located on the side of house or a circular drive; decorative wood, masonry or wrought iron fence.
3. Adaptive reuse of historic structures in appropriate zones.
4. Forming a new or annexing to an existing historic district.
5. Designation of a structure as an individual historic resource.

If this project provides benefit(s) that apply to heritage enhancements or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The property is not located within a Historic and Scenic District. The site does not contain any historical structures. No structures on site are considered historic and therefore no structures on the site will be adaptively reused.

D. Architectural Enhancements. Does the project enhance architectural aspects of the community? The following are accepted ways to enhance architectural aspects of the community which may be determined to be a benefit to the City of Redlands.

1. Provide architectural or decorative enhancements to the project which exceed normal architectural standards.
2. Trees or other landscaping amenities that exceed minimum requirements.
3. Contribution of off-site enhancements in the public right-of-way, such as sidewalk installation and street tree replacement.
4. Assisting in undergrounding of utility lines.

If this project provides benefit(s) that apply to architectural enhancements, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project includes public landscape areas within parkway areas and landscaped setback areas along Tennessee Street, Pennsylvania Avenue. The project includes 360-degree architecture with projections and recessed elements on all four sides and significantly exceeds landscaping for the C-3 District by landscaping 15% of the site area.

E. Historic Downtown Enhancements or Preservation. Does the project enhance or

preserve the historic downtown of the community? The following are accepted ways to enhance and/or preserve the historic downtown of the community which may be determined to be a benefit to the City of Redlands.

1. Contributes financially to viability of core downtown within expanded downtown.
2. Renovate old buildings.
3. Within an expanded downtown extends DRBA streetscape enhancements.
4. Contributing to the restoration of original building facades of existing structures
5. Re-establishing historical "pedestrian oriented" street frontages where original buildings have been removed.
6. Provides unique adaptive use of historic building.
7. Contributes to alternative means of transportation.

If this project provides benefit(s) that apply to historic downtown enhancements or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project is not located within the historic downtown district. The project will pay City established Development Impact Fees and provide significant additional revenue from increased property tax assessment, business license tax, and other revenue sources that will indirectly provide funding that could be utilized to enhance and/or maintain the downtown district.

F. Job Enhancements. Does the project enhance jobs for the community? The following are accepted ways to enhance jobs for the community which may be determined to be a benefit to the City of Redlands.

1. Provides jobs for the community.
2. Brings in revenue from outside the city.
3. Internship opportunities for students at universities, high school and colleges.

If this project provides benefit(s) that apply to job enhancements, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project is a mixed-use development, which will create some jobs. Jobs created may be related to those related to the construction activities necessary to develop the apartment project area and those required to provide the services related to the operation and maintenance of the project upon completion. The commercial area portion of the project is anticipated to create up to 89 jobs.

The additional housing opportunities provided by the project will be available to local and regional employees who work in Redlands, and some may be able to relocate to Redlands as a result of expanded housing opportunities. It is also anticipated that the presence of these new residents will stimulate other sectors of the local economy (i.e., goods, services, and other expenditures in Redlands due to the additional local residents and their family members).

G. Open Space Enhancements or Preservation. Does the project enhance or preserve open space aspects of the community? The following are accepted ways to enhance and/or preserve open space within the community which may be determined to be a benefit to the City of Redlands.

1. Hardscape feature that enhances wildlife-water/food/ shelter.
2. Enhanced landscape on commercial project which conceals infrastructure.
3. Waterscaping which increases illusion of open space.
4. Provides open space in addition to zoning requirement.
5. Provides a Planned Residential Development
6. Provides a usable conservation easement across open space in perpetuity.
7. Preserves access for wildlife migration corridor.
8. Provides undisturbed refuge area for wildlife.

If this project provides benefit(s) that apply to open space enhancements or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project will not detrimentally impact any open space features or amenities of the City of Redlands, nor affect wildlife. The project will provide both private and common outdoor open space areas that exceed the minimum requirements.

H. Park Enhancements or Preservation. Does the project enhance or preserve parks of the community? The following are accepted ways to enhance and/or preserve parks within the community which may be determined to be a benefit to the City of Redlands.

1. Adds improved parkland.
2. Adds parkland beyond requirements.
3. Provides pedestrian and/or bike trails to parks or provides extension of existing pedestrian and/or bike trails from the project site.
4. Adds meeting rooms accessible to local groups on a frequent basis.
5. Improves or adds to existing landscape and/or streetscape at or near the project site.

If this project provides benefit(s) that apply to park enhancements or preservation, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The proposed project does not enhance or preserve parks of the community but will provide onsite amenities for the onsite residents. The project will pay City established Development Impact Fees and provide additional revenue from increased property tax assessment, business license tax, and other revenue sources that will indirectly provide funding that will contribute to enhancing and/or maintaining some of the existing park facilities within the City.

I. Public Safety Enhancements. Does the project enhance public safety aspects of the community? The following are accepted ways to enhance public safety within the community which may be determined to be a benefit to the City of Redlands.

1. Security infrastructure is provided in an architecturally acceptable manner.
2. Exterior television monitoring on commercial project.
3. Provide a building site or fully equipped fire station or contributes to dedicated City account for future construction.
4. Provides significant additional fire equipment as determined by the Fire Department.
5. Provides for a police substation (subject to City approval).
6. Provides for a building site for a new facility.

If this project provides benefit(s) that apply to public safety enhancements, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project will pay Development Impact Fees which have been established by the City to fund public facilities, including police and public safety services. The project will include security lighting adjacent to the building and parking areas. The project and its future residents will also provide additional revenue from increased property tax assessment and sales tax revenue, which will assist in funding police and public safety operations.

J. School Enhancements. Does the project enhance schools or their operations within the community? The following are accepted ways to enhance schools within the community which may be determined to be a benefit to the City of Redlands.

1. Senior citizen development adds revenue but no impact.
2. Provides day care and after school program(s).

3. Project is close to schools serving the project.
4. Contributes equipment or other enhancements to existing day care and after school programs.
5. Assist schools with land or financing (such as Mello Roos).

If this project provides benefit(s) that apply to schools, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project site is within close proximity to schools in the community. The project will pay State-established School Fees that will assist in the future funding of school facilities. Future property owners will also pay the applicable annual property taxes.

K. Traffic. Does the project reduce traffic, enhance systems to improve traffic conditions or otherwise improve traffic within the community? The following are accepted ways to improve traffic within the community which may be determined to be a benefit to the City of Redlands.

1. Provide financial mitigation which helps alleviate parking problems in town i.e. by contributing to the parking district.
2. Incorporate “traffic calming” elements into the design of the circulation system.
3. Support for alternative forms of public transportation or public transportation facilities.
4. Add biking and pedestrian access to off campus intellectual or entertainment resources.
5. Have a unique method of product/inventory delivery.

If this project provides benefit(s) that apply to traffic, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The proposed project will consist of 460 apartment units and approximately 18,000 square feet of commercial space. The project does not include specific traffic reduction measures.

L. Wastewater System Enhancements. Does the project enhance the wastewater system within the community? The following are accepted ways to improve the wastewater system within the community which may be determined to be a benefit to the City of Redlands.

1. Provide a dual system to use potable and non-potable water.
2. Provide financial contributions to tertiary facilities at the Wastewater

Treatment Plant.

3. Improve water quality.

If this project provides benefit(s) that apply to the wastewater system, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project will be required to construct any required public infrastructure and connections as a standard requirement for such development projects. The project does not warrant any improvements or expansion to the City-wide system, and the project does not propose any enhancements to the larger wastewater system. However, the project applicant will be required to pay their fair share of development impact fees for wastewater systems as a standard requirement for such development projects.

M. Miscellaneous Preservation or Enhancements. Does the project enhance or preserve elements within the community?

If this project provides benefit(s) that apply to enhancement or preservation of elements that are important to the City, describe in detail the benefit(s) with supporting reasons as to how the item(s) benefits the community.

Proposed Project: The project does not provide any additional or miscellaneous enhancements or preservation of elements within the community other than those previously identified (discussion above).

SOCIAL FACTORS POTENTIALLY AFFECTED:

This project may create unmitigable physical blight or overburden public services for those social factors checked below within the "Potentially Significant," “Potentially Significant Unless Mitigation” or "Less Than Significant" as indicated by the checklist on the following pages.

_ Agricultural/Citrus Removal	✓ Police Services	___ Recreational Programs
✓ Wildlife/Habitat	___ Downtown Impacts	✓ Land Use Compatibility
✓ Traffic	✓ Residential Design	___ Schools
✓ Fire Services	___ Cultural Facilities	
✓ Paramedic Services	✓ Park Facilities	

DETERMINATION
On the basis of this initial evaluation:

X **I find that the proposed project will not create unmitigable physical blight or overburden public services in the community, and no additional information or evaluation is needed.**

___ I find that although the proposed project could create unmitigable physical blight or overburden public services in the community, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project by the applicant.

___ I find that the proposed project may create unmitigable physical blight or overburden public services in the community, and additional information or evaluation is needed in the following areas:

___ I find that the proposed project has already been evaluated for socio-economic impacts and the prior evaluation adequately evaluated this project.

Signed:

Sean Reilly
Principal Planner
City of Redlands
August 27, 2024

EVALUATION OF SOCIAL FACTORS

Explanations of all "Potentially Significant," "Potentially Significant Unless Mitigation Incorporated," "Less Than Significant Impact," and "No Impact" answers are provided on the attached pages.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AGRICULTURAL/CITRUS REMOVAL. Would the proposal:				
a) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?	___	___	___	✓
b) Remove active citrus groves from production?	___	___	___	✓

Agricultural/Citrus Removal – Discussion

a, b) *No Impact*. None of the project area is zoned for or in agricultural production. The project has a General Plan Designation of Commercial. There is no active agricultural use onsite. The property is not currently part of a larger farmland, orchard, or other agricultural purpose. However, while the project site has been used for agricultural purposes in the past, the site is zoned for Commercial uses. Impacts would be less than significant.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. WILDLIFE/HABITAT/OPEN SPACE PRESERVATION. Would the proposal:				
a) Eliminate or have negative impact upon wildlife corridors?	—	✓	—	—
b) Tend to urbanize open space impacting preservation and conservation of natural resources?	—	—	—	✓
c) Interfere with use of recognized trails used by joggers, hikers, equestrians or bicyclists?	—	—	—	✓
d) Eliminate, reduce, or have any negative impact upon wildlife habitat areas to include the protection of fringe or buffer areas?	—	—	✓	—

Wildlife/Habitat/Open Space Preservation – Discussion

a) No Impact. The project site is expected to be utilized by common, non-special-status wildlife for foraging and possibly breeding. However, the project site is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species diversity, and it is too small of an area to support significant wildlife movement. According to the Biological Resources Assessment, no migratory wildlife corridors or native wildlife nursery sites were identified within the project site. The project site and surrounding area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas. Therefore, no impacts would occur as a result of the project.

b) No Impact. The project would not urbanize planned open space as designated on the General Plan Land Use Map there are no conservation areas located within the immediate vicinity of the project.

c) The project will not interfere with the use of recognized trails used by joggers, hikers, equestrians or bicyclists. The project is proposed on a generally flat, vacant

parcel and it will include new sidewalk and bike lanes, which provide connectivity for pedestrian circulation within the area.

d.) **Less than Significant Impact with Mitigation.** The entire project area has been historically altered by mowing and discing, and all the landcover at the project site can be classified as Disturbed and/or Developed. Disturbed habitat type is composed primarily of early successional /ruderal plant species. Much of the vegetation present at the project site is non-native, and the site receives regular clearing to maintain compliance with fire code.

As determined in the *General Biological Resources Assessment* prepared for the project, none of the 90 special status plant species that are present in the region are expected to occur on the project site, primarily due to disturbance such as historical discing and recent mowing. Therefore, impacts to special-status plant species would not occur as a result of the proposed project.

According to the *General Biological Resources Assessment*, it was initially determined that 62 special-status wildlife species have been recorded in the vicinity of the project site. Of these wildlife species, 56 are not expected to occur on the project site. Reasons include the absence of essential habitat requirements for the species, the distance to known occurrences and/or the species distributional range, the limited availability of foraging and nesting habitat, amount of site disturbance from past and present land uses, and/or the proximity of existing human-related disturbances. The wildlife species that occur or have some potential to occur on-site include six (6) birds: Cooper's hawk [*Accipiter cooperii*], burrowing owl [*Athene cunicularia*], Swainson's hawk [*Buteo swainsoni*], California horned lark [*Eremonphila alpestris actia*], merlin [*Falco columbarius*], and loggerhead shrike [*Lanius ludovicianus*]. It is assumed that all of these species could potentially be present at the site because they have been observed in disturbed habitats and/or in similar habitats close proximity to the Project Site. These species could be affected by project construction and/or habitatloss due the construction of the project. As such, and as detailed below, implementation of **Mitigation Measures BIO-1 and BIO-2** would be required to reduce potential impacts to special status wildlife species to a less than significant level.

<u>Nesting Birds</u>

Nesting birds are protected under California Fish and Game Code (CFGC) 3503, 3503.5, and 3512, which prohibits the take of active bird nests. Native and non-native shrubs and trees within the project site provide highly suitable nesting habitat for songbirds, including common species protected by the code. There is potential for ground- and tree-nesting birds to establish nests on the project site prior to any project-related construction. Construction activities including site mobilization, vegetation clearing, grading, and noise and vibration from the operation of heavy equipment have the potential to result in significant direct (i.e., death or physical harm) and/or indirect (i.e., nest abandonment) impacts to nesting birds. The loss of an active nest of common or special-status bird

species and/or their eggs or young as a result of project construction would be considered a violation of the CDFGC, Section 3503, 3503.5, 3513. Therefore, implementation of **Mitigation Measure BIO-1** is required to reduce impacts to nesting birds to a less than significant level.

Burrowing Owls

As determined in the *Burrowing Owl Survey Report,* suitable habitat type (Disturbed and/or Developed) for burrowing owl was determined to be present on the project site. While no burrowing owls or sign thereof were observed on the project site, it was determined that burrows and other round structures present on the project site could potentially provide habitat for burrowing owls. Burrowing owls are commonly found in disturbed sites like the project site and can also be found in a wide variety of other open habitats such as grassland or deserts with sparse vegetation. As such, construction activities may impact burrowing owls in a manner like those already described under the discussion of nesting birds above. Therefore, implementation of **Mitigation Measure BIO-2** is required to reduce impacts to burrowing owls to a less than significant level.

BIO-1 Pre-construction Survey for Nesting Birds. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1.

If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free bufferzone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading

will be permitted until the chicks have fledged.

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

BIO-2: Pre-construction Survey for Burrowing Owl. No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. TRAFFIC. Would the proposal:				
a) Result in increased vehicle trips or congestion?	___	___	✓	___
b.) Create additional traffic so as to be in conflict with the policies of the General Plan?	___	___	✓	___
c.) Does traffic impact livability of a residential neighborhood on streets which, due to design or terrain features, street side development or other factors, have greater than usual sensitivity to increased traffic?	___	___	✓	___
d.) Create additional traffic so as to increase the level of service on roadways that are adjacent to or in the vicinity of the project?	___	___	✓	___

Traffic – Discussion

a, b, and d) *Less than Significant Impact.* The proposed project will result in increased vehicle trips within the project area; however, these vehicle trips would not cause an impact that would be in conflict with the policies of the General Plan. Measure U was an initiative approved by the voters of Redlands in 1997 to enact several principles of managed development within the City of Redlands. The principles in Measure U have been incorporated throughout the new 2035 General Plan, as well as several sections of the Redlands Municipal Code. The *Measure U Growth Management Analysis* evaluated the project using the applicable Measure U Policies identified in the Connected City Element of the City of Redlands 2035 General Plan as well as the County of San Bernardino Transportation Impact Study Guidelines (TIS Guidelines). The Measure U Policies are largely based on Level of Service (LOS) standards that measure traffic congestion. A detailed LOS evaluation is included in the *Measure U Growth Management Analysis* in order to demonstrate project compliance with Measure U. The *Measure U Growth Management Analysis* analyzes intersections surrounding the project site. All study intersections are currently operating and at satisfactory levels of services with the exception of the following:

- Tennessee Street and Lugonia (am and pm peak hours)
- Tennessee Street and Redlands Avenue (am and pm peak hours)

The Measure U Growth Analysis also includes a forecast of the levels of service in a "with project" condition. In the with project conditions, all study area intersections are forecast to operate at satisfactory levels of services with the exception of the two previously listed intersections.

Based on Measure U guidelines, where the current LOS at a location within the city is below the LOS standard C, no development project shall be approved that cannot be mitigated so that it does not reduce the existing LOS at that location. While these intersections operate at unsatisfactory LOS D under both "without and with" project conditions, the project does reduce the level of service. Therefore, no improvements are recommended at that intersection. As such, the project would not result in any unsatisfactory LOS; therefore, the project would be in compliance with Measure U, no mitigation is required, and impacts would be less than significant.

c) *Less than Significant Impact* The project will not create a traffic impact in terms of livability of a residential neighborhood which, due to design or terrain features, street side development or other factors, have greater than usual sensitivity to increased traffic. The project is a residential use. Final project site plans would be subject to City review and approval, which would ensure that project driveway intersections and internal circulation are safe, with adequate sight distance, driveway widths and stop signs where necessary for entering and exiting the site. This would prevent any impacts due to a design feature.

Furthermore, a construction work site traffic control plan shall be submitted to the City for review and approval prior to the start of any construction work. The plans shall show the location of any roadway, sidewalk, bike route, bus stop or driveway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.

Temporary traffic controls used around the construction area should adhere to the standards set forth in the California Manual of Uniform Traffic Control Devices and construction activities should adhere to applicable local ordinances. Consequently, on-site improvements and improvements adjacent to the site will be required in conjunction with the proposed development to ensure adequate circulation within the project.

A construction work site traffic control plan shall be submitted to the City for review and approval prior to the issuance of a grading permit or start of any construction work. The plans shall show the location of any roadway,

sidewalk, bike route, bus stop or driveway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Temporary traffic controls used around the construction area must adhere to the standards set forth in the California Manual of Uniform Traffic Control Devices (2014) and construction activities should adhere to applicable local ordinances.

Site development would require the use of haul trucks during site clearing and excavation and the use of a variety of other construction vehicles throughout the construction work at the site. Transportation of heavy construction equipment and or materials, which requires the use of oversized vehicles, will require the appropriate transportation permit. The City shall review all proposed development and construction work site traffic control plans to ensure that public, pedestrian, and school safety are addressed.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
4. FIRE & PARAMEDIC SERVICES. Will the proposal result in:				
a) Requiring fire and paramedic services that are beyond the current capabilities of the Fire Department?	—	—	✓	—
b) An increase in response time for essential fire or paramedic services to the remainder of the community?	—	—	✓	—
c) The need for additional fire or paramedic facilities or equipment?	—	—	✓	—

Fire & Paramedic Services – Discussion

a-c) The project is located in the service area of the City of Redlands Fire Department. The Fire Department responds to medical emergencies, hazardous materials incidents, rescue calls, and motor-related accidents, in addition to regular fire suppression services. There are four stations in Redlands:

- Fire Station 261: 525 E Citrus Ave.
- Fire Station 262: 1690 Garden St.
- Fire Station 263: 10 W Pennsylvania Ave.
- Fire Station 264: 1270 W Park Ave.

The nearest fire station to the project site is Station 263, located approximately one mile directly east of the project site off Pennsylvania Avenue. The project may create an incremental increase in demand for fire services. To offset any incremental demand in fire protection and emergency medical services, development impact fees are collected at the time of building permit issuance for approved projects. The project as proposed is a mixed-use development that will incorporate 460 multi-family residential units with approximately 17,899 square feet of commercial space. developments and commercial. Fees would be charged at a rate of $528.21 per multi-family dwelling unit, and $69.89 per 1,000 square feet of commercial space, and would go towards fire facilities and staffing. Impacts related to expansion of fire protection services would be less than significant with payment of fees.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
5. POLICE SERVICES. Would the proposal result in:				
a) Requiring police services that are beyond the current capabilities of the Police Department?	___	___	✓	___
b) An increase in response time for essential police services to the remainder of the community?	___	___	✓	___
c) The need for additional police facilities or equipment?	___	___	✓	___
d) Increase in crime as a result of the type of business?	___	___	✓	___

Police Services – Discussion

a-d) The City of Redlands Police Department will provide services to the project site. The Police Department contains an Operations Division and an Investigations and Support Services Division. In addition to sworn patrol officers, the Department has several sub-units, including Investigations, the Multiple Enforcement Team, Narcotics, and volunteers. Police services are generally financed through the General Fund. The project will pay Development Impact Fees, which have been established by the City to fund public facilities, including police. The project and its future residents will also provide additional revenue to the City resulting from increased property tax assessment revenue, which will assist in funding police operations. Additionally, the project will be required to provide and implement a site security plan during grading and construction to ensure that impacts from construction site theft are kept at a less than significant level.. Less than significant impacts are anticipated, and no special mitigation measures are required.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
6. DOWNTOWN IMPACTS. Would the proposal result in:				
a) A reduction of the number or types of businesses located in the downtown?	—	—	—	✓
b) An unfair or unreasonable competitive disadvantage to existing businesses downtown?	—	—	—	✓
c) Creation of vacant buildings and the potential for blight?	—	—	—	✓
d) Cause an unreasonable increase in traffic downtown?	—	—	—	✓
e) Economic and social effects of businesses competing with downtown businesses?	—	—	—	✓

Downtown Impacts – Discussion

a-e) The proposed project includes a mixed-use development located approximately 1.5 miles to the north of the downtown area of the City and does not have the potential to detrimentally affect the Downtown Business District. The future residents of this project may patronize the downtown area and provide an additional source of revenue to the Downtown Business District.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
7. RESIDENTIAL DESIGN. Would the proposal:				
a) Conflict with existing codes and or standards?	___	___	✓	___
b) Meet minimum point standards of the Residential Development Allocation process?	___	___	___	✓

Residential Design– Discussion

a) Upon City Council approval of the Density Bonus Agreement accompanying the project, the proposed project will comply with the applicable provisions of the Redlands Municipal Code, including Title 18 (Zoning Regulations) and Title 15 (Buildings and Construction). The proposed project includes residential dwelling units (apartments) and commercial uses. The buildings are designed with high-quality architecture and building materials. Conditions of approval are included in the project for the plan check process (subsequent to entitlement), which will ensure compliance. No impacts are anticipated in terms of conflicts with existing codes and standards.

b) Due to current State law (SB 330 known as the “Housing Crisis Act of 2019”), residential projects and residential subdivisions are not evaluated by a point system or the standards of the Residential Development Allocation process. SB 330 prohibits annual limits on the number of permits issued for the approval and construction of housing during any one year. City Council Resolution No. 8082 suspended certain provisions of RMC Chapter 19.04 relating to the competitive evaluation of residential development projects as long as the State law remain in effect.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. CULTURAL FACILITIES. Would the proposal result in:				
a) Impacts to an historic residential structure, neighborhood, or district?	___	___	___	✓
b) Impacts to an historic commercial structure or district?	___	___	___	✓
c) Impacts to cultural facilities such as the Smiley Library, Redlands Bowl, Lincoln Shrine, Joslyn Center, Community Center, etc?	___	___	___	✓
d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	___	___	___	✓
e) Potential to disturb existing religious facilities.	___	___	___	✓
f) Impact or restrict religious or sacred uses.	___	___	___	✓

Cultural Facilities – Discussion

a, b) There are no historic residential or commercial structures on the project site, nor is the project site located within a historic district. No impacts are anticipated.

c) The project will ultimately result in the construction of 460 apartment units and 18,000 square feet of commercial space, and would not impact cultural facilities such as the Smiley Library, Redlands Bowl, Lincoln Shrine, Joslyn Center, Community Center, etc. The development will provide revenue to the City through increased property tax assessment generated by the future homes which may assist in the operation of some cultural facilities. Thus, the project will not have an adverse impact to cultural facilities.

d) No part of this project has the potential to affect unique ethnic cultural values. No impacts are anticipated.

e, f) No part of this project has the potential to affect existing religious facilities, or impact or otherwise restrict any religious or sacred uses or activities. Tribal cultural resources are addressed separately in the Mitigated Negative Declaration. No impacts are anticipated.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
9. PARK FACILITIES & RECREATIONAL PROGRAMS. Will the proposal result in:				
a) Increases in use or demand for park facilities or programs to include manpower, facilities or equipment?	___	___	✓	___
b) A ratio of parkland to population which exceeds standards and or goals established by the General Plan?	___	___	✓	___

Park Facilities & Recreational Programs – Discussion

a, b) The current standard for the City of Redlands parkland and open recreational space is 5.0 acres per 1,000 residents. The project is expected to generate new residents, which could cause an increase in the use of parkland in Redlands. General Plan buildout would create a demand for 55 acres of new parkland at the standard ratio of 5 acres per 1,000 residents (City of Redlands, 2017). The project will pay all associated development impact fees in relation to parks. Additionally, the project is part of a development with significant recreational amenities for the residents on site, including a clubhouse with gym, yoga and Pilates studio, and game room, as well as outdoor recreational amenities, including an outdoor swimming pool, hot tub, an outdoor fireplace, a walking trail, and an outdoor lounge and BBQ area. These amenities, as well as the payment of development impact fees, could serve to reduce impacts on public recreational amenities. Because the project would be consistent with Redlands General Plan 2035 buildout, development of park facilities would accommodate the anticipated increase in population, and impacts to parks would be less than significant.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE COMPATIBILITY. Would the proposal result in:				
a) Land uses that are not compatible or consistent with the General Plan?	___	___	___	✓
b) Economic impacts on businesses and small property owners from a project	___	___	___	✓
c) Physical separation or division of an existing community	___	___	___	✓
d) Loss of jobs for the community?	___	___	___	✓
e) Overcrowding of housing?	___	___	___	✓

Land Use Compatibility – Discussion

a) The Commercial land use category designates areas for the development of a wide range of commercial uses, including neighborhood-serving stores and convenience centers, regional commercial centers, and commercial recreation. Sites with this designation may be developed with a stand-alone commercial use, two or more commercial uses, or mixed uses. The Commercial land use category may permit residential and mixed uses consistent with the underlying zoning district. The mixed uses proposed by the project are consistent with the General Plan designation.

b) The design of the project includes a use and density consistent with future nearby residential development. The commercial uses proposed are limited in scale and which not create an economic impact related to local businesses or small properties. No detrimental economic impacts on businesses or small property owners are anticipated.

c) The project site is located in an areas that is surrounded by vacant land with anticipated development in the near future. There is no existing community to divide in the immediate area. The project will continue the trend of anticipated multiple-family residential uses in the area and in no way will physically divide or separate the existing community. No impacts are anticipated.

d) The proposed project would be consistent with the General Plan Land Use Designation. This type of development is consistent with the expected transition of the surrounding area to residential and commercial use. The eventual construction

of the project will create jobs, which will not result in the loss of jobs to the community. No impacts are anticipated.

e) The project does not have the potential to result in overcrowding of the current housing stock within the City. The project will construct up to 460 residential units with provisions to include up to 20 apartments for Very Low-Income Families and is anticipated to fill a demand for additional housing stock within the City as identified by the Housing Element.

Issues and Supporting Information Sources:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
11. SCHOOLS. Would the proposal result in:				
a) Creating an overcapacity in schools?	___	___	✓	___
b) The need for additional school facilities or equipment?	___	___	✓	___
c) Land uses not consistent with or compatible with existing educational facilities in community?	___	___	✓	___
d) Social or academic impacts on students resulting from school closures.	___	___	✓	___

Schools – Discussion

a-d) The project proposes construction of a mixed-use development incorporating 460 apartment units with approximately 17,899 square feet of commercial space, and is anticipated to lead to a population growth of approximately 1,339 persons (See Threshold 4.14a above). This growth will most likely have a direct growth on the student population of the Redlands Unified School District. To offset this impact, payment of development impact fees towards the cost of increased demand of school district facilities is required under State law. The Redlands Unified School District has established a school fee and charge a current rate of $4.79 per square foot of “assessable space” (space within the perimeter of a residential structure) within new residential construction. Additionally, the District charges a rate of $0.78 per square foot of commercial/industrial space. Payment of these development impact fees would offset any project impacts on school facilities. As such, impacts would be less than significant.

TABLE 1
CITY OF REDLANDS : MODEL
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS

LAND USE	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034	TOTAL	
RESIDENTIAL UNITS												
RURAL LIVING (0.2 - 0.4 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
VERY-LOW-DENSITY RESIDENTIAL (0 - 2.7 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
LOW-DENSITY RESIDENTIAL (0 - 6.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	DEVELOPER
LOW-MEDIUM-DENSITY RESIDENTIAL (0 - 8.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
MEDIUM-DENSITY RESIDENTIAL (0 - 15.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
HIGH DENSITY (0 - 27.0 du/acre)	225	0	235	0	0	0	0	0	0	0	460	
TOTAL, RESIDENTIAL UNITS	225	0	235	0	0	0	0	0	0	0	460	
CUMULATIVE, RESIDENTIAL UNITS	225	225	460	460	460	460	460	460	460	460	NA	
PROJECT RESIDENTS /1												
RURAL LIVING (0.4 - 0.2 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
VERY-LOW-DENSITY RESIDENTIAL (0 - 2.7 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
LOW-DENSITY RESIDENTIAL (0 - 6.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
LOW-MEDIUM-DENSITY RESIDENTIAL (0 - 8.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
MEDIUM-DENSITY RESIDENTIAL (0 - 15.0 du/acre)	0	0	0	0	0	0	0	0	0	0	0	
HIGH DENSITY (0 - 27 du/acre)	630	0	658	0	0	0	0	0	0	0	1,288	
TOTAL, PROJECT RESIDENTS	630	0	658	0	0	0	0	0	0	0	1,288	
CUMULATIVE, PROJECT RESIDENTS	630	630	1,288	1,288	1,288	1,288	1,288	1,288	1,288	1,288	NA	
CUMULATIVE PROJECT ACREAGE /2												
RURAL LIVING (0.4 - 0.2 du/acre)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	
VERY-LOW-DENSITY RESIDENTIAL (0 - 2.7 du/acre)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	
LOW-DENSITY RESIDENTIAL (0 - 6.0 du/acre)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	
LOW-MEDIUM-DENSITY RESIDENTIAL (0 - 8.0 du/acre)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	
MEDIUM-DENSITY RESIDENTIAL (0 - 15.0 du/acre)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	
HIGH DENSITY (0 - 27 du/acre)	6.59	6.59	13.48	13.48	13.48	13.48	13.48	13.48	13.48	13.48	NA	
CUMULATIVE, PROJECT ACREAGE	6.59	6.59	13.48	13.48	13.48	13.48	13.48	13.48	13.48	13.48	NA	
LAND NON-RESIDENTIAL ACRES, ANNUAL /3												
RETAIL	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	
INDUSTRIAL	0.0	0	0	0	0	0	0	0	0	0	0.0	
OTHER NON-RESIDENTIAL	0	0	0	0	0	0	0	0	0	0	0.0	
ANNUAL TOTAL, NON-RESIDENTIAL	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	
LAND NON-RESIDENTIAL ACRES, CUMULATIVE												
RETAIL	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	NA	
INDUSTRIAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	NA	
OTHER NON-RESIDENTIAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	NA	
CUMULATIVE TOTAL, NON-RESIDENTIAL	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	NA	
LAND NON-RESIDENTIAL EDU'S, CUMULATIVE /4												
RETAIL	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	NA	
INDUSTRIAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	NA	
OTHER NON-RESIDENTIAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	NA	
CUMULATIVE TOTAL, NON-RESIDENTIAL EDU'S	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	NA	
BUILDING NON-RESIDENTIAL SQ.FT., ANNUAL												
RETAIL	18,000	0	0	0	0	0	0	0	0	0	18,000	
INDUSTRIAL	0	0	0	0	0	0	0	0		0	0	
OTHER NON-RESIDENTIAL		0	0	0	0	0	0	0	0	0	0	
ANNUAL TOTAL, NON-RESIDENTIAL	18,000	0	0	0	0	0	0	0	0	0	18,000	
BUILDING NON-RESIDENTIAL SQ.FT., CUMULATIVE												
RETAIL	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	NA	
INDUSTRIAL	0	0	0	0	0	0	0	0	0	0	NA	
OTHER NON-RESIDENTIAL	0	0	0	0	0	0	0	0	0	0	NA	
CUMULATIVE TOTAL, NON-RESIDENTIAL	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	NA	

SHADED CELLS ARE VARIABLE ASSUMPTIONS OR INPUTS UNIQUE TO THE PROJECT.

NOTES:

1. Average number of residents per Dwelling Unit ("DU") provided by the California Department of Finance.
   Residents per DU = 2.801 OTHER

2. Assumes residential acreage per unit of the following:

Rural Living (less than 0.2 - 0.4 du/acre)	NA	
Very-Low-Density Residential (0 - 2.7 du/acre)	N/A	
Low-Density Residential (0 - 6.0 du/acre)	NA	
Low-Medium-Density Residential (0 - 8.0 du/acre)	NA	DEVELOPER
Medium-Density Residential (0 - 15.0 du/acre)	0.00	
High Density (0 - 27.0 du/acre)	0.03	

3. Assumes average non-residential site coverage of the following (based on the General Plan):

Retail	20.0%	
Industrial	0.0%	
Other Non-Residential	0.0%	DEVELOPER

4. Assumes non-residential equivalent dwelling units of the following:
   EDUs per acre = 6.0 OTHER

GENERAL PLAN BUILDOUT	PROJ. Sq. Ft.*	F.A.R.*	Projected Acreage	
RETAIL	8,646,200	0.30	661.63	
INDUSTRIAL	10,048,400	0.40	576.70	OTHER
OTHER NON-RESIDENTIA	21,641,990	0.45	1,104.07	
	40,336,590		2,342.40	

*As disclosed in the General Plan

Typical Home Size: 2,682 OTHER
Estimated Equivalency: 6.42

TABLE 2
CITY OF REDLANDS : MODEL
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS

ASSESSED VALUATION ASSUMPTIONS		
RESIDENTIAL		
RURAL LIVING ASSESSED VALUE	$0	
VERY-LOW-DENSITY ASSESSED VALUE	$0	
LOW-DENSITY ASSESSED VALUE	$0	DEVELOPER
LOW-MEDIUM-DENSITY ASSESSED VALUE	$0	
MEDIUM-DENSITY ASSESSED VALUE	$0	
HIGH DENSITY ASSESSED VALUE	$421,739	
NON-RESIDENTIAL		
RETAIL ASSESSED VALUE	$333.00	
INDUSTRIAL ASSESSED VALUE	$0.00	
OTHER NON-RESIDENTIAL ASSESSED VALUE	N/A	DEVELOPER

SECURED PROPERTY TAX ASSUMPTIONS		
NET APPORTIONMENT FACTORS AS A FRACTION OF 1.0% TAX RATE		
PROPERTY TAXES PASSED THROUGH TO CITY /1	20.00%	CITY
1. Based on amount disclosed in the adopted 1998-99 budget.		

UNSECURED PROPERTY TAX ASSUMPTIONS		
RESIDENTIAL:		
UNSECURED TAXES AS A % OF SECURED	2.75%	CITY
NON-RESIDENTIAL:		
UNSECURED TAXES AS A % OF SECURED	10.00%	

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
SECURED ASSESSED VALUE CALCULATION:										
ANNUAL ASSESSED VALUES (YEARLY INCREASE)										
RESIDENTIAL										
RURAL LIVING	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
VERY-LOW-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
LOW-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
LOW-MEDIUM-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
MEDIUM-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
HIGH DENSITY RESIDENTIAL	$94,891	$0	$99,109	$0	$0	$0	$0	$0	$0	$0
TOTAL RESIDENTIAL	$94,891	$0	$99,109	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL										
RETAIL	$5,994	$0	$0	$0	$0	$0	$0	$0	$0	$0
INDUSTRIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
OTHER NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL NON-RESIDENTIAL	$5,994	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL YEARLY VALUATION INCREASE:	$100,885	$0	$99,109	$0	$0	$0	$0	$0	$0	$0
CUMULATIVE ASSESSED VALUES										
RESIDENTIAL										
RURAL LIVING	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
VERY-LOW-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
LOW-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
LOW-MEDIUM-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
MEDIUM-DENSITY RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
HIGH DENSITY RESIDENTIAL	$94,891	$94,891	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000
TOTAL RESIDENTIAL	$94,891	$94,891	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000	$194,000
NON-RESIDENTIAL										
RETAIL	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994
INDUSTRIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
OTHER NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL NON-RESIDENTIAL	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994	$5,994
TOTAL CUMULATIVE ASSESSED VALUE	$100,885	$100,885	$199,994	$199,994	$199,994	$199,994	$199,994	$199,994	$199,994	$199,994
SECURED PROPERTY TAX REVENUE CALCULATION:										
CITY OF REDLANDS										
RESIDENTIAL	$190	$190	$388	$388	$388	$388	$388	$388	$388	$388
NON-RESIDENTIAL	$12	$12	$12	$12	$12	$12	$12	$12	$12	$12
TOTAL SECURED TAX REVENUES TO CITY	$202	$202	$400	$400	$400	$400	$400	$400	$400	$400
UNSECURED PROPERTY TAX REVENUE CALCULATION:										
CITY OF REDLANDS										
RESIDENTIAL	$5	$5	$11	$11	$11	$11	$11	$11	$11	$11
NON-RESIDENTIAL	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
TOTAL UNSECURED TAX REVENUES TO CITY	$6	$6	$12	$12	$12	$12	$12	$12	$12	$12
TOTAL PROPERTY TAXES TO CITY	$208	$208	$412	$412	$412	$412	$412	$412	$412	$412

TABLE 3
CITY OF REDLANDS : MODEL
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS

RESIDENTIAL INDIRECT SALES TAX GENERATION ASSUMPTIONS

AVERAGE HOUSEHOLD INCOME ASSUMPTIONS:		
WEIGHTED AVERAGE RESIDENTIAL PRICE	$421,739	
AVERAGE RESIDENTIAL MORTGAGE (20% DOWN)	$337,391	
ANNUAL MORTGAGE PAYMENTS @ 6.50% & 30 YEARS	$25,591	CITY
AVG. HOUSEHOLD INCOME (3:1 INCOME/PAYMENT RATIO):	$76,772	
RETAIL TAXABLE EXPENDITURE (% OF INCOME):	25.0%	
PROJECT RESIDENTS' PURCHASES OUTSIDE PROJECT AND WITHIN INCORPORATED CITY:	50.0%	

BUSINESS DIRECT SALES & USE TAX GENERATION ASSUMPTIONS

SALES TAXES PASSED THROUGH TO CITY, APPLIED TO COSTS: /1	1.00%	CITY
MEASURE 'I' TAXES PASSED THROUGH TO TRANSIT AUTHORITY	0.00%	
LOCAL TRANSPORTATION SALES TAXES	0.00%	
DISPLACED EXISTING CITY SALES TAX	33.33%	
PROJECT RETAIL TAXABLE SALES PER SQ. FT:		
RETAIL	$300.00	
INDUSTRIAL	$0.00	
OTHER NON-RESIDENTIAL	0	

PROPERTY TRANSFER TAX ASSUMPTIONS

RESIDENTIAL PROPERTY TURNOVER RATE	10.00%	CITY
BUS & COM PROPERTY TURNOVER RATE	5.00%	
TRANSFER TAX AS A % OF RESALE DOLLAR	0.11%	
PROPERTY TRANSFER TAX PASSED THROUGH TO CITY	50.00%	

1. Based on amount passed through to city in the adopted 1997-98 budget.

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
SALES & USE TAX REVENUE CALCULATION (CUMULATIVE):										
INDIRECT SALES TAX GENERATION										
RESIDENTIAL TAXABLE EXPENDITURES	$4,318	$4,318	$8,829	$8,829	$8,829	$8,829	$8,829	$8,829	$8,829	$8,829
TOTAL TAXABLE PURCHASES WITHIN CITY	$2,159	$2,159	$4,414	$4,414	$4,414	$4,414	$4,414	$4,414	$4,414	$4,414
RESIDENTIAL SALES TAX GENERATION	$22	$22	$44	$44	$44	$44	$44	$44	$44	$44
DIRECT SALES TAX GENERATION										
RETAIL TAXABLE SALES	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400
INDUSTRIAL TAXABLE SALES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
OTHER NON-RESIDENTIAL TAXABLE SALES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
SUB-TOTAL DIRECT TAXABLE SALES	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400	$5,400
LESS: DISPLACED EXISTING CITY SALES TAX	$1,800	$1,800	$1,800	$1,800	$1,800	$1,800	$1,800	$1,800	$1,800	$1,800
TOTAL DIRECT TAXABLE SALES	$3,600	$3,600	$3,600	$3,600	$3,600	$3,600	$3,600	$3,600	$3,600	$3,600
TOTAL DIRECT SALES TAX GENERATION	$36	$36	$36	$36	$36	$36	$36	$36	$36	$36
TOTAL PROJECT SALES & USE TAX REVENUES, APPLIED TO COSTS	$58	$58	$80	$80	$80	$80	$80	$80	$80	$80
RESIDENTIAL MEASURE 'I' SALES TAXES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL MEASURE 'I' SALES TAXES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
RESIDENTIAL LOCAL TRANSPORTATION SALES TAXES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL LOCAL TRANSPORTATION SALES TAXES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL PROJECT SALES & USE TAX REVENUES, FOR TRANSPORTATION	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
PROPERTY TRANSFER TAX CALCULATION (CUMULATIVE):										
RESIDENTIAL PROPERTY TRANSFER TAXES	$5.22	$5.22	$10.67	$10.67	$10.67	$10.67	$10.67	$10.67	$10.67	$10.67
NON-RESIDENTIAL PROPERTY TRANSFER T AXES	$0.16	$0.16	$0.16	$0.16	$0.16	$0.16	$0.16	$0.16	$0.16	$0.16
TOTAL ANNUAL PROPERTY TRANSFER TAXES	$5	$5	$11	$11	$11	$11	$11	$11	$11	$11

SHADED CELLS ARE VARIABLE ASSUMPTIONS OR INPUTS UNIQUE TO THE PROJECT.

TABLE 4
CITY OF REDLANDS : MODEL
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS

BUSINESS LICENSE FEE REVENUE		FRANCHISE FEES (PER CAPITA)			TRANSIENT OCCUPANCY TAX	
RESIDENTIAL	NA		RESIDENTIAL	NON-RESIDENTIAL	NUMBER OF AVAILABLE HOTEL ROOMS	
NON-RESIDENTIAL		TOTAL FRANCHISE	$16.71	$16.71	OCCUPANCY RATE	
BUSINESS LICENSE FEES ARE CHARGED AT A RATE EQUAL TO $12 FOR THE FIRST $5,000 IN GROSS SALES, PLUS $3 FOR EACH ADDITIONAL $5,000 INCREMENT IN GROSS SALES.					AVERAGE BILLING RATE PER ROOM	
					% PASSED THROUGH TO CITY	
					AVERAGE YEARLY OCCUPANCY REVENUES TO CITY	

FISCAL YEAR	($s x1,000)	end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
BUSINESS LICENSE FEE REVENUE												
RESIDENTIAL												
RURAL LIVING			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
VERY-LOW-DENSITY RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LOW-DENSITY RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LOW-MEDIUM-DENSITY RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
MEDIUM-DENSITY RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
HIGH DENSITY RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
TOTAL RESIDENTIAL			NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
NON-RESIDENTIAL												
RETAIL			$3	$3	$3	$3	$3	$3	$3	$3	$3	$3
INDUSTRIAL			$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
OTHER NON-RESIDENTIAL			$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL NON-RESIDENTIAL			$3	$3	$3	$3	$3	$3	$3	$3	$3	$3
TOTAL, BUSINESS LICENSE FEE REVENUE			$3	$3	$3	$3	$3	$3	$3	$3	$3	$3
FRANCHISE FEE REVENUE												
RESIDENTIAL FRANCHISE FEES			$10.532	$10.532	$21.532	$21.532	$21.532	$21.532	$21.532	$21.532	$21.532	$21.532
NON-RESIDENTIAL FRANCHISE FEES			$0.050	$0.050	$0.050	$0.050	$0.050	$0.050	$0.050	$0.050	$0.050	$0.050
TOTAL, FRANCHISE FEE REVENUE			$11	$11	$22	$22	$22	$22	$22	$22	$22	$22
TRANSIENT OCCUPANCY TAX REVENUE												
TOTAL, TRANSIENT OCCUPANCY TAX REVENUE			$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

SHADED CELLS ARE VARIABLE ASSUMPTIONS OR INPUTS UNIQUE TO THE PROJECT.

TABLE 5
CITY OF REDLANDS : MODEL
OTHER REVENUE AND REVENUE SUMMARY
FISCAL IMPACT ANALYSIS

OTHER GENERAL REVENUES (PER CAPITA METHOD) /1	
OTHER TAXES /2	$10.86
OTHER REVENUES	$6.96
COMMUNITY DEVELOPMENT	NA
LIBRARY	NA
POLICE DEPARTMENT	NA
POLICE - ANIMAL CONTROL	NA
POLICE - RECREATION	NA
POLICE - SENIOR SERVICES	NA
FIRE	NA
PUBLIC WORKS	NA
SUBTOTAL, OTHER REVENUES PER CAPITA:	$17.83

INCOME FROM INVESTMENTS		
EFFECTIVE INTEREST	2.50%	OTHER

1. See Appendix for calculation of per capita multipliers. For items without values, a net cost technique is being employed.
2. Other Taxes includes Public Safety Sales Tax.

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
PER CAPITA REVENUES										
OTHER TAXES										
RESIDENTIAL	$7	$7	$14	$14	$14	$14	$14	$14	$14	$14
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, OTHER TAXES	$7	$7	$14	$14	$14	$14	$14	$14	$14	$14
OTHER REVENUES										
RESIDENTIAL	$4	$4	$9	$9	$9	$9	$9	$9	$9	$9
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, OTHER LICENSES, PERMITS & FINES	$4	$4	$9	$9	$9	$9	$9	$9	$9	$9
COMMUNITY DEVELOPMENT										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, STATE REVENUES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
LIBRARY										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, FEDERAL REVENUES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
POLICE DEPARTMENT										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, CITY ATTORNEY	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
POLICE - ANIMAL CONTROL										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, ENGINEERING SERVICES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
POLICE - RECREATION										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, FIRE DEPARTMENT	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
POLICE - SENIOR SERVICES										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, JOSLYN CENTER	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
FIRE										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, LIBRARY	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
PUBLIC WORKS										
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL, PARKS	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL RESIDENTIAL PER CAPITA REVENUES	$11	$11	$23	$23	$23	$23	$23	$23	$23	$23
TOTAL NON-RESIDENTIAL PER CAPITA REVENUES	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL PER CAPITA REVENUES	$11	$11	$23	$23	$23	$23	$23	$23	$23	$23
TOTAL RESIDENTIAL CASE STUDY REVENUES	$232	$232	$475	$475	$475	$475	$475	$475	$475	$475
TOTAL NON-RESIDENTIAL CASE STUDY REVENUES	$53	$53	$53	$53	$53	$53	$53	$53	$53	$53
TOTAL CASE STUDY REVENUES	$285	$285	$528	$528	$528	$528	$528	$528	$528	$528
RESIDENTIAL REV AVAILABLE FOR INV. INCOME	$244	$244	$498	$498	$498	$498	$498	$498	$498	$498
NON-RESIDENTIAL REV AVAILABLE FOR INV. INCOME	$53	$53	$53	$53	$53	$53	$53	$53	$53	$53
TOTAL REVENUES AVAILABLE FOR INVESTMENT INCOME	$296	$296	$551	$551	$551	$551	$551	$551	$551	$551
RESIDENTIAL INVESTMENT INCOME	$6	$6	$12	$12	$12	$12	$12	$12	$12	$12
NON-RESIDENTIAL INVESTMENT INCOME	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
TOTAL INVESTMENT INCOME	$7	$7	$14	$14	$14	$14	$14	$14	$14	$14

SHADED CELLS ARE VARIABLE ASSUMPTIONS OR INPUTS UNIQUE TO THE PROJECT.

TABLE 6
CITY OF REDLANDS : MODEL
POLICE DEPARTMENT, FIRE DEPARTMENT, PUBLIC WORKS & PER CAPITA COSTS
FISCAL IMPACT ANALYSIS

POLICE DEPARTMENT COSTS

RESIDENTIAL CALLS	16,562	CITY
COST PER DWELLING UNIT	$295	
NON-RESIDENTIAL RETAIL CALLS	8,987	
COST PER BUILDING SQUARE FOOT	$0.47	
NON-RESIDENTIAL INDUSTRIAL CALLS	344	
COST PER BUILDING SQUARE FOOT	$0.02	
OTHER NON-RESIDENTIAL CALLS	7,948	
COST PER BUILDING SQUARE FOOT	$0.42	
MISCELLANEOUS CALLS /2	17,628	
TOTAL CALLS	51,469	

1. Based on Net Cost and number of calls to residential or non-residential properties.
2. Based on conversations with the Police Chief, these incidences are not related to residences or businesses in the City.

EXISTING DWELLING UNITS	25,984	CITY
EXISTING NON-RESIDENTIAL SQUARE FOOTAGE	8,824,690	

RESIDENTIAL FIRE DEPARTMENT COSTS [1]

RESIDENTIAL CALLS	3,579	CITY
COST PER DWELLING UNIT	$168	
NON-RESIDENTIAL RETAIL CALLS	446	
COST PER BUILDING SQUARE FOOT	$0.06	
NON-RESIDENTIAL INDUSTRIAL CALLS	155	
COST PER BUILDING SQUARE FOOT	$0.02	
OTHER NON-RESIDENTIAL CALLS	1,459	
COST PER BUILDING SQUARE FOOT	$0.20	
MISCELLANEOUS CALLS /2	1,988	
TOTAL CALLS	7,627	

1. Based on Net Cost and number of calls to residential or non-residential properties.
2. Based on information from Fire Chief, these incidences are not related to residences or businesses in the City.

PUBLIC INFRASTRUCTURE REQUIREMENTS /1

ROADS (LANE MILES)	0.0	DEVELOPER
TRAFFIC INTERSECTIONS REQUIRING SIGNALS	0.4	
AGGREGATE LANDSCAPING (ACRES)	0.0	
PARK ACREAGE (GROSS)	0.0	
STREET LIGHTS	7.0	
OPEN SPACE (ACRES)	0.0	
TRAILS (LINEAL MILE)	0.0	
STORM DRAINS (MILES)	0.0	

1. Infrastructure should exclude privately maintained facilities.

PUBLIC WORKS MAINTENANCE COSTS

PAVEMENT MAINTENANCE PER LANE MILE /1	$5,000	CITY
STREET SWEEPING PER CURB MILE - ALL STREETS /1	$9	
TRAFFIC SIGNAL OPERATIONS & MAINTENANCE PER INTERSECTION /1	$5,560	
LANDSCAPE MAINTENANCE PER ACRE /1	$12,500	
PARK MAINTENANCE PER ACRE /1	$7,000	
STREET LIGHT MAINTENANCE COST PER LIGHT /1	$125	
OPEN SPACE MAINTENANCE PER ACRE /2	$125	
TRAIL MAINTENANCE PER LINEAL MILE /2	$500	
STORM DRAIN MAINTENANCE PER MILE /2	$750	

1. Based on consultations with the City of Redlands Public Works Department.
2. Based on consultant's experience.

CITY GENERAL GOVERNMENT COSTS*

CITY COUNCIL	$174,090
CITY CLERK	$285,939
CITY MANAGER	$314,819
FINANCE	$605,155
CITY TREASURER	$2,875,064
CITY ATTORNEY	$1,159,167
TOTAL, CITY GENERAL GOVERNMENT COSTS	$5,414,234

*Costs have been reduced to reflect department specific revenues.

CITY GENERAL GOVERNMENT COSTS CONTINUED

TOTAL CITY OPERATING BUDGET*	$49,046,241

*Excludes Debt Service, Utilities and Capital Improvements.

OVERHEAD AS A % OF OPERATING BUDGET	11.04%
OVERHEAD AS A % OF DIRECT COSTS	12.41%
OVERHEAD BY DEFINITION CAUSING NO COST	0.00%
OVERHEAD AS % OF DIRECT, AVERAGE	6.20%

OTHER NET COSTS (PER CAPITA METHOD) /1

COMMUNITY DEVELOPMENT	$29.49
LIBRARY	$28.43

1. See Appendix for calculation of per capita multipliers.

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
CITY DIRECT COSTS										
POLICE DEPARTMENT COSTS										
RESIDENTIAL	$66.376	$66.376	$135.701	$135.701	$135.701	$135.701	$135.701	$135.701	$135.701	$135.701
NON-RESIDENTIAL RETAIL	$8.484	$8.484	$8.484	$8.484	$8.484	$8.484	$8.484	$8.484	$8.484	$8.484
NON-RESIDENTIAL INDUSTRIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
OTHER NON-RESIDENTIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TOTAL, POLICE DEPARTMENT COSTS	$74.860	$74.860	$144.185	$144.185	$144.185	$144.185	$144.185	$144.185	$144.185	$144.185
FIRE DEPARTMENT COSTS										
RESIDENTIAL	$37.842	$37.842	$77.367	$77.367	$77.367	$77.367	$77.367	$77.367	$77.367	$77.367
NON-RESIDENTIAL RETAIL	$1.111	$1.111	$1.111	$1.111	$1.111	$1.111	$1.111	$1.111	$1.111	$1.111
NON-RESIDENTIAL INDUSTRIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
OTHER NON-RESIDENTIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TOTAL, FIRE DEPARTMENT COSTS	$38.953	$38.953	$78.478	$78.478	$78.478	$78.478	$78.478	$78.478	$78.478	$78.478
PUBLIC WORKS COSTS										
PAVEMENT MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
STREET SWEEPING	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TRAFFIC SIGNAL OPERATION	$1.095	$1.095	$2.224	$2.224	$2.224	$2.224	$2.224	$2.224	$2.224	$2.224
LANDSCAPE MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
PARK MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
STREET LIGHT MAINTENANCE	$0.431	$0.431	$0.875	$0.875	$0.875	$0.875	$0.875	$0.875	$0.875	$0.875
OPEN SPACE MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TRAIL MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
STORM DRAIN MAINTENANCE	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TOTAL, PUBLIC WORKS COSTS	$1.526	$1.526	$3.099	$3.099	$3.099	$3.099	$3.099	$3.099	$3.099	$3.099
COMMUNITY DEVELOPMENT										
RESIDENTIAL	$18.584	$18.584	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994
NON-RESIDENTIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TOTAL, COMMUNITY DEVELOPMENT	$18.584	$18.584	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994	$37.994
LIBRARY										
RESIDENTIAL	$17.915	$17.915	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625
NON-RESIDENTIAL	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000	$0.000
TOTAL, LIBRARY	$17.915	$17.915	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625	$36.625
CITY DIRECT COSTS										
RESIDENTIAL	$104.380	$104.380	$213.400	$213.400	$213.400	$213.400	$213.400	$213.400	$213.400	$213.400
NON-RESIDENTIAL	$66.396	$66.396	$135.721	$135.721	$135.721	$135.721	$135.721	$135.721	$135.721	$135.721
TOTAL, CITY DIRECT COSTS	$170.776	$170.776	$349.121	$349.121	$349.121	$349.121	$349.121	$349.121	$349.121	$349.121
CITY GENERAL GOVERNMENT COSTS										
RESIDENTIAL	$6.476	$6.476	$13.240	$13.240	$13.240	$13.240	$13.240	$13.240	$13.240	$13.240
NON-RESIDENTIAL	$4.119	$4.119	$8.421	$8.421	$8.421	$8.421	$8.421	$8.421	$8.421	$8.421
TOTAL, CITY GENERAL GOVERNMENT COSTS	$10.596	$10.596	$21.661	$21.661	$21.661	$21.661	$21.661	$21.661	$21.661	$21.661

SHADED CELLS ARE VARIABLE ASSUMPTIONS OR INPUTS UNIQUE TO THE PROJECT.

TABLE 7
CITY OF REDLANDS : MODEL
FISCAL IMPACT ANALYSIS DETAILED SUMMARY

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034	% OF TOTAL
ONGOING REVENUES											
SECURED PROPERTY TAXES											
RESIDENTIAL	$190	$190	$388	$388	$388	$388	$388	$388	$388	$388	68.75%
NON-RESIDENTIAL	$12	$12	$12	$12	$12	$12	$12	$12	$12	$12	2.12%
UNSECURED PROPERTY TAXES											
RESIDENTIAL	$5	$5	$11	$11	$11	$11	$11	$11	$11	$11	1.89%
NON-RESIDENTIAL	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	0.21%
TRANSFER PROPERTY TAXES											
RESIDENTIAL	$5	$5	$11	$11	$11	$11	$11	$11	$11	$11	1.89%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.03%
SALES TAXES											
RESIDENTIAL	$22	$22	$44	$44	$44	$44	$44	$44	$44	$44	7.82%
NON-RESIDENTIAL	$36	$36	$36	$36	$36	$36	$36	$36	$36	$36	6.38%
MEASURE 'I' SALES TAXES											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
LOCAL TRANSPORTATION SALES TAXES											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
TRANSIENT OCCUPANCY TAX											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
FRANCHISE FEE REVENUES											
RESIDENTIAL	$11	$11	$22	$22	$22	$22	$22	$22	$22	$22	3.82%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.01%
BUSINESS LICENSE REVENUES											
RESIDENTIAL	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.00%
NON-RESIDENTIAL	$3	$3	$3	$3	$3	$3	$3	$3	$3	$3	0.58%
OTHER TAXES											
RESIDENTIAL	$7	$7	$14	$14	$14	$14	$14	$14	$14	$14	2.48%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
OTHER REVENUES											
RESIDENTIAL	$4	$4	$9	$9	$9	$9	$9	$9	$9	$9	1.59%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
COMMUNITY DEVELOPMENT											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
LIBRARY											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
POLICE DEPARTMENT											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
POLICE - ANIMAL CONTROL											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
POLICE - RECREATION											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
POLICE - SENIOR SERVICES											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
FIRE											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
PUBLIC WORKS											
RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
INVESTMENT INCOME REVENUES											
RESIDENTIAL	$6	$6	$12	$12	$12	$12	$12	$12	$12	$12	2.21%
NON-RESIDENTIAL	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	0.23%
TOTAL RESIDENTIAL REVENUES	$250	$250	$510	$510	$510	$510	$510	$510	$510	$510	90.44%
TOTAL NON-RESIDENTIAL REVENUES	$54	$54	$54	$54	$54	$54	$54	$54	$54	$54	9.56%
TOTAL ON-GOING REVENUES	$304	$304	$564	$564	$564	$564	$564	$564	$564	$564	
ONGOING COSTS											
POLICE DEPARTMENT COSTS											
RESIDENTIAL	$66	$66	$136	$136	$136	$136	$136	$136	$136	$136	42.14%
NON-RESIDENTIAL	$8	$8	$8	$8	$8	$8	$8	$8	$8	$8	2.63%
FIRE DEPARTMENT COSTS											
RESIDENTIAL	$38	$38	$77	$77	$77	$77	$77	$77	$77	$77	24.02%
NON-RESIDENTIAL	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	0.34%
PUBLIC WORKS DEPARTMENT COST											
RESIDENTIAL	$2	$2	$3	$3	$3	$3	$3	$3	$3	$3	0.96%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.01%
GENERAL GOVERNMENT COSTS											
RESIDENTIAL	$6	$6	$13	$13	$13	$13	$13	$13	$13	$13	4.11%
NON-RESIDENTIAL	$4	$4	$8	$8	$8	$8	$8	$8	$8	$8	2.61%
COMMUNITY DEVELOPMENT COSTS											
RESIDENTIAL	$19	$19	$38	$38	$38	$38	$38	$38	$38	$38	11.80%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
LIBRARY COSTS											
RESIDENTIAL	$18	$18	$37	$37	$37	$37	$37	$37	$37	$37	11.37%
NON-RESIDENTIAL	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	0.00%
TOTAL RESIDENTIAL COSTS	$149	$149	$304	$304	$304	$304	$304	$304	$304	$304	94.40%
TOTAL NON-RESIDENTIAL COSTS	$14	$14	$18	$18	$18	$18	$18	$18	$18	$18	5.60%
TOTAL ON-GOING COSTS	$162	$162	$322	$322	$322	$322	$322	$322	$322	$322	
ANNUAL RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$101	$101	$206	$206	$206	$206	$206	$206	$206	$206	
ANNUAL NON-RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$40	$40	$36	$36	$36	$36	$36	$36	$36	$36	
TOTAL ANNUAL ONGOING SURPLUS/(DEFICIT)	$141	$141	$242	$242	$242	$242	$242	$242	$242	$242	
ANNUAL RESIDENTIAL REVENUE/COST RATIO	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	
ANNUAL NON-RESIDENTIAL REVENUE/COST RATIO	3.93	3.93	2.99	2.99	2.99	2.99	2.99	2.99	2.99	2.99	
TOTAL ANNUAL REVENUE/COST RATIO	1.87	1.87	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	

TABLE 8a
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS SUMMARY (Residential Only))

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
ONGOING REVENUES										
TOTAL RESIDENTIAL REVENUES	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681	$249.6681
ONGOING COSTS										
TOTAL RESIDENTIAL COSTS	$148.6989	$148.6989	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066
ANNUAL RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$100.9693	$100.9693	($54.3384)	($54.3384)	($54.3384)	($54.3384)	($54.3384)	($54.3384)	($54.3384)	($54.3384)
ANNUAL RESIDENTIAL REVENUE/COST RATIO	1.68	1.68	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82

TABLE 8b
LAND USE SUMMARY:
FISCAL IMPACT ANALYSIS SUMMARY (Commercial Only)

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034
ONGOING REVENUES										
TOTAL NON-RESIDENTIAL REVENUES	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670
ONGOING COSTS										
TOTAL NON-RESIDENTIAL COSTS	$13.7345	$13.7345	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357
ANNUAL NON-RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$40.2325	$40.2325	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313
ANNUAL NON-RESIDENTIAL REVENUE/COST RATIO	3.93	3.93	2.99	2.99	2.99	2.99	2.99	2.99	2.99	2.99

TABLE 8c
CITY OF REDLANDS : MODEL
FISCAL IMPACT ANALYSIS SUMMARY (MIXED)

FISCAL YEAR ($s x1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034	% OF TOTAL
ONGOING REVENUES											
TOTAL RESIDENTIAL REVENUES	$249.6681	$249.6681	$510.4326	$510.4326	$510.4326	$510.4326	$510.4326	$510.4326	$510.4326	$510.4326	90.44%
TOTAL NON-RESIDENTIAL REVENUES	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	$53.9670	9.56%
TOTAL ON-GOING REVENUES	$303.6352	$303.6352	$564.3997	$564.3997	$564.3997	$564.3997	$564.3997	$564.3997	$564.3997	$564.3997	
ONGOING COSTS											
TOTAL RESIDENTIAL COSTS	$148.6989	$148.6989	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	$304.0066	94.40%
TOTAL NON-RESIDENTIAL COSTS	$13.7345	$13.7345	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	$18.0357	5.60%
TOTAL ON-GOING COSTS	$162.4334	$162.4334	$322.0423	$322.0423	$322.0423	$322.0423	$322.0423	$322.0423	$322.0423	$322.0423	
ANNUAL RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$100.9693	$100.9693	$206.4261	$206.4261	$206.4261	$206.4261	$206.4261	$206.4261	$206.4261	$206.4261	
ANNUAL NON-RESIDENTIAL ONGOING SURPLUS/(DEFICIT)	$40.2325	$40.2325	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	$35.9313	
TOTAL ANNUAL ONGOING SURPLUS/(DEFICIT)	$141.2018	$141.2018	$242.3574	$242.3574	$242.3574	$242.3574	$242.3574	$242.3574	$242.3574	$242.3574	
ANNUAL RESIDENTIAL REVENUE/COST RATIO	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	
ANNUAL NON-RESIDENTIAL REVENUE/COST RATIO	3.93	3.93	2.99	2.99	2.99	2.99	2.99	2.99	2.99	2.99	
TOTAL ANNUAL REVENUE/COST RATIO	1.87	1.87	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	

TABLE 9
CITY OF REDLANDS : MODEL
SCHOOL FEE MITIGATION (SB 50)
FISCAL IMPACT ANALYSIS

RESIDENTIAL SCHOOL FEE MITIGATION

DEVELOPER FEE REVENUE PER SINGLE FAMILY DETACHED UNIT /1	$3,113
DEVELOPER FEE REVENUE PER MULTI-FAMILY ATTACHED UNIT /2	$1,431
DEVELOPER FEE REVENUE PER MOBILE HOME /3	$1,212

STUDENT GENERATION FACTORS

ELEMENTARY SCHOOL	
SFD	0.2260
MFA	0.1362
Mobile Home	0.1068
MIDDLE SCHOOL	
SFD	0.1310
MFA	0.0574
Mobile Home	0.0548
HIGH SCHOOL	
SFD	0.1690
MFA	0.0565
Mobile Home	0.0493

SCHOOL DIST

	Capacity	Acreage	SBE 50 fees
Elementary	600	10	$5,200
Middle School	1000	20	$5,500
High School	2200	50	$7,200

FISCAL YEAR ($s ×1,000) end of:	YEAR 1 2025	YEAR 2 2026	YEAR 3 2027	YEAR 4 2028	YEAR 5 2029	YEAR 6 2030	YEAR 7 2031	YEAR 8 2032	YEAR 9 2033	YEAR 10 2034	TOTAL	
CITY OF REDLANDS												
ANNUAL PROJECTED RESIDENTIAL DEVELOPMENT												
SFD	0	0	0	0	0	0	0	0	0	0	0	DEVELOPEF
MFA	225	0	235	0	0	0	0	0	0	0	460	
Mobile Home	0	0	0	0	0	0	0	0	0	0	0	
STUDENT PROJECTIONS												
ELEMENTARY												
SFD	0	0	0	0	0	0	0	0	0	0	0	
MFA	30.645	0	32.007	0	0	0	0	0	0	0	63	
Mobile Home	0	0	0	0	0	0	0	0	0	0	0	
MIDDLE SCHOOL												
SFD	0	0	0	0	0	0	0	0	0	0	0	
MFA	12.915	0	13.489	0	0	0	0	0	0	0	26	
Mobile Home	0	0	0	0	0	0	0	0	0	0	0	
HIGH SCHOOL												
SFD	0	0	0	0	0	0	0	0	0	0	0	
MFA	12.7125	0	13.2775	0	0	0	0	0	0	0	26	
Mobile Home	0	0	0	0	0	0	0	0	0	0	0	
ANNUAL SCHOOL FEE MITIGATION												
ELEMENTARY												
SFD	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
MFA	$159,354	$0	$166,436	$0	$0	$0	$0	$0	$0	$0		
Mobile Home	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
								Total		$325,790		
MIDDLE SCHOOL												
SFD	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
MFA	$71,033	$0	$74,190	$0	$0	$0	$0	$0	$0	$0		
Mobile Home	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
								Total		$145,222		
HIGH SCHOOL												
SFD	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
MFA	$91,530	$0	$95,598	$0	$0	$0	$0	$0	$0	$0		
Mobile Home	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0		
								Total		$187,128		
TOTAL SCHOOL FEE MITIGATION												
SFD	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
MFA	$321,917	$0	$336,224	$0	$0	$0	$0	$0	$0	$0	$658,140	
Mobile Home	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
TOTAL	$321,917	$0	$336,224	$0	$0	$0	$0	$0	$0	$0		

Tennessee Village Mixed-Use Project

Initial Study
and
Mitigated Negative Declaration

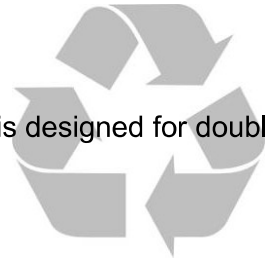
Lead Agency:

City of Redlands
35 Cajon St., Ste. 20/P.O. Box 3005
Redlands, CA 92373
Office 909.798.7555 ext. 7344

Prepared by:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507

Public Review Draft
April 22, 2024



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Appendix C Burrowing Owl Survey Report
Appendix D Cultural Resources Inventory and Evaluation Report
Appendix E Energy Calculations
Appendix F Phase I Environmental Site Assessment and Limited Phase II Site Assessment
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Appendix H Hydrology and Hydraulics Report
Appendix I Preliminary Sewer Sizing Memo
Appendix J Noise and Vibration Analysis Memo
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1 Introduction

The city of Redlands ("Lead Agency") received a development proposal from Diversified Pacific Development Group, LLC ("applicant") for a mixed-use development on a 13.48-acre site located to the northwest of the intersection of Tennessee Street and Lugonia Avenue in the city of Redlands, California. The development proposal and associated land use applications constitute a *project* that is subject to review under the California Environmental Quality Act (CEQA) 1970 (Public Resources Code §§ 21000, *et seq.*), and the CEQA Guidelines (14 California Code of Regulations §§ 15000, *et. seq*.).

This Initial Study was prepared to assess the short-term, long-term, and cumulative environmental impacts resulting from the proposed project. This report was prepared to comply with CEQA Guidelines § 15063, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (See Section 2);
- Identification of the environmental setting (See Section 2.10);
- Identification of environmental effects by the 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);
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (See Section 4.13);
- Discussion of ways to mitigate significant effects identified, if any (See Section 5); and,
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (See Section 6).

1.1 – Purpose of CEQA

CEQA § 21000 of the California Public Resources Code provides 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 take 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:

h) 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.
i) 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.
j) 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.
k) 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.
l) 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.
m) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
n) 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.

A concise statement of legislative policy, with respect to public agency consideration of projects for some form of approval, is found in CEQA § 21002, quoted below:

> The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event that specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

1.2 – Public Comments

Comments from all agencies and individuals are invited prior to the closing date of the public review period regarding the information contained in this Initial Study and Mitigated Negative Declaration. Such comments should explain any perceived deficiencies in the assessment of impacts in the Initial Study. Please submit comments to the contact listed below:

Sean Reilly, Principal Planner
City of Redlands
35 Cajon St., Ste. 20
Redlands, CA 92373
Office 909.798.7555 ext. 7308
Email: sreilly@cityofredlands.org

Following a 30-day period of circulation and review of the Initial Study and Mitigated Negative Declaration, all comments will be considered by the city of Redlands 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 Sean Reilly, Principal Planner, via telephone at (909) 798-7555 ext. 7344, or via email at sreilly@cityofredlands.org. The Initial Study and Mitigated Negative Declaration are also made available online at the city of Redlands website.

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2 Project Description

2.1 – Project Title

Tennessee Village Mixed-Use Project

2.2 – Lead Agency Name and Address

City of Redlands
Planning Department
35 Cajon Street, Suite 15-A
Redlands, California 92373
909-798-7555

2.3 – Contact Person and Phone Number

Sean Reilly, Principal Planner
909-798-7555, ext. 7344

2.4 – Project Location

The city of Redlands is located in southwest San Bernardino County adjacent to the San Bernardino/Riverside County line, (see Exhibit 1, Regional Context Map). The project site is comprised of a single undeveloped, 13.48-acre parcel located to the northeast of the intersection of Tennessee Street and Lugonia Avenue in the City of Redlands, California (see Exhibit 2, Project Vicinity Map). The site is located approximately 0.5 miles north of Interstate 10 (I-10) and is located immediately east of Interstate 210 (I-210). The site is located approximately 3.4 miles southwest of Redlands Municipal Airport. The project site is bound by I-210 to the west and undeveloped land to the north, east, and south.

- Latitude 34° 04’ 21.19” North, Longitude 117° 11’ 54.80” West
- APN# 0167-171-015

2.5 – Project Sponsor’s Name and Address

Diversified Pacific Development Group, LLC
10621 Civic Center Drive
Rancho Cucamonga, California 91730

2.6 – General Plan Land Use Designation

The project site has a General Plan land use designation of Commercial. Sites with this designation may be developed with a stand-alone commercial use, two or more commercial uses, or mixed uses. The Commercial land use category may permit residential and mixed uses consistent with the underlying zoning district.

2.7 – Zoning District

The current zoning designation of the project site is EV/SD (East Valley Corridor Specific Plan/Special Development). A Zone Change from (East Valley Corridor Specific Plan/Special Development) to C-3 (General Commercial District) is proposed as part of the project. The C-3 District allows for both non-residential and residential uses combined as mixed-use development subject to approval of a Conditional Use Permit (CPU).

2.8 – Project Description

The proposed project includes Tentative Parcel Map No. 20688, which would include development of 460 new apartment units, approximately 17,899 square feet of commercial space, and associated landscaping and roadway improvements (see Exhibit 3, TPM No. 20688). The project would consist of two (2) three-story buildings and eight (8) four-story buildings (see Exhibit 4, Conceptual Site Plan). Eight (8) of the proposed buildings would include only residential uses and two (2) of the proposed buildings would include mixed-uses that incorporate ground-floor commercial space with residential units on the floors above (see Exhibit 5, Project Elevations). The residential apartment units would range in size from one-bedroom to three-bedroom units (see Exhibit 6, Floor Plans). The project would include six (6) "Live/Work" units that incorporate retail/office uses on the ground floor and a residential unit on the second floor. In addition, approximately 5% of the proposed residential units would be designated as "very low-income" units, which would allow for a 20 percent density bonus in accordance with the "California Density Bonus Law". The very low-income units would be spread throughout the site to create a cohesive project that does not separate the market rate units from the very low-income units.

Parking would be provided through a combination of underground, garage, outdoor-covered, outdoor-uncovered, and commercial parking spaces throughout the project. The project would include 673 residential parking spaces, and 91 commercial spaces, for a total of 764 spaces. Residential parking would be regulated by security gates and would be separate from the commercial parking spaces. The parking and street immediately surrounding building ten would be publicly accessible and would be designed to connect to a future commercial development proposed to the south. There are three points of entry into the project: one entry point off Tennessee Street, one entry point off Pennsylvania Avenue, and one entry point at the future commercial development proposed to the south.

The project would include approximately 190,098 square feet of common and private open space. Outdoor and open space amenities would include a linear park leading to a resort-style pool in the center of the site along with other smaller open space areas throughout the site. Finally, Building 9 would house leasing offices, mail rooms, and other amenities that may include office/meeting spaces, kitchens, a movie theater, and a rooftop bar. The remainder of the site would be paved, including sidewalks, streets, driveways, and landscaping planters.

Additional components of the project include: Specific Plan Amendment (SPA) to remove the site from East Valley Corridor Specific Plan; Zone Change (ZC) to establish C-3 (General Commercial District) zoning for the site, Conditional Use Permit (CUP) for the mixed use portion of the project; and Tentative Parcel Map to subdivide the property into four lots.

Project construction is anticipated to begin in the summer of 2024 and last approximately 19 months, based on default assumptions generated by the California Emissions Estimator Model (CalEEMod) (see Appendix A). Based on the preliminary estimates, grading for the project would require cut of approximately 23,076 cubic yards (cy), and fill of 40,489 cy, requiring approximately 17,413 cubic yards of soil import during grading. The project is anticipated to be operational by the spring of 2026.

2.9 – Surrounding Land Uses

Surrounding land uses are summarized in Table 2 (Surrounding Land Uses), below.

Table 1
Surrounding Land Uses

Direction	General Plan Designation	Zoning District	Existing Land Use
Project Site	Commercial	EV/SD (East Valley Corridor Specific Plan/Special Development)	Undeveloped Land
North	Commercial	Concept Plan No. 4	Undeveloped Land
South	Commercial	EV/SD (East Valley Corridor Specific Plan/Special Development)	Undeveloped Land
East	High Density Residential	Multiple Family Residential (R-3)	Undeveloped Land
West	Public Facilities	Public Facilities	Interstate 210

2.10 – Environmental Setting

The project site is located on an approximately 13.48-acre, undeveloped parcel of land covered in native and non-native shrubs and trees in a mostly developed portion of the City of Redlands, California. The site is located northeast of the intersection of Tennessee Street and Lugonia Avenue, in an area of the city characterized by residential, commercial, and light industrial land uses as well as undeveloped land. The project site is flat, with an elevation ranging from approximately 1,275 to 1,291 feet above mean sea level (AMSL). . Undeveloped land is located to the north, east, and south of the project site. To the west of the project site is Interstate 210. There are multiple schools and parks located within 2 miles of the project site.

2.11 – Required Approvals

The project will require the following city of Redlands Development Plan and Legislative applications:

- Specific Plan Amendment to remove the project from the East Valley Corridor Specific Plan
- Zone Change to establish the project site's zoning as C-3 (General Commercial)
- Socio-Economic Cost Benefit Analysis
- Tentative Parcel Map No. 20688
- Conditional Use Permit for a mixed-use project within the C-3 zoning district
- Planning Commission (City Council) Review and Approval for site plan and architectural review
- Compliance with the requirements of CEQA
- Density Bonus Housing Agreement
- Grading Permits and Encroachment Permits
- Building Permits*

2.12 – Other Public Agency Whose Approval is Required

- None

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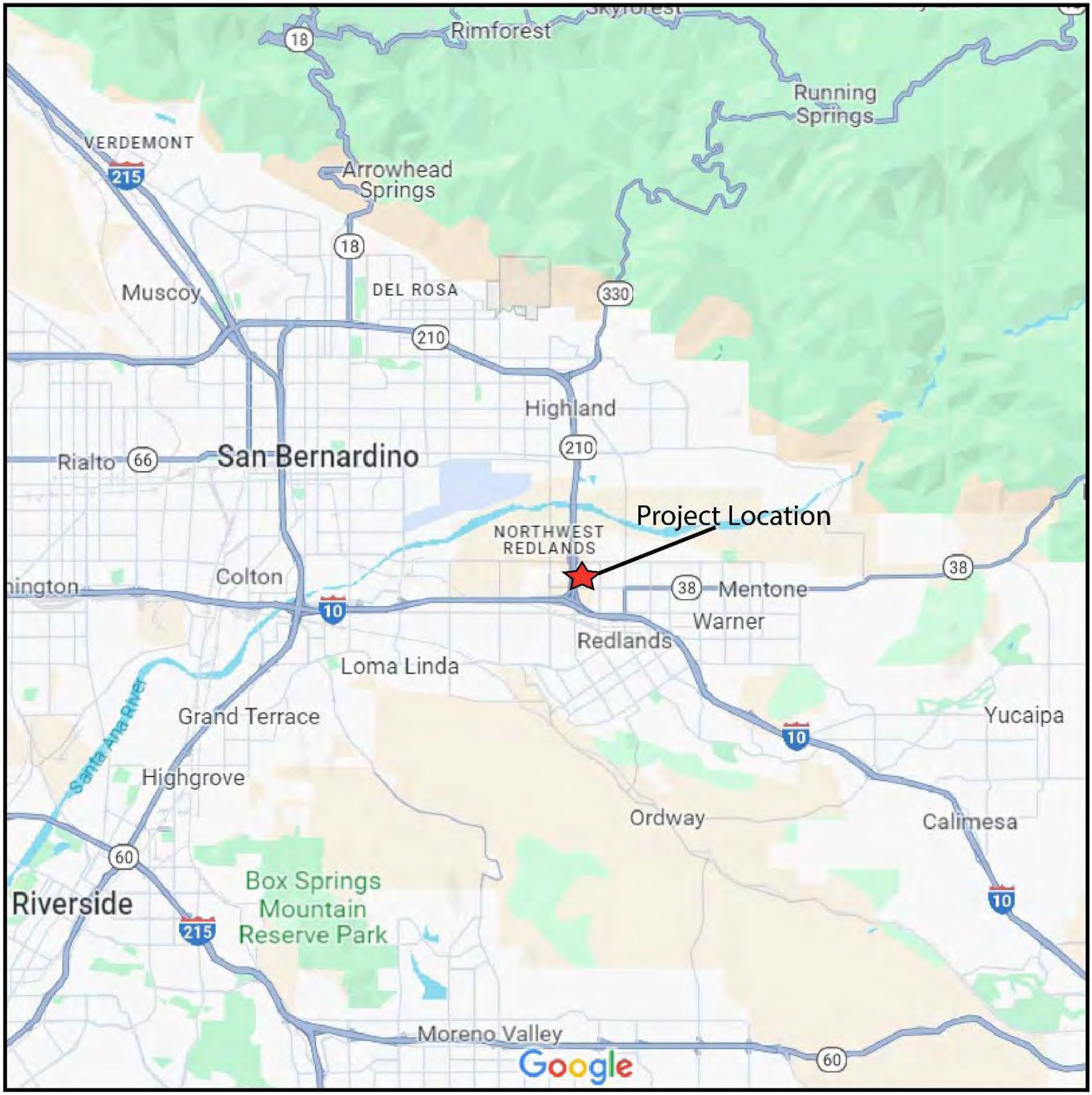

Not to Scale

Source: Google Maps

http://www.migcom.com • 951-787-9222

Exhibit 1 Regional Context Map

Tennessee Village Mixed-Use Project
Redlands, California

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- Project Site

Not to Scale

Source: Google Maps

http://www.migcom.com • 951-787-9222

Exhibit 2 Project Vicinity Map

Tennessee Village Mixed-Use Project
Redlands, California

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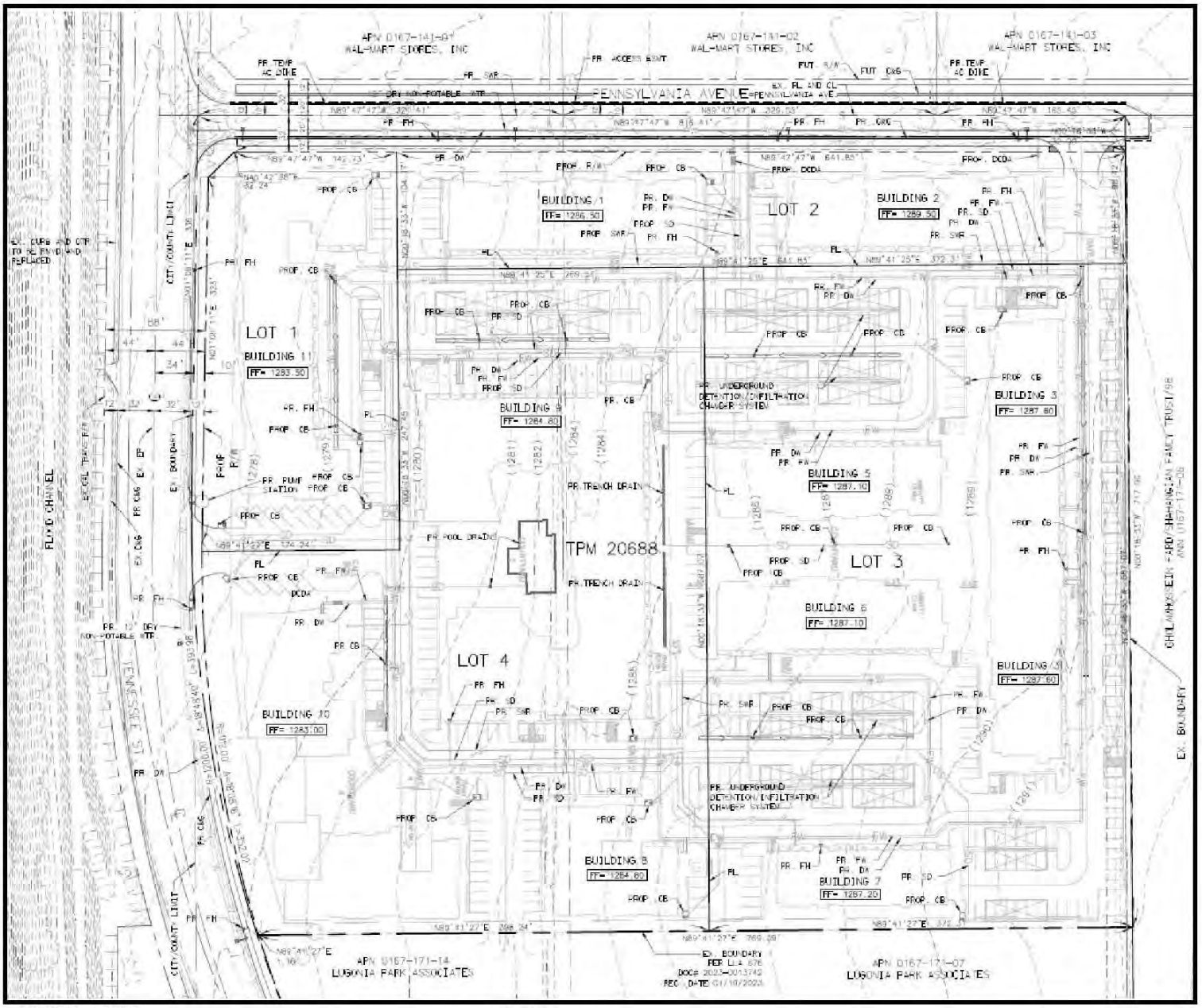

GENERAL NOTES

1. ASSESSOR'S PARCEL NUMBERS: PORTION OF 0167-171-007,014
2. EXISTING ZONING DESIGNATION: EV/SD (EAST VALLEY/SPECIAL DEVELOPMENT)
3. PROPOSED ZONING DESIGNATION: COMMERCIAL C-3
4. EXISTING GENERAL PLAN DESIGNATION: COMMERCIAL
5. PROPOSED GENERAL PLAN DESIGNATION: COMMERCIAL
6. EXISTING USE: VACANT LAND
7. PROPOSED USE: MIXED USE; COMMERCIAL AND MULTI-FAMILY
8. NO REGULATED TREES OR PLANTS KNOWN TO EXIST ON-SITE.
9. NO ADJACENT STRUCTURES WITHIN 15' OF PROJECT PROPERTY LINE, UNLESS OTHERWISE SHOWN.
10. THE PROJECT AREA IS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. (FIRM # 06071C8704H)
11. PROJECT GROSS AREA: 587,128 SF (13.48 AC)
12. PROJECT NET AREA: 555,661 SF (12.76 AC) (SEE PROJECT AREA TABLE BELOW)
13. PROPOSED NUMBER OF LOTS: 4
14. SEE PRELIMINARY DRAINAGE STUDY TRIBUTARY MAP FOR DRAINAGE AREAS.

ABBREVIATIONS

APN	ASSESSOR PARCEL NUMBER	P/L	PROPERTY LINE
CB	CATCH BASIN	PROP.	PROPOSED
℄	CENTERLINE	GB	GRADE BREAK
DW	DOMESTIC WATER	HP	HIGH POINT
DWY.	DRIVEWAY	R/W	RIGHT OF WAY
ELEV.	ELEVATION	REF	REFERENCE
EG	EXISTING GRADE	SD	STORM DRAIN
EX.	EXISTING	SWR	SEWER
FG	FINISHED GRADE	S/W	SIDEWALK
FW	FIRE WATER	TC	TOP OF CURB
FL	FLOWLINE	TF	TOP OF FOOTING
HP	HIGH POINT	TG	TOP OF GRATE
INV.	INVERT	TW	TOP OF WALL
MIN.	MINIMUM	TRW	TOP OF RETAINING WALL
MAX.	MAXIMUM	W/	WITH
NG	NATURAL GROUND		

LEGEND

RIGHT-OF-WAY LINE
LOT/PARCEL LINE
STREET CENTERLINE
BOUNDARY LINE
ORIGINAL LOT/PARCEL LINE
PUBLIC ACCESS EASEMENT
1 FOOT CONTOUR INTERVAL
5 FOOT CONTOUR INTERVAL
NO VEHICULAR ACCESS
UTILITY MH
STREET LIGHT
VEGETATION

	SF	ACRES
LOT 1	59,558	1.37
LOT 2	65,014	1.49
LOT 3	218,575	5.02
LOT 4	212,514	4.88
SUB-TOTAL (NET AREA)	**555,661**	**12.76**
ADDITIONAL TENNESSEE ST. R/W	6,429	0.15
ADDITIONAL PENNSYLVANIA AVE. R/W	25,038	0.57
SUB-TOTAL	**31,467**	**0.72**
Totals	**587,128**	**13.48**

Exhibit 3 Tentative Parcel Map

Tennessee Village Mixed-Use Project
Redlands, California

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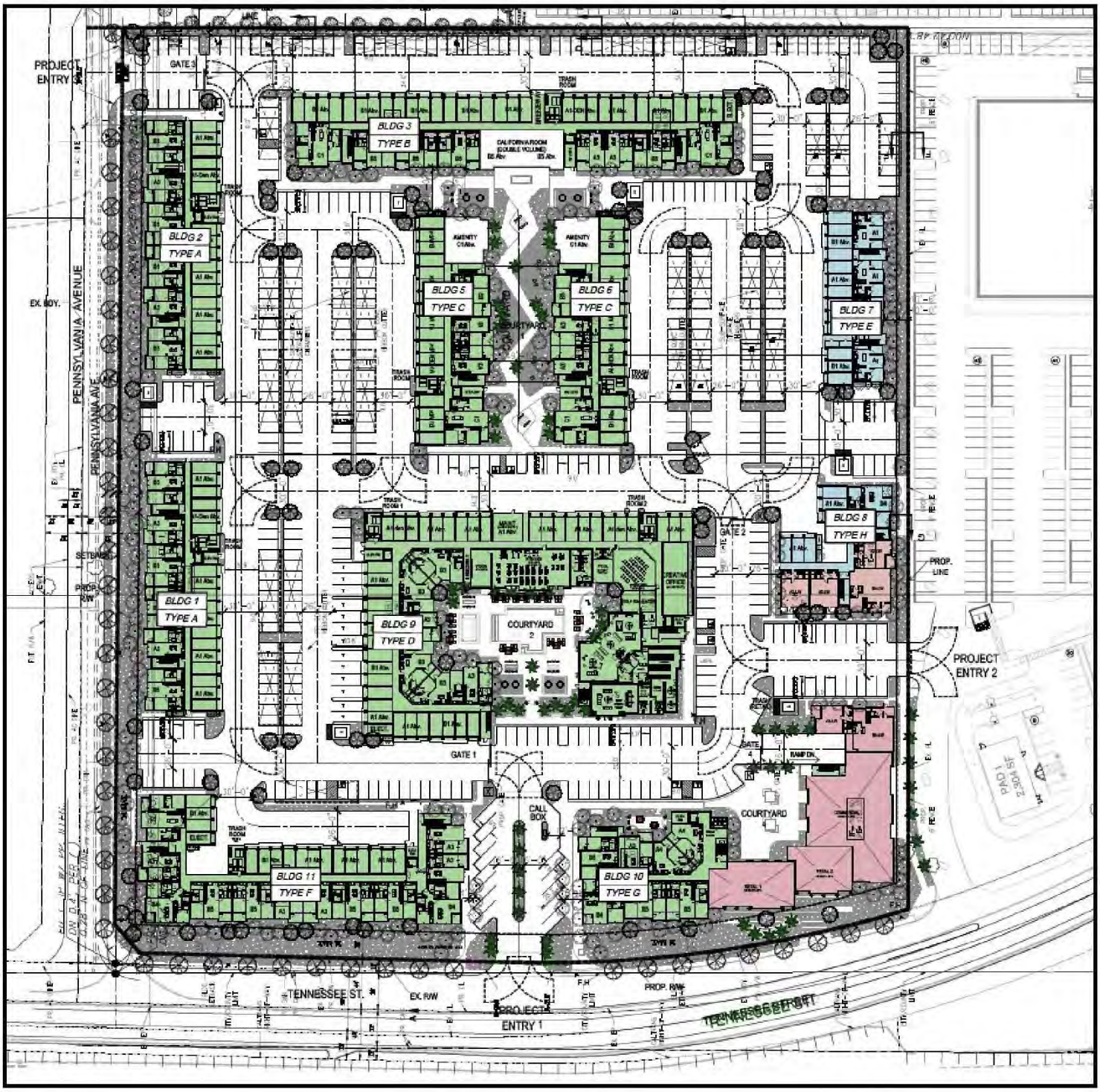


RETAIL/ COMMERICIAL

3 STORY

4 STORY

APN: 0167-171-07
0167-171-14

NORTH

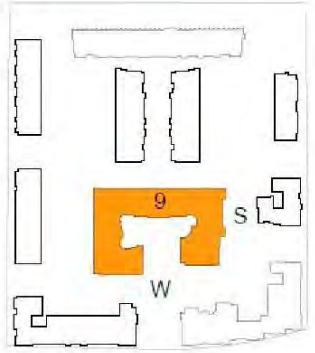
Exhibit 4 Conceptual Site Plan

Tennessee Village Mixed-Use Project
Redlands, California

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

SOUTH ELEVATION



WEST ELEVATION

Exhibit 5a - Project Elevations - Type D Building 9

Tennessee Village Mixed-Use Project
Redlands, California

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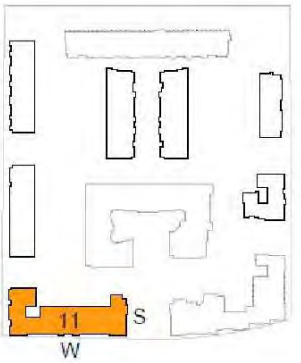
EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

SOUTH ELEVATION



WEST ELEVATION

Exhibit 5b - Project Elevations - Type F Building 11

Tennessee Village Mixed-Use Project
Redlands, California

Redlands Regular Meeting of 12-03-24

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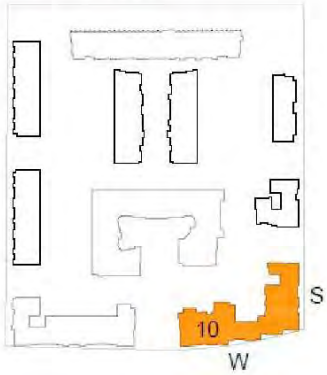
Redlands Regular Meeting of 12-03-24

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

SOUTH ELEVATION



WEST ELEVATION

Redlands Regular Meeting of 12-03-24

Exhibit 5c - Project Elevations - Type G Building 10

Tennessee Village Mixed-Use Project
Redlands, California

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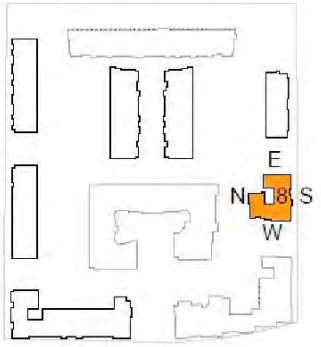
Redlands Regular Meeting of 12-03-24

EXTERIOR ELEVATION KEYNOTES

1. STUCCO
2. BRICK VENEER
3. VINYL WINDOW
4. SHADE CANOPY
5. GARAGE DOOR
6. VENEER STONE
7. PORCELAIN TILE
8. BALCONY RAILING
9. SUN SHADE LOUVER
10. STORE FRONT SYSTEM
11. EXTERIOR LIGHTING
12. JULIET BALCONY RAILING
13. METAL AWNING

WEST ELEVATION

SOUTH ELEVATION



EAST ELEVATION

NORTH ELEVATION

Redlands Regular Meeting of 12-03-24

Exhibit 5d - Project Elevations - Type H Building 8

Tennessee Village Mixed-Use Project
Redlands, California

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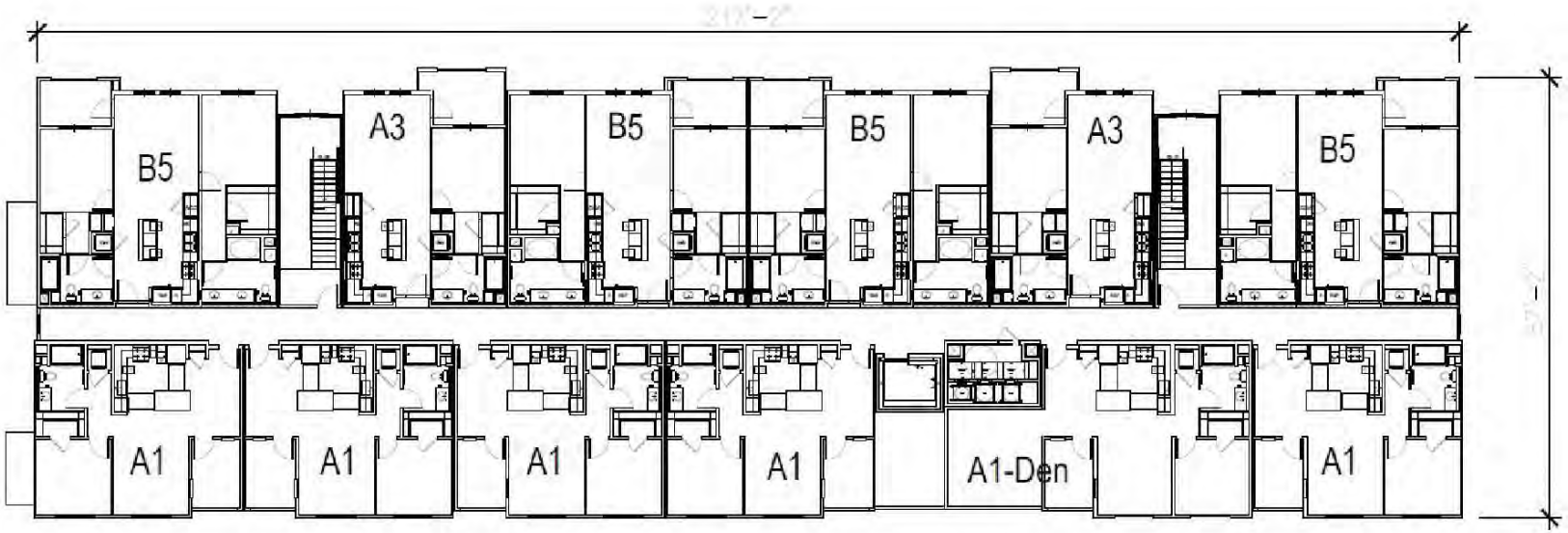
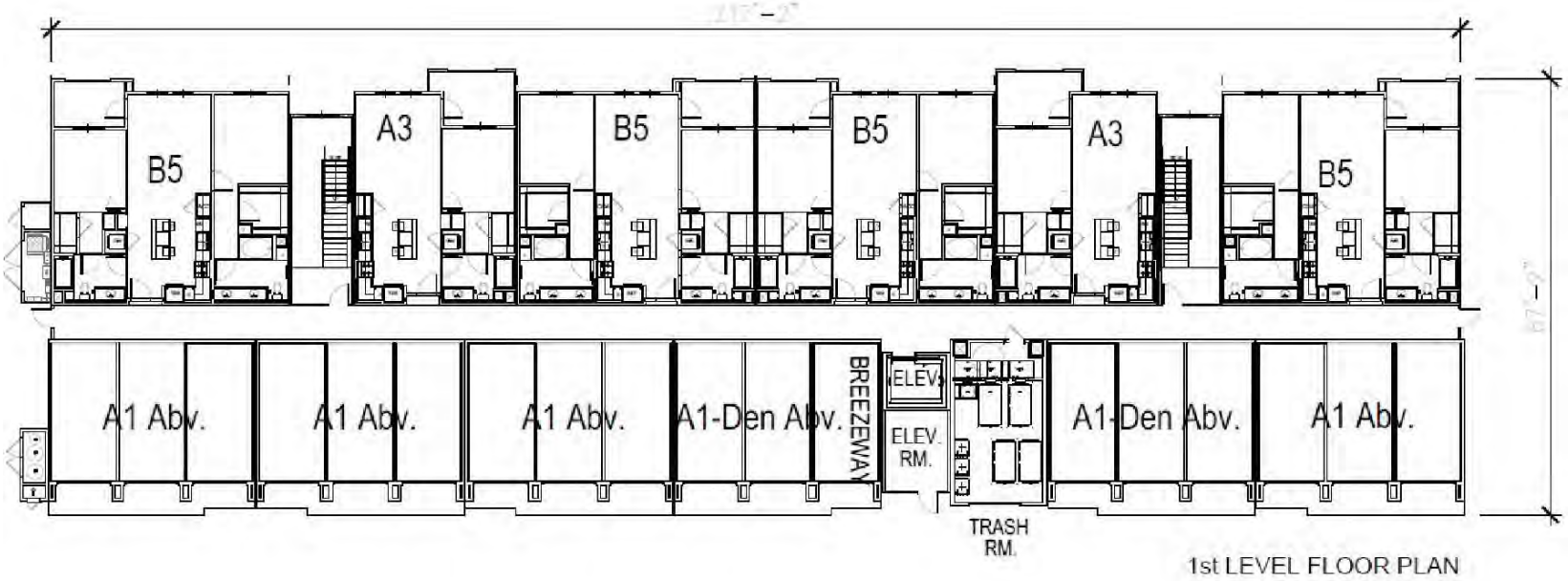
Redlands Regular Meeting of 12-03-24



2nd - 4th LEVEL FLOOR PLAN



1st LEVEL FLOOR PLAN

Exhibit 6a - Type A Buildings 1 & 2 Floor Plans

Tennessee Village Mixed-Use Project
Redlands, California

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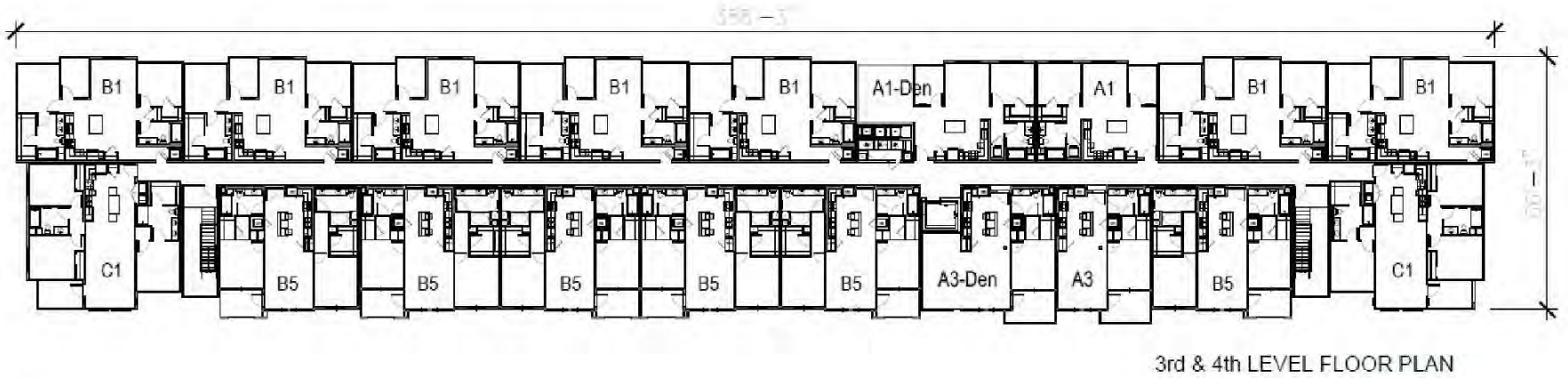
Redlands Regular Meeting of 12-03-24



3rd & 4th LEVEL FLOOR PLAN

2nd LEVEL FLOOR PLAN

1st LEVEL FLOOR PLAN

Exhibit 6b - Type B Building 3 Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

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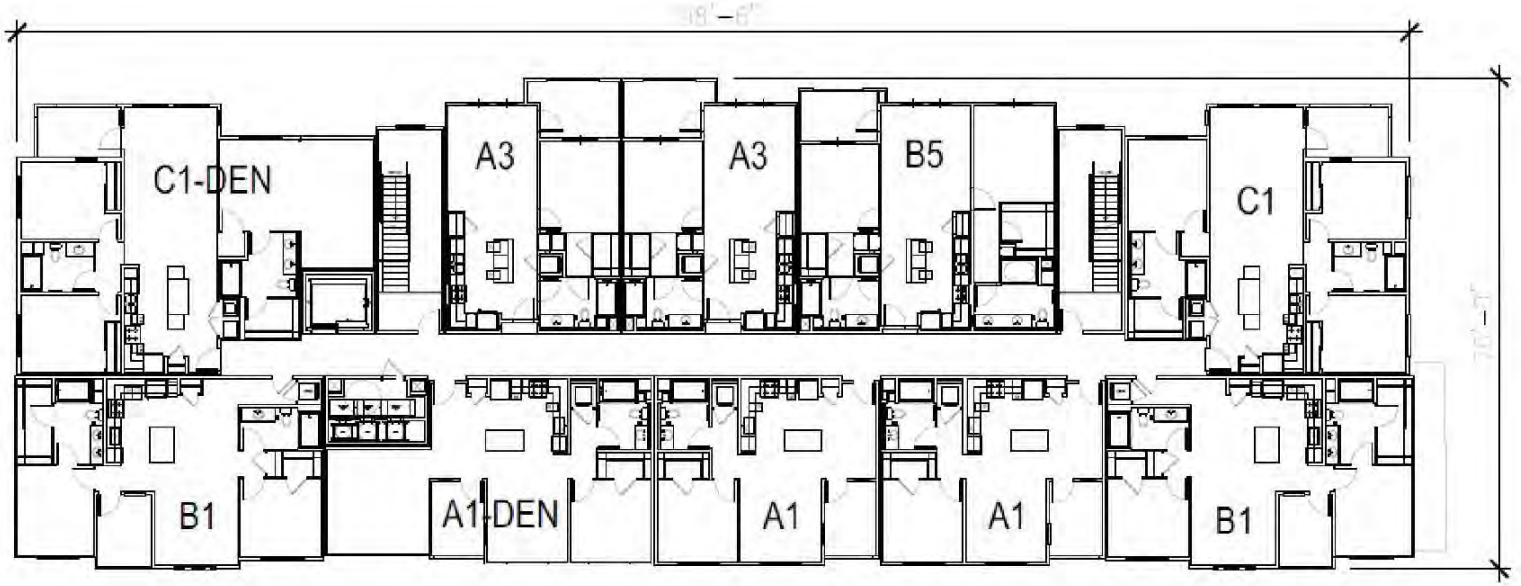
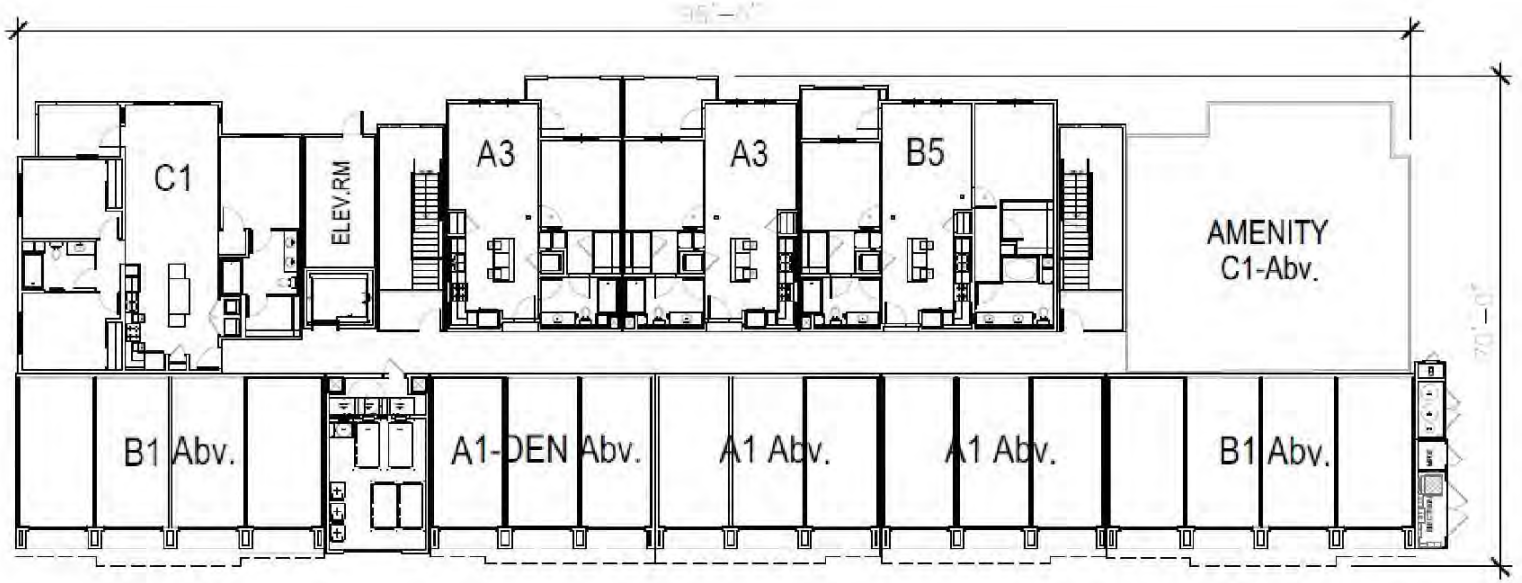


BLDG.5 & 6, 2nd - 4th LEVEL FLOOR PLAN



BLDG. 5 & 6,1st LEVEL FLOOR PLAN

Exhibit 6c - Type C Buildings 5 & 6 Floor Plans

Tennessee Village Mixed-Use Project
Redlands, California

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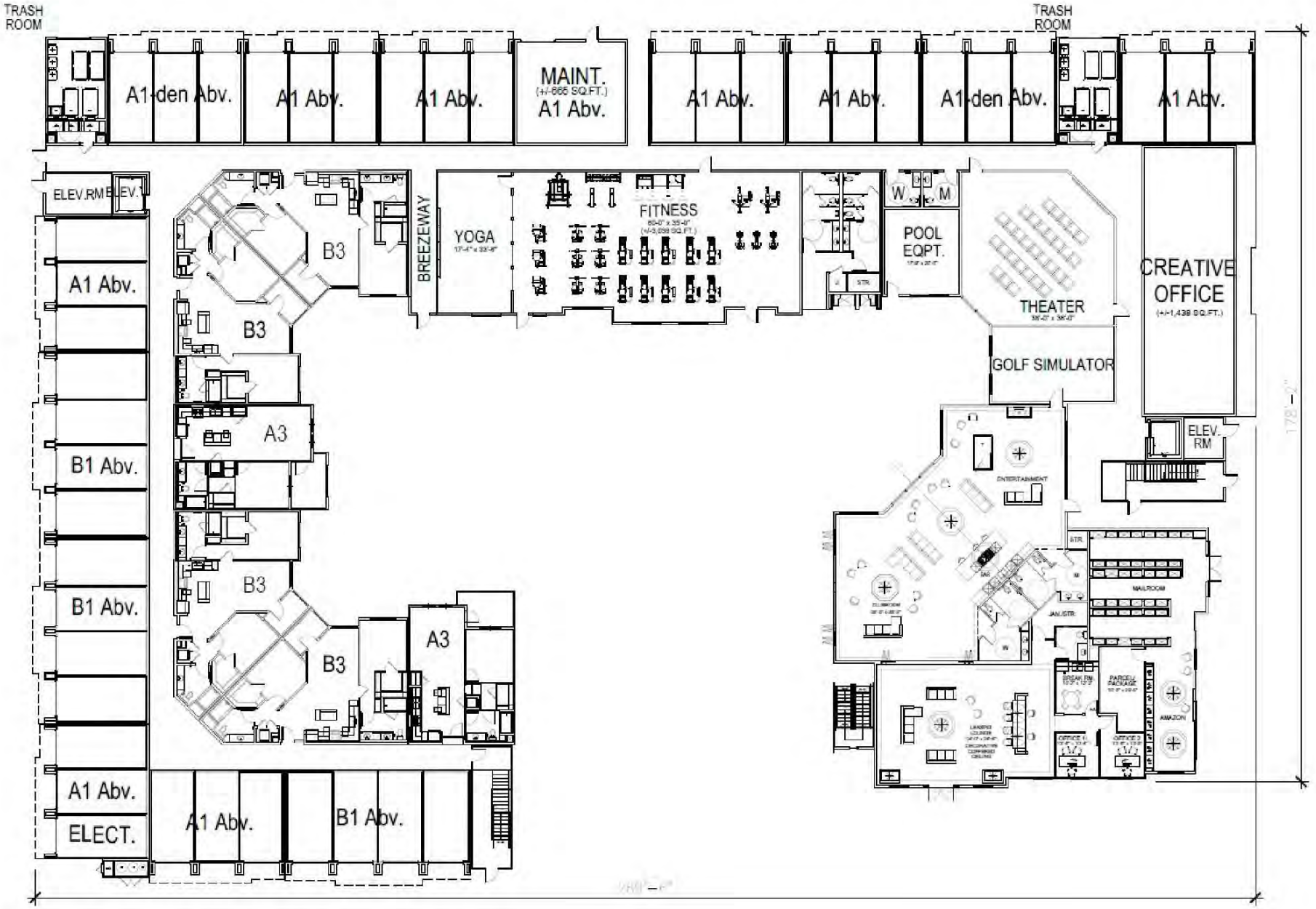

Exhibit 6d - Type D Building 9 - 1st Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

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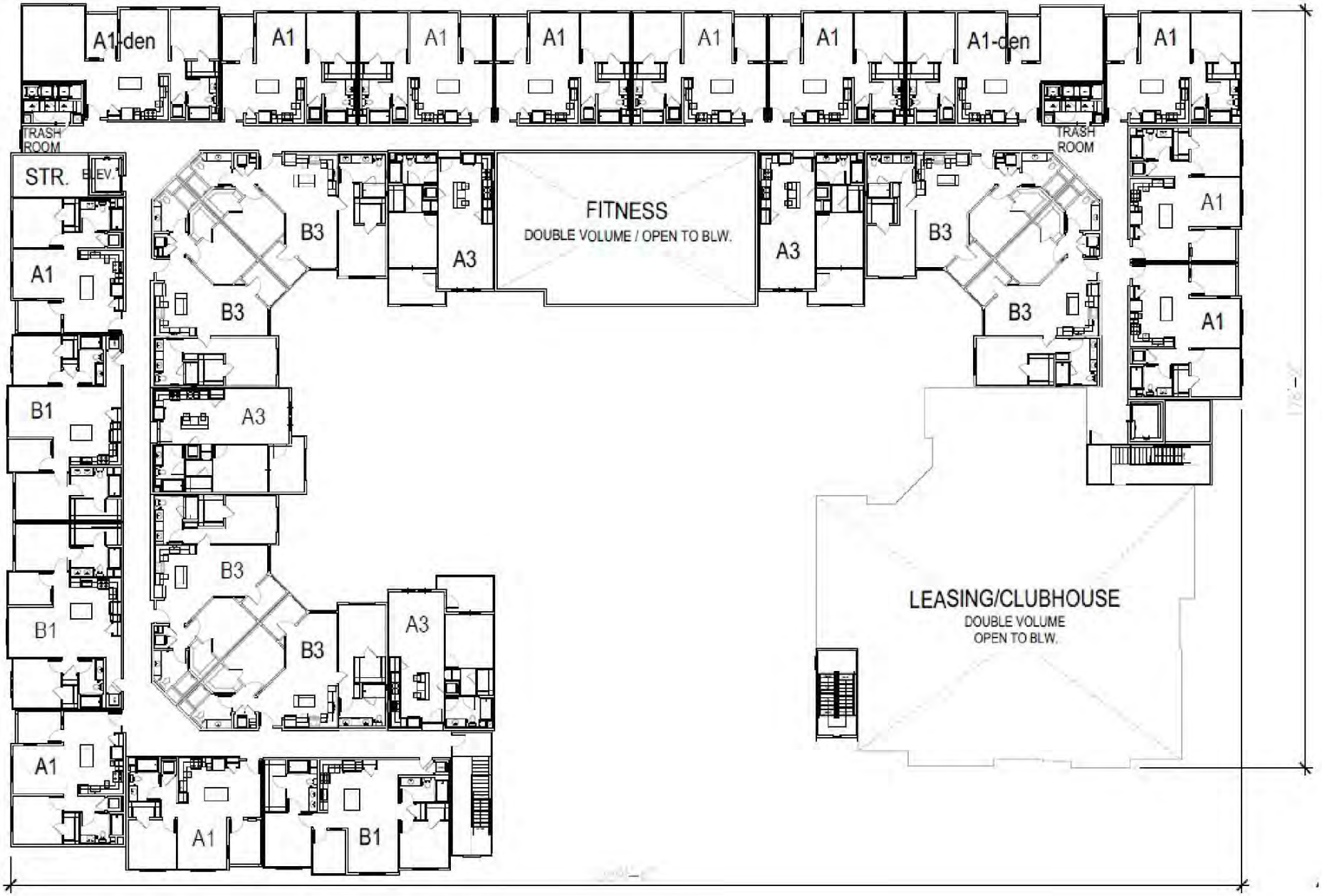

Exhibit 6e - Type D Building 9 - 2nd Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

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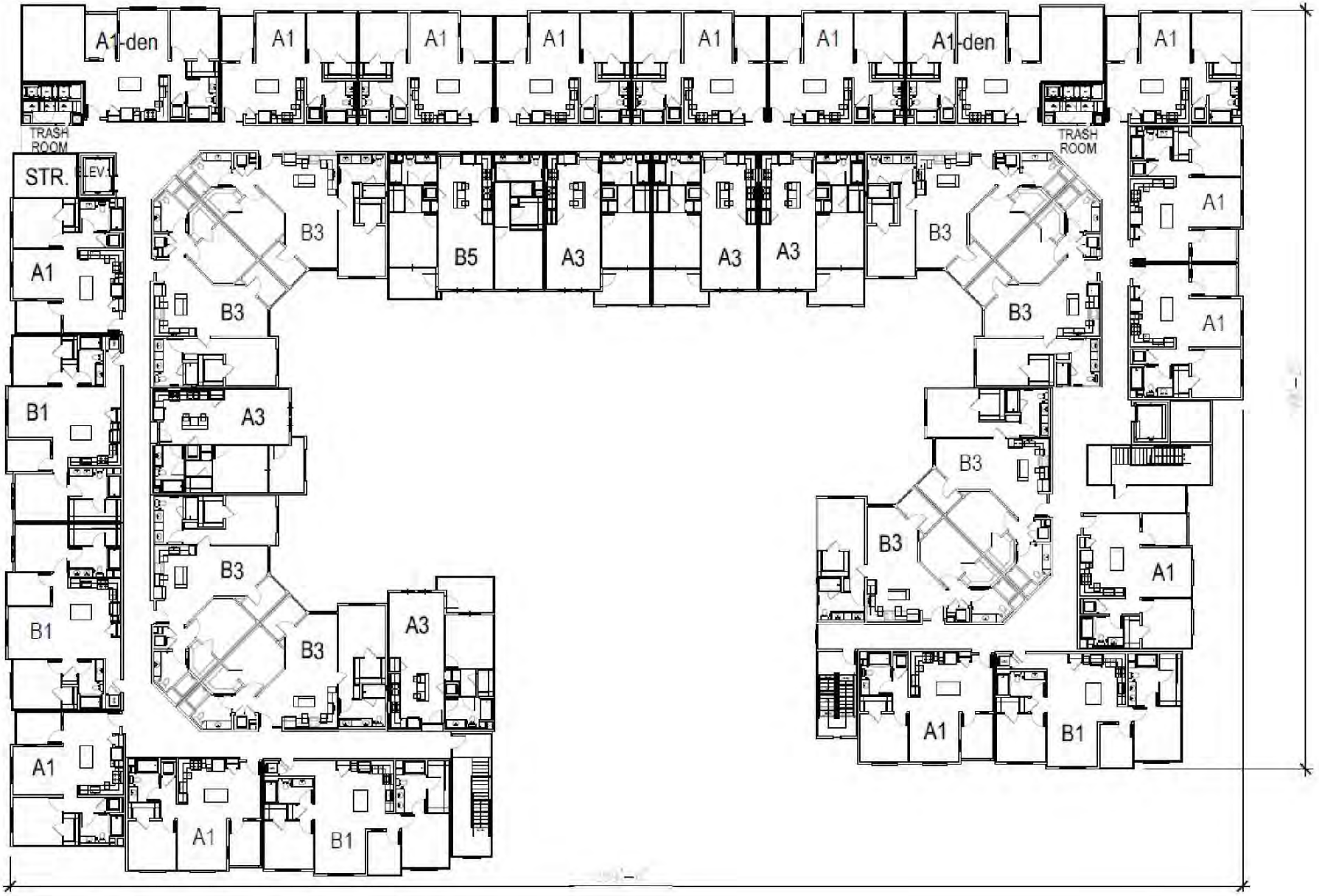

Exhibit 6f - Type D Building 9 - 3rd Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

MIG

Redlands Regular Meeting of 12-03-24

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Redlands Regular Meeting of 12-03-24

Exhibit 6g - Type D Building 9 - 4th Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

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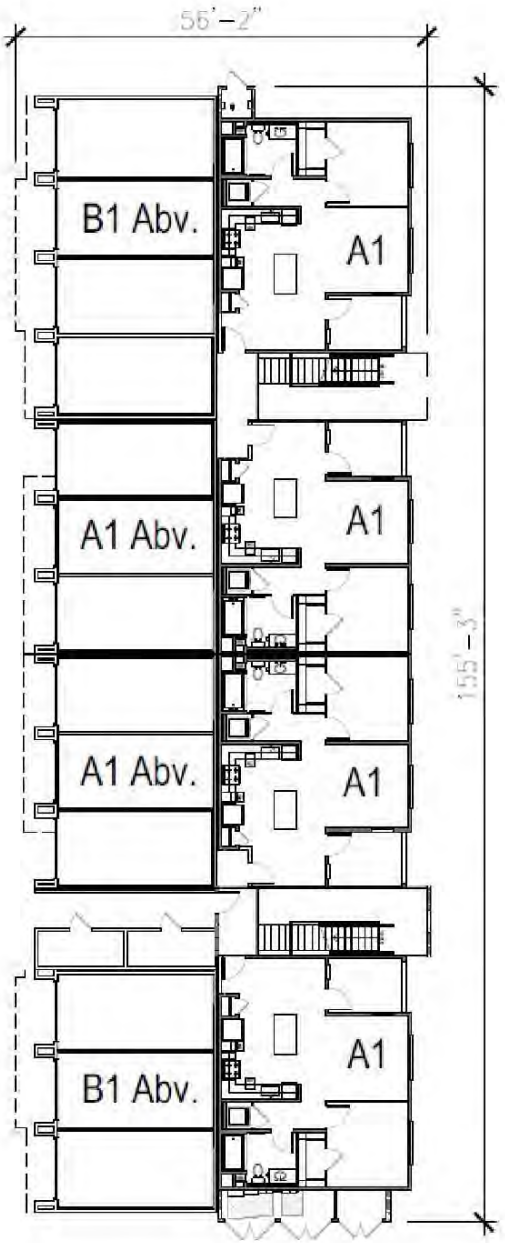
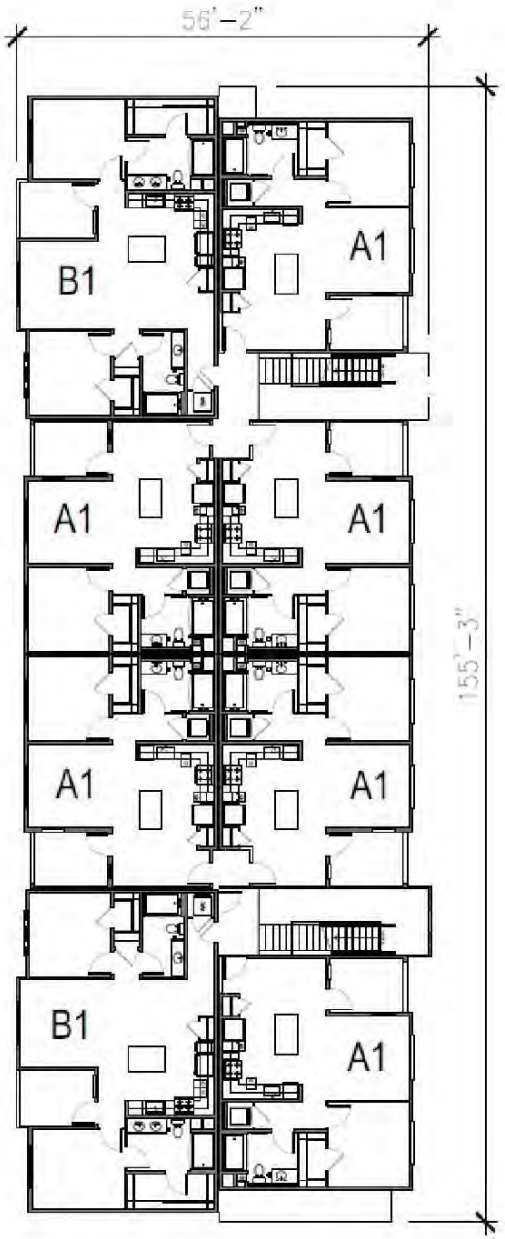
Redlands Regular Meeting of 12-03-24



1st LEVEL FLOOR PLAN



2nd - 3rd LEVEL FLOOR PLAN

Exhibit 6h - Type E Building 7 - Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

Redlands Regular Meeting of 12-03-24

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Exhibit 6i - Type F Building 11 - Floor Plans

Tennessee Village Mixed-Use Project
Redlands, California

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Redlands Regular Meeting of 12-03-24

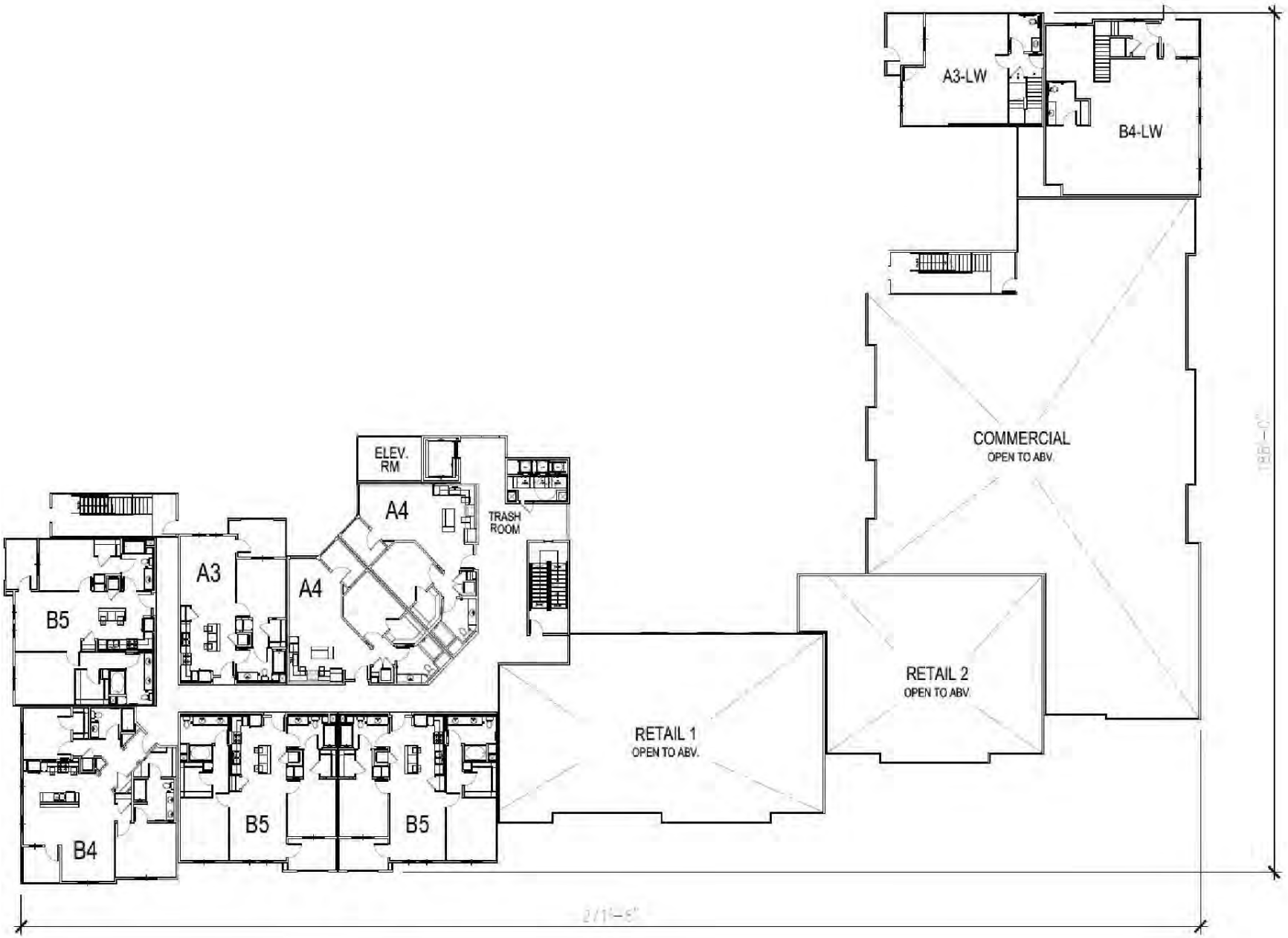

Exhibit 6j - Type G Building 10 - 1st Floor Plan

Tennessee Village Mixed-Use Project
Redlands, California

M I G

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Redlands Regular Meeting of 12-03-24

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Redlands Regular Meeting of 12-03-24

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 Resources	☑	Air Quality
☑	Biological Resources	☑	Cultural Resources	☐	Energy
☑	Geology /Soils	☐	Greenhouse Gas Emissions	☑	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☐	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☐	Transportation/Traffic	☑	Tribal Cultural Resources
☐	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

3.2 – Determination

☐	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 impact' 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.

Name: Sean Reilly, Principal Planner

Date

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4.1 – Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☑	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway?	☐	☐	☐	☑
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public view 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?	☐	☐	☑	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☑	☐

a) Less than Significant Impact. Scenic vistas can generally be defined as natural landscapes that form views of unique flora, geologic, or other natural features that are generally free from urban intrusions. Such resources can be impacted when a structure is built that blocks the view of the vista, or if a development is built on the vista itself. Generally, these vistas play a significant role in the community's character, and will affect the way projects are designed, so as to take advantage of viewsheds.

Redland's visual character is tied to its surrounding open space areas, and as such is incorporated into the city's General Plan. The city has over time acquired open space land around Redlands and incorporated it into a concept called the "Emerald Necklace;" a series of open space and park areas surrounding the city connected by scenic trails and roads. Areas within the City's Planning Area include 254 acres of the San Timoteo Canyon south of the city called the "San Timoteo Nature Sanctuary". Also, to the south, the city owns 338 acres of Live Oak Canyon, 245 acres of which is specifically set aside for conservation. The 4,000 acres of the Santa Ana River Wash makes up the northern boundary of the city, and is owned by multiple stakeholders including Federal, State, and local governments, utilities, and private groups. The Crafton Hills Open Space makes up part of the eastern portion of the

city, and with a general elevation above 2,400 feet, the area is valuable to the city as natural habit and scenic resource. The General Plan ensures the preservation of Redlands' open space corridors and limits development on and around those areas to preserve its visual character and limit encroachment. The General Plan does not designate any scenic vistas within the city.

The project site is located on an undeveloped parcel of land in a mostly developed portion of the city. The project site is surrounded by undeveloped land to the north, south, and east, and is bounded by Interstate 210 (I-210) to the west. The project site is located in an urbanized area, and construction of the proposed mixed-use development would not interfere with the visibility of a scenic vista, as the area's urbanized setting already limits visibility of existing scenic vistas. Impacts to the visibility of scenic vistas in Redlands would be less than significant.

b) No Impact. There are no State Scenic Highways on or near the project site, and the site is not visible to a designated state scenic highway as identified on the California Scenic Highway Mapping System.[1] The nearest officially designated scenic highways are California State Route 243 just outside of Banning, and California State Route 38 near Big Bear Lake; the former starting approximately 25 miles southeast of the project site. As of this document being written, State Route 38 in Redlands has not been officially designated but is eligible. The project site is not located on or near any designated State Scenic Highway and the project site does not include any scenic resources. No impacts would occur.

c) Less than Significant Impact. The project site is currently an undeveloped parcel of land in an urbanized environment. The proposed residential and commercial mixed-use development has been designed according to City design guidelines. The maximum height of the of buildings as part of the proposed project would be 52 feet 6 inches; however, there is no height requirement for developments within the C-3 Zone.[2] The project includes a Specific Plan Amendment (SPA) to remove the site from East Valley Corridor Specific Plan; a Zone Change (ZC) to establish C-3 (General Commercial District) zoning for the site, a Conditional Use Permit (CUP) for the mixed use portion of the project; and a Tentative Parcel Map to subdivide the property into four lots. The project would comply with all applicable zoning regulations with the approval of the SPA and ZC, and would not deteriorate the visual quality of the project area. The proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

d) Less than Significant Impact. Excessive or inappropriately directed lighting can adversely impact night-time views by reducing the ability to see the night sky and stars. Glare can be caused by unshielded or misdirected lighting sources, or reflective surfaces. Impacts associated with glare range from a simple nuisance to potentially dangerous. Sources of daytime glare are typically concentrated in commercial areas and associated parking areas that contain reflective materials such as hi-efficiency window glass, highly polished surfaces, and expanses of pavement. Development of parking improvements, related lighting, and associated glare prevention would be conducted in accordance with Conditions of Approval requiring that lighting be shielded and photometrics be provided demonstrating that light spillover is limited. Glare is not expected to result from the increase in pavement or from the proposed buildings as non-reflective materials and architectural coatings would be utilized in the project design. Adhering to Conditions of Approval for the project would ensure any impacts related to excessive or inappropriately directed lighting would be less than significant.

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 Department 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☑	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
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))?	☐	☐	☐	☑
d) Result in loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
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?	☐	☐	☐	☑

a) Less than Significant Impact. The California Important Farmland Finder prepared by the California Department of Conservation does not identify the project site as being located on prime farmland, unique farmland, or farmland of Statewide Importance.[3] The project site is identified as Grazing Land by the Important Farmland Finder, and is categorized as Annual Grassland in Figure 6-2: Land Use and

Vegetation of the Vital Environment Element of the city's General Plan.[4] The project site is currently undeveloped and features scattered non-native vegetation and grasses, however, it is not zoned for agricultural uses, and is not currently used for agricultural or grazing purposes. There would be no conversion of farmlands to non-agricultural uses, and as such impacts would be less than significant.

b) No Impact. The project site is not located on land that is used for or conflicts with nearby agriculturally zoned land. The project is currently zoned as East Valley Corridor Specific Plan/Special Development, which only allows for agricultural uses in an interim setting until a Planned Development is approved.[5] Permitted land uses in the special district include those uses permitted in General Commercial, Commercial Industrial, Administrative Professional, Public Institutional, and Open Space Districts. A Zone Change from (East Valley Corridor Specific Plan/Special Development) to C-3 (General Commercial District) is proposed as part of the project. The parcel comprising the project site is not involved in an active Williamson Act contract, and there would be no conflict with existing zoning for agricultural use or a Williamson Act contract. No impacts would occur.

c) No Impact. Public Resources Code Section 12220(g) identifies forest land as *land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits*. The project site and surrounding properties are not currently being managed or used for forest land as identified in Public Resources Code Section 12220(g). The project site is currently zoned as East Valley Corridor Specific Plan/Special Development, which allows for permitted uses related to administrative, commercial, and light industrial uses as stated above. As such, development of the project would have no impact on any timberland or forestland zoning.

d) No Impact. As indicated in 4.2 c), the area is not designated as forest land; thus, there would be no loss of forest land or conversion of forest land to non-forest use as a result of the project. No impacts would occur.

e) No Impact. The project site is currently undeveloped, vacant land with scattered non-native vegetation. The site and its surrounding areas are characterized by undeveloped land, residential, commercial, and light industrial land uses. None of the surrounding sites contain existing agricultural or forest uses. The development of this proposed project would not change the existing environment in a manner that would result in the conversion of forest land to non-forest use. No impact would occur.

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. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
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?	☐	☐	☑	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☑	☐

An *Air Quality & Greenhouse Gas Assessment* was prepared for the proposed project by Urban Crossroads, dated September 30, 2022 (see Appendix A) to evaluate the air quality and greenhouse gas impacts associated with the construction and operation of the proposed project. The information presented below is summarized from this report, which is attached as Appendix A.

a) Less than Significant Impact. The project site is located within the South Coast Air Basin (SoCAB), which is characterized by relatively poor air quality. The Southern California Air Quality Management District (SCAQMD) has jurisdiction over an approximately 10,743 square-mile area consisting of the four-county Basin and the Los Angeles County and Riverside County portions of what use to be referred to as the Southeast Desert Air Basin. In these areas, the SCAQMD is principally responsible for air pollution control, and works directly with the Southern California Association of Governments (SCAG), county transportation commissions, local governments, as well as state and federal agencies to reduce emissions from stationary, mobile, and indirect sources to meet state and federal ambient air quality standards. Currently, these state and federal air quality standards are exceeded in most parts of the SoCAB. In response, the SCAQMD has adopted a series of AQMPs to meet the state and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and minimize any negative fiscal impacts of air pollution control on the economy.

In December 2022, the SCAQMD released the Final 2022 AQMP, which continues to evaluate current integrated strategies and control measures to meet the CAAQS, as well as explore new and innovative methods to reach its goals. Some of these approaches include utilizing incentive programs, recognizing

existing co-benefit programs from other sectors, and developing a strategy with fair-share reductions at the federal, state, and local levels. Similar to the 2016 AQMP, the 2022 AQMP incorporates scientific and technological information and planning assumptions, including the 2020-2045 RTP/SCS, a planning document that supports the integration of land use and transportation to help the region meet the federal CAA requirements. Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the 1993 CEQA Handbook. These indicators are discussed below.

Criterion 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

The violations that under this criterion refer to are the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if regional or localized significance thresholds were exceeded. CAAQS and NAAQS violations would occur if regional or localized significance thresholds were exceeded. As evaluated, the project's regional and localized construction and operational-source emissions would not exceed applicable regional significance thresholds. As such, a less than significant impact is expected. On the basis of the preceding discussion, the project is determined to be consistent with the first criterion.

Criterion 2: The project will not exceed the assumptions in the AQMP based on the years of project buildout phase.

The 2022 AQMP demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to the SCAG, which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP. Development consistent with the growth projections in City of Redlands General Plan is considered to be consistent with the AQMP. Peak day emissions generated by construction activities are largely independent of land use assignments, but rather are a function of development scope and maximum area of disturbance. Irrespective of the site's land use designation, development of the site to its maximum potential would likely occur, with disturbance of the entire site occurring during construction activities. As such, when considering that no emissions thresholds would be exceeded, a less than significant impact would result. The city of Redlands General Plan designates the Project site for Commercial uses. The Commercial designation allows for a wide range of commercial uses including neighborhood-serving stores and convenience centers, regional commercial centers and commercial recreation. Additionally, this category allows for residential and mixed uses consistent with the zoning district. As the project is to consist of up to 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component, the project's proposed uses are consistent with the site's land use designations, and a general plan amendment will not be required. For these reasons, the project is determined to be consistent with the second criterion.

Conclusion

On the basis of the preceding discussion, the proposed project is consistent with the site's land use designation, would not exceed any applicable regional or local thresholds, and would not result in or cause NAAQS or CAAQS violations. Therefore, the project would be consistent with the AQMP and a less than significant impact is expected.

b) Less than Significant Impact. The U.S. EPA, CARB, and the SCAQMD assess the air quality of an area by measuring and monitoring the amount of pollutants in the ambient air and comparing pollutant levels against the National and California Ambient Air Quality Standards (NAAQS and

CAAQS). The CAAQS designates the project site as nonattainment for O_3, PM_{10}, and $PM_{2.5}$ while the NAAQS designates the project site as nonattainment for O_3 and $PM_{2.5}$. The SCAQMD has published a report on how to address cumulative impacts from air pollution: White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. In this report the SCAQMD clearly states (Page D-3):

> *"…the SCAQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for TAC emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."*

Therefore, this analysis assumes that individual projects that do not generate operational or construction emissions that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which SoCAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable. The proposed project's estimated construction schedule and anticipated equipment usage is listed in Table 2 (Project Construction Schedule). The project is anticipated to be operational by the spring of 2026.

Table 2
Project Construction Schedule

Construction Phase	Duration (Days)(A)	Typical Equipment Used(B)
Site Preparation	10	Rubber Tired Dozers, Crawler Tractors
Grading	30	Excavators, Graders, Rubber Tired Dozers, Scrapers, Crawler Tractors
Building Construction	300	Cranes, Forklifts, Generator Sets, Tractors/Loaders/Backhoes, Welders
Paving	20	Pavers, Rollers, Paving Equipment
Architectural Coating	20	Air Compressors

Source: Urban Crossroads, 2024. See Appendix A.
(A) Days refers to total active workdays in the construction phase, not calendar days.
(B) The typical equipment list does not reflect all equipment that would be used during the construction phase. Not all equipment would operate eight hours per day each workday.

The SCAQMD's recommended thresholds of significance for criteria pollutants and incremental increases in health risk are shown in Table 3 (SCAQMD-Recommended CEQA Thresholds). The SCAQMD's CEQA Air Quality Significance Thresholds indicate that any projects in the SoCAB with

daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact.

Table 3
SCAQMD-Recommended CEQA Thresholds

Pollutant	Maximum Daily Emissions (lbs/day)	
	Construction	Operation
NO_X	100	55
VOC/ROG	75	55
PM_{10}	150	150
$PM_{2.5}$	55	55
SO_X	150	150
CO	550	550
Source: SCAQMD, 2019b		

Regional Construction Emissions Summary

The estimated maximum daily construction emissions without mitigation are summarized in Table 4 (Overall Regional Construction Emissions Summary). Detailed construction model outputs are included in Attachment A of Appendix A. Under the assumed scenarios, emissions resulting from the Project construction will not exceed thresholds established by the SCAQMD for emissions of any criteria pollutant.

Table 4
Overall Regional Construction Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SOx	PM_{10}	$PM_{2.5}$
Summer 2024	4.42	23.40	54.90	0.05	5.95	2.06
Summer 2025	68.20	15.90	48.00	0.04	6.21	1.83
Winter 2023	4.99	47.20	39.20	0.06	8.44	5.07
Winter 2024	4.04	37.90	36.70	0.06	5.36	2.69
Winter 2025	2.70	14.60	34.80	0.04	5.29	1.59
Maximum Daily Emissions	**68.20**	**47.20**	**54.90**	**0.06**	**8.44**	**5.07**
SCAQMD CEQA Threshold	**75**	**100**	**550**	**150**	**150**	**55**
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Urban Crossroads, 2024; Appendix A.
Note: PM10 and PM2.5 source emissions reflect 3x daily watering per SCAQMD Rule 403 for fugitive dust.

Regional Operational Emissions Summary

Operational activities associated with the project would result in emissions of CO, VOCs, NO_X, SO_X, PM_{10}, and $PM_{2.5}$. Operational related emissions are expected from the following primary sources: area source emissions, energy source emissions, and mobile source emissions. The project related operational air quality impacts derive primarily from vehicle trips generated by the project. Trip characteristics available from the *Tennessee Street and Lugonia Avenue Mixed-Use Measure U Growth Management Analysis* report were utilized in this analysis. The estimated operation-source emissions from the Project are summarized in Table 5 (Total Project Regional Operational Emissions). Detailed

operation model outputs are presented in Attachment A. As shown in Table 5, operational source emissions would not exceed the applicable SCAQMD regional thresholds for emissions of any criteria pollutant.

Table 5
Total Project Regional Operational Emissions

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SOx	PM_{10}	$PM_{2.5}$
Summer						
Mobile Source	11.60	8.66	79.10	0.18	5.96	1.16
Area Source	13.70	7.13	29.70	0.05	0.57	0.57
Energy Source	0.09	1.50	0.65	0.01	0.12	0.12
Total Maximum Daily Emissions	**25.39**	**17.29**	**109.45**	**0.24**	**6.65**	**1.85**
SCAQMD Regional Threshold	**55**	**55**	**550**	**150**	**150**	**55**
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**
Winter						
Mobile Source	10.70	9.28	68.20	0.17	5.96	1.16
Area Source	11.20	6.87	2.92	0.04	0.56	0.56
Energy Source	0.09	1.50	0.65	0.01	0.12	0.12
Total Maximum Daily Emissions	**21.99**	**17.65**	**71.77**	**0.22**	**6.64**	**1.84**
SCAQMD CEQA Threshold	**55**	**55**	**550**	**150**	**150**	**55**
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Urban Crossroads, 2024; Appendix A.
Note: PM10 and PM2.5 source emissions reflect 3x daily watering per SCAQMD Rule 403 for fugitive dust.

The project-specific evaluation of emissions presented in the preceding analysis demonstrates that proposed project operational-source air pollutant emissions would not result in exceedances of regional thresholds. Therefore, the proposed project operational-source emissions would be considered less than significant on a project-specific and cumulative basis. Impacts pertaining to construction and operational emissions would be considered less than significant.

c) Less than Significant Impact. The analysis below makes use of methodology included in the SCAQMD *Final Localized Significance Threshold Methodology* (LST Methodology). The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as Localized Significance Thresholds (LSTs). The SCAQMD established LSTs in response to the SCAQMD Governing Board's Environmental Justice Initiative I-41. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses. It should be noted that SCAQMD also states that projects that are statutorily or categorically exempt under CEQA would not be subject to LST analyses. Projects exempt from CEQA also include infill projects that meet the H&S Code provisions. As such, although not required for this project, LST analysis is presented to further underscore that there are in fact no significant impacts associated with the project.

The SCAQMD recommends that the nearest sensitive receptor be considered when determining a project's potential to cause an individual or cumulatively significant impact. The nearest land use where

an individual could remain for 24 hours to the proposed project site has been used to determine localized construction and operational air quality impacts for emissions of PM_{10} and $PM_{2.5}$ (since PM_{10} and $PM_{2.5}$ thresholds are based on a 24-hour averaging time). The nearest receptor used for evaluation of localized impacts of PM_{10} and $PM_{2.5}$ is location R6 represented by the future residences adjacent and east of the project site, in the recently approved Lugonia Village Project (between the project's eastern boundary and Karon Street). Receptors in the project study area shown on Exhibit 2 of Appendix A.

As consistent with LST Methodology, the nearest industrial/commercial use to the project site was used to determine construction and operational LST air impacts for emissions of NO_X and CO as the averaging periods for these pollutants are shorter (8 hours or less) and it is reasonable to assume that an individual could be present at these sites for periods of one to 8 hours. It should be noted that the existing residence R6 is located at a closer distance than the nearest industrial/commercial use. As such, the same receptor was used for evaluation of localized NO_X and CO. It should also be noted that the LST Methodology explicitly states, "It is possible that a project may have receptors closer than 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters (11)." As such, a 25-meter receptor distance was used for evaluation of localized PM_{10}, $PM_{2.5}$, NO_X and CO.

Localized Construction Emissions

Table 5 identifies the localized impacts at the nearest receptor location in the vicinity of the project. Outputs from the model runs for construction LSTs are provided in Attachment A of Appendix A. For analytical purposes, emissions associated with peak demolition, site preparation and grading activities are considered for purposes of LSTs since these phases represents the maximum localized emissions that would occur. Any other construction phases of development that overlap would result in lesser emissions and consequently lesser impacts than what is disclosed herein. As shown in Table 6 (Project Localized Construction Impacts), emissions resulting from the project construction will not exceed the numerical thresholds of significance established by the SCAQMD for any criteria pollutant. Thus, a less than significant impact would occur for localized project-related construction-source emissions and no mitigation is required.

Table 6
Project Localized Construction Impacts

On-Site Emissions	Emissions (lbs/day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Site Preparation				
Maximum Daily Emissions	47.00	38.00	8.19	5.02
SCAQMD Localized Threshold	**220**	**1,625**	**11**	**7**
Threshold Exceeded?	**No**	**No**	**No**	**No**
Grading				
Maximum Daily Emissions	40.90	32.70	4.65	2.78
SCAQMD Localized Threshold	**237**	**1,175**	**12**	**8**
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: Urban Crossroads, 2024; Appendix A.
Note: PM10 and PM2.5 source emissions reflect 3x daily watering per SCAQMD Rule 403 for fugitive dust.

The construction-source air pollutant emissions from the proposed project would not result in exceedances of regional thresholds. Therefore, proposed project construction-source emissions would be considered less than significant on a project-specific and cumulative basis.

Localized Operational Emissions

The proposed project is located on approximately 13.48 acres, and the total development is proposed to consist of 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4-5 story buildings and a 17,899-sf retail component. According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse buildings). The proposed project does not include such uses, and thus, due to the lack of significant stationary source emissions, localized operational emissions from the project are expected to be less than significant.

Toxic Air Contaminants

Construction Activities
During short-term construction activity, the project would result in the emission of some diesel particulate matter (DPM), which is a listed carcinogen and toxic air contaminant (TAC) in the State of California. The 2015 Office of Environmental Health Hazard Assessment (OEHHA) revised risk assessment guidelines suggest that construction projects as short as 2-6 months may warrant evaluation. Notwithstanding, given the distance of the project from surrounding sensitive receptors, the dominant wind patterns blowing to the southwest away for receptors (15), and the annual $PM_{2.5}$ emissions from equipment during each year of construction, any DPM generated from construction activity would result in less than significant ground level concentrations of DPM and not result in a significant health risks and no further evaluation is required.

Operational Activities
TACs analysis applies to the operational phase of a proposed project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse buildings). The proposed project does not include such uses, and thus, due to the lack of significant stationary source emissions, no TAC analysis is needed for operations.

CO Hot Spot Analysis

The Bay Area Air Quality Management District (BAAQMD) concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (vph)—or 24,000 vph where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. An adverse CO concentration, known as a "hot spot," would occur if an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur. Traffic volumes generating the CO concentrations for the "hot spot" analysis is shown in Table 7 (CO Model Results). The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vph and AM/PM traffic volumes of 8,062 vph and 7,719 vph, respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations (4.6 ppm x 4= 18.4 ppm) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

Table 7
CO Model Results

Intersection Location	Peak Traffic Volumes (vph)				
	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)	Total (AM/PM)
Wilshire Boulevard / Veteran Avenue	4,954 / 2,069	1,830 / 3,317	721 / 1,400	560 / 933	8,062 / 7,719
Sunset Boulevard / Highland Avenue	1,417 / 1,764	1,342 / 1,540	2,304 / 1,832	1,551 / 2,238	6,614 / 5,374
La Cienega Boulevard / Century Boulevard	2,540 / 2,243	1,890 / 2,728	1,384 / 2,029	821 / 1,674	6,634 / 8,674
Long Beach Boulevard / Imperial Highway	1,217 / 2,020	1,760 / 1,400	479 / 944	756 / 1,150	4,212 / 5,514
Source: Urban Crossroads, 2024; Appendix A.					

As summarized in Table 8 (Peak Hour Traffic Volumes), the intersection of SR-210 WB Ramps-Tennessee Street/San Bernardino Avenue would have the highest AM traffic volume of 2,343 vph and the intersection of Tennessee Street/Lugonia Avenue would have the highest PM traffic volume of 3,238 vph. As such, total traffic volumes at the intersections considered are less than the traffic volumes identified in the 2003 AQMP. Therefore, the project considered herein along with background and cumulative development would not produce the volume of traffic required to generate a CO "hot spot" either in the context of the 2003 Los Angeles hot spot study or based on representative BAAQMD CO threshold considerations. As shown in Table 8, the project would not result in potentially adverse CO concentrations or "hot spots." Therefore, CO "hot spots" are not an environmental impact of concern for the proposed project, and localized air quality impacts related to mobile-source emissions would therefore be less than significant.

Table 8
Peak Hour Traffic Volumes

Intersection Location	Peak Traffic Volumes (vph)				
	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)	Total (AM/PM)
SR-210 WB Ramps-Tennessee St / San Bernardino Ave	473/580	254/300	705/1180	911/571	2,343/2,631
Tennessee St / Lugonia Ave	536/999	246/267	434/1,290	675/682	1,891/3,238
Tennessee St / I-10 EB Ramps	718/819	574/786	680/1,074	0/0	1,972/2,679
Tennessee St / Colton Ave	646/670	825/897	199/681	352/459	2,022/2,707
Source: Urban Crossroads, 2024; Appendix A.					

d) Less than Significant Impact. The project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed project's (long-term operational) uses. Standard construction requirements would minimize

odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the solid waste regulations. The proposed project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed project construction and operations would be less than significant and no mitigation is required.

4.4 – Biological Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☑	☐	☐
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 US Fish and Wildlife Service?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☑	☐

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

A *General Biological Resources Assessment* (see Appendix B) and *Burrowing Owl Survey Report* (see Appendix C) were prepared for the proposed project by MIG Inc., and are both dated July 2023. The reports analyze the potential impacts of the construction and operation of the proposed project to biological resources. The information presented below is condensed from the memos prepared by MIG and are attached as Appendix B and Appendix C, respectively.

a) Less than Significant Impact with Mitigation. The entire project area has been historically altered by mowing and discing, and all the landcover at the project site can be classified as Disturbed and/or Developed. Disturbed habitat type is composed primarily of early successional /ruderal plant species. Much of the vegetation present at the project site is non-native, and the site receives regular clearing to maintain compliance with fire code. A discussion of potential impacts to special-status plant and wildlife species is provided below.

Special-Status Plant Species

Special-status plants are defined here to include: (1) plants that are federal- or state-listed as rare, threatened, or endangered, (2) federal and state candidates for listing, (3) plants assigned a Rank of 1 through 4 by the CNPS Inventory, and (4) plants that qualify under the definition of "rare" in the CEQA, section 15380. The project site was initially determined to provide potentially suitable habitat for a total of 90 special-status plant species based on the proximity of the project to previously recorded occurrences in the region, vegetation types and habitat quality, topography, elevation, soil types, and other species-specific habitat requirements. As determined in the *General Biological Resources Assessment*, none of the 90 plant species are expected to occur on the project site, primarily due to disturbance such as historical discing and recent mowing. Therefore, impacts to special-status plant species would not occur as a result of the proposed project.

Special Status Wildlife Species

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA; candidates for listing by the USFWS or CDFW; and species of special concern to the CDFW; and birds protected by the CDFW under CFGC Sections 3503 and 3513. According to the *General Biological Resources Assessment*, it was initially determined that 62 special-status wildlife species have been recorded in the vicinity of the project site. Of these wildlife species, 56 are not expected to occur on the project site. Reasons include the absence of essential habitat requirements for the species, the distance to known occurrences and/or the species distributional range, the limited availability of foraging and nesting habitat, amount of site disturbance from past and present land uses, and/or the proximity of existing human-related disturbances. The wildlife species that occur or have some potential to occur on-site include six (6) birds: Cooper's hawk [*Accipiter cooperii*], burrowing owl [*Athene cunicularia*], Swainson's hawk [*Buteo swainsoni*], California horned lark [*Eremonphila alpestris actia*], merlin [*Falco columbarius*], and loggerhead shrike [*Lanius ludovicianus*]. It is assumed that all of these species could potentially be present at the site because they have been observed in disturbed habitats and/or in similar habitats close proximity to the Project Site. These species could be affected by project construction and/or habitat

loss due the construction of the project. As such, and as detailed below, implementation of **Mitigation Measures BIO-1 and BIO-2** would be required to reduce potential impacts to special status wildlife species to a less than significant level.

Nesting Birds

Nesting birds are protected under California Fish and Game Code (CFGC) 3503, 3503.5, and 3512, which prohibits the take of active bird nests. Native and non-native shrubs and trees within the project site provide highly suitable nesting habitat for songbirds, including common species protected by the code. There is potential for ground- and tree-nesting birds to establish nests on the project site prior to any project-related construction. Construction activities including site mobilization, vegetation clearing, grading, and noise and vibration from the operation of heavy equipment have the potential to result in significant direct (i.e., death or physical harm) and/or indirect (i.e., nest abandonment) impacts to nesting birds. The loss of an active nest of common or special-status bird species and/or their eggs or young as a result of project construction would be considered a violation of the CDFGC, Section 3503, 3503.5, 3513. Therefore, implementation of **Mitigation Measure BIO-1** is required to reduce impacts to nesting birds to a less than significant level.

Burrowing Owls

As determined in the *Burrowing Owl Survey Report,* suitable habitat type (Disturbed and/or Developed) for burrowing owl was determined to be present on the project site. While no burrowing owls or sign thereof were observed on the project site, it was determined that burrows and other round structures present on the project site could potentially provide habitat for burrowing owls. Burrowing owls are commonly found in disturbed sites like the project site and can also be found in a wide variety of other open habitats such as grassland or deserts with sparse vegetation. As such, construction activities may impact burrowing owls in a manner like those already described under the discussion of nesting birds above. Therefore, implementation of **Mitigation Measure BIO-2** is required to reduce impacts to burrowing owls to a less than significant level.

b) No Impact. The project site is located in a developed area of the city of Redlands. As determined in the *Biological Resources Assessment,* no USFWS Critical Habitat is located within the project site. In addition, no sensitive plant communities were observed on the project site, and the site does not exhibit the characteristic attributes that may support sensitive plant communities (such as the known distribution and elevation, landscape position, plant species composition, soil and/or substrate type, water chemistry, and/or hydroperiod) as the project site is highly disturbed. Eight Sensitive Plant Communities were uncovered by the CDFW CNDDB (2023) search as being in the project vicinity; however, none of these communities occurs on the project site. In addition, no USFWS-designated critical habitat areas for any federally listed animals are present within the project boundary. Therefore, no impacts would occur.

c) No Impact. According to the *General Biological Resources Assessment*, no waterways, wetlands, or riparian vegetation subject to regulation by the USACE, CDFW, or RWQCB are present on the project site. Additionally, no features were detected by the National Wetlands Inventory at or immediately adjacent to the project site. The project area is relatively flat and fully separated from drainages such as the adjacent industrial complex as well as other developments in the area. There is no evidence (e.g., watermarks, vegetation, or other characteristics) that water flows from any jurisdictional waterway that may enter the project site. No evidence of previous ponding (no hydric vegetation, no hydric or clay soils, no evidence of hydrology/watermarks) was observed during the site visit or historical aerial photos that would suggest any suitable areas for vernal pools or vernal pool species. Therefore; there would be no impacts related to wetlands as a result of the project.

d) No Impact. The project site is expected to be utilized by common, non-special-status wildlife for foraging and possibly breeding. However, the project site is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species diversity, and it is too small of an area to support significant wildlife movement. According to the *Biological Resources Assessment*, no migratory wildlife corridors or native wildlife nursery sites were identified within the project site. The project site and surrounding area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas. Therefore, no impacts would occur as a result of the project.

e) Less than Significant Impact. The project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. During construction operations, trees and other plant varieties would need to be removed to accommodate current building designs and construction. The removal of trees and plants during construction activities would not interfere with Redlands' Tree Protection Guidelines as outlined in the city's Municipal Code.[6] The Guidelines are applicable to "Native or Specimen trees, Landmark trees, and Public Trees" as defined by the city. As determined in the *Biological Resources Assessment*, plant species observed onsite were described as non-native, and there are no trees on the project site that have been designated as native or specimen by the city. In addition, there are no trees of any historic significance that would warrant a landmark designation. Therefore, impacts would be less than significant.

f) No Impact. The city of Redlands is an active participant in the Upper Santa Ana River Wash Habitat Conservation Plan (the Wash Plan).[7] The project site is located south of the plan, and outside of its boundaries. The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan. Therefore, no impacts would occur.

Mitigation Measures

BIO-1 **Pre-construction Survey for Nesting Birds.** To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1.

If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer

zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged.

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

BIO-2: **Pre-construction Survey for Burrowing Owl.** No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.

4.5 – Cultural Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to '15064.5?	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	☐	☑	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☑	☐	☐

A *Cultural Resources Inventory and Evaluation Report* was prepared by Ecorp Consulting Inc., dated November 2022, to assess possible cultural and historical impacts associated with the construction and operation of the project (see Appendix D).

a) No Impact. A significant impact would occur if the proposed project would cause a substantial adverse change in the significance of a historic resource listed or eligible for listing in the California Resources of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). CEQA Guidelines state the term “historical resources” applies to resources that meet any of the following criteria for listing on the California Register of Historical Resources:

(1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
(2) Is associated with the lives of persons important in our past.
(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
(4) Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c)).

A field survey and records search conducted for the Cultural Report of this project identified one cultural resource within the project area: a concrete and brick water conveyance system. The system consists of six features: two north-south water channels, two concrete rectangular vaults, and two standpipe features. The conveyance system was used to irrigate orange groves northeast of Redlands and was likely built in 1945. According to the Ecorp report, the irrigation system identified onsite is not eligible for listing in the California Register of Historical Resources and is not listed on any Certified Local Government historic property register. As described in the Cultural Report, while the project site and the irrigation system were formerly used for agricultural purposes, they are not associated with events or persons that made significant contributions to the history of the local area. Development of the project would not have any physical impacts outside the designated project area boundary. The project would

not result in any adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. No impact would occur.

b) Less than Significant with Mitigation Incorporated. The project site has been routinely disturbed over time and as such, any archaeological resources that may exist likely have been previously unearthed, disturbed, or left in place. While the field survey conducted as part of the Cultural Report did not identify any archaeological resources, the project area contains Holocene alluvial deposits synchronous with human occupation of the region. Due to the presence of these deposits, as well as the known ephemeral waterways in the vicinity of the project site, there does exist a moderate potential for buried pre-contact archaeological sites within the project site. While it is unlikely, it is possible that subsurface archaeological resources could be encountered during development of the proposed project. **Mitigation Measure CUL-1,** which requires evaluation if deposits are found that could be of cultural or human origin. With implementation of Mitigation Measure CUL-1 potential impacts would be less than significant.

c) Less than Significant with Mitigation Incorporated. No known human remains are anticipated to be located on or beneath the project site. However, these findings do not preclude the existence of previously unknown human remains located below the ground surface, which may be encountered during construction excavations associated with the project, and it is possible to encounter buried human remains during construction. Implementation of **Mitigation Measure CUL-1** will reduce potentially significant impacts to previously undiscovered human remains. With implementation of **Mitigation Measure CUL-1,** impacts would be less than significant as a result of construction of the proposed project.

Mitigation Measures

CUL-1: If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

- If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery

from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

4.6 – Energy

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption or energy resources, during project construction or operation?	☐	☐	☑	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☑	☐

An *Energy Consumption Estimate Report* was prepared for the proposed project by Urban Crossroads, dated February 7th, 2024 (see Appendix E) to evaluate the possible energy impacts associated with the construction and operation of the proposed project. The information presented below is summarized from the report and is attached as Appendix E.

a) Less than Significant Impact. The proposed project consists of the development of 460 new apartment units, approximately 17,899 square feet of commercial space, and associated landscaping and roadway improvements. Construction activities associated with the proposed project would require the use of heavy-duty, off-road equipment and construction-related vehicle trips that would combust fuel, primarily diesel and gasoline. Heavy-duty construction equipment would be required to comply with the California Air Resources Board's (CARB's) airborne toxic control measures, which restrict heavy-duty diesel vehicle idling to five minutes.

Once operational, the proposed project would consume energy for vehicle trips and electricity and natural gas usage. Operational vehicle trips are anticipated to consume approximately 257,711 gallons of gasoline, 19,752 gallons of diesel, and 119,905 kWh of electricity on an annual basis, upon its first year of operation. As estimated using CalEEMod, the proposed project buildings would consume approximately 2,322 megawatt-hours (mWh) of electricity and 5,940 million British Thermal Units (BTU) of natural gas per year. Electricity, natural gas, and gasoline fuel consumption are energy sources necessary to operate and maintain the proposed project in a safe manner. Lighting is essential for safety and security and natural gas consumption is needed for heating and other temperature-controlled activities. The proposed project would not cause a substantial environmental impact due to wasteful, inefficient, or unnecessary consumption or energy resources, during project construction or operation. As such, impacts would be less than significant.

b) Less than Significant Impact. The proposed project is consistent with the City of Redlands CAP, as discussed below in Section 4.9, Greenhouse Gas Emissions. The proposed project would not conflict with or obstruct any other state or local plan adopted for the purposes of increasing the amount of renewable energy or energy efficiency because no other plans are in place in the project area. Impacts would be less than significant.

4.7 – Geology and Soils

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 (1997), 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?	☐	☑	☐	☐

a.i) Less than Significant Impact. The city of Redlands, as well as the greater Southern California region, is considered a seismically active region. According to the Healthy Community Element of the city's General Plan, the project site is not located within an Alquist-Priolo Fault Zone, and there are no active or potentially active faults within or adjacent to the project site.[8] Crafton Hills Fault Zone (also known as the Redlands Fault) is the closest fault to the project site, and is located approximately 3.7 miles southeast of the project. This fault, however, is not categorized as an Alquist-Priolo Fault Zone, or as a San Bernardino County designated Fault Zone. According to the city General Plan, development should be restricted within and near Alquist-Priolo designated fault zones.[9] Furthermore, structures should incorporate design standards recommended by the most current California Building Code (CBC). The project is not located on or near a Alquist-Priolo fault zone, and would adhere to design and repair requirements adopted in the current city of Redlands Code of Ordinances from the 2022 CBC.[10] Design requirements adopted by the city would be sufficient in mitigating seismic hazards to the proposed project, and as such, impacts are determined to be less than significant.

a.ii) Less than Significant Impact. Given the project's location in a seismically active region, the site is subject to ground shaking. Per the city's General Plan, the potential for ground shaking and seismic-related damage is also dependent on the underlying soil composition. As indicated in the General Plan, much of the city of Redlands is built on alluvial deposits that create a potential for severe ground shaking.[11] The project site is of no greater risk to ground shaking than another area of Redlands, and while a structure may be damaged during an earthquake, adherence to design requirements adopted by the city from the CBC would minimize damage to property within the structure, as they are designed to not collapse. The CBC is intended to provide minimum requirements to prevent major structural failure and loss of life. As such, impacts due to ground shaking would be less than significant.

a.iii) Less than Significant Impact. Liquefaction is a form of ground failure that occurs when soil transforms from a solid state to liquefied condition due to intense seismic ground shaking. Liquefaction typically occurs in loose granular materials, such as alluvium-type soils, of which much of the city is built on. Saturated soils or areas located near waterways and areas with a high groundwater level are also susceptible to such ground failure. Parts of the city of Redlands are susceptible to liquefaction and ground failure, however, the city's General Plan indicates that the project site is not located in an area considered susceptible to liquefaction.[12] Impacts related to seismic-related ground failure and liquefaction would be less than significant.

a.iv) No Impact. The city's General Plan outlines areas in Redlands susceptible to landslides. According to the Healthy Community Element of the Redlands General Plan, the project site is not located in an area with high susceptibility, or even low to medium susceptibility, to landslide or ground subsidence.[13] Therefore, no impacts related to landslides would occur.

b) Less than Significant Impact. The project site is currently undeveloped, although it has been routinely disturbed and features non-native grasses and ruderal vegetation. The site is located in a mostly developed area of Redlands, characterized by residential, commercial, and light industrial land uses. Although the site is surrounded to the north, south, and east by undeveloped land, with Interstate 210 located at the western boundary of the project site. As the site is undeveloped, there is the potential to expose surface soils to wind and water erosion during demolition and construction activities. However, wind erosion would be minimized through soil stabilization measures required by SCAQMD Rule 403 (Fugitive Dust), such as daily watering.[14] Stormwater related erosion would further be prevented through control practices outlined in the Redlands NPDES program.[15] Following project construction, much of the site would consist of impervious surfaces consisting of houses, commercial businesses, and roadways. The completed project would also feature pervious surfaces in the form of accent landscaping within and around the perimeter of the project site, as well as a courtyard area for residential use. Trees, shrubbery, and other vegetation would keep in place topsoil, and further reduce any potential risk of soil erosion. Impacts related to soil erosion would be less than significant with the implementation of existing regulations.

c) Less than Significant Impact. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The downslope movement is due to a combination of gravity and ground shaking. Lateral spreading has been observed to generally take place toward a free face (i.e., retaining wall, slope, or channel) and to lesser extent on ground surfaces with a very gentle slope. As outlined in Sections 4.6.a.iii and 4.6.a.iv above, the project site is not located in an area susceptible to landslides or liquefaction. As the site has a low susceptibility to liquefaction, there is a low potential for lateral spreading to occur on the project site. The project is required to be constructed in accordance with the CBC, and keeping in compliance with existing CBC regulations would limit hazard impacts arising from unstable soils to less than significant levels.

d) Less than Significant Impact. Much of the city of Redlands is built on alluvium-type soils that are susceptible to liquefaction from ground-shaking and expansion with saturation. Expansive soils are susceptible to ground failure, and lead to property damage and human harm. Development of the proposed project is required to comply with the CBC as adopted by the City Code of Ordinances. The CBC requires building permits to comply with current building code standards. Such standards include the consideration of geological and seismic conditions. Prior to construction, soil conditions at the site would be identified and considered during the design process. Compliance with existing CBC regulations would reduce any impacts from potentially hazardous expansive soils to a less than significant amount.

e) No Impact. The project proposes to install new onsite water and sewer lines that would connect to the existing municipal sewer infrastructure in the surrounding streets. The proposed project would connect to this system and would not require the use of septic tanks. No impact would occur.

f) Less than Significant with Mitigation Incorporated. Development of the proposed project would require site preparation, grading, and construction operations. Given that the proposed project site has been previously disturbed, it is considered unlikely that paleontological resources (fossil evidence of life from past geologic time frames) would be found. However, in the event that paleontological materials are uncovered, **Mitigation Measure GEO-1** would ensure that uncovered resources are evaluated and curated as recommended by a qualified paleontologist. Therefore, impacts to paleontological resources would be less than significant.

Mitigation Measures

GEO-1: **Inadvertent Discovery of Paleontological Resources.** If paleontological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if determined feasible by the project paleontologist. Otherwise, the paleontologist shall fully recover the scientifically consequential information. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Development Services Director. The applicant shall bear the cost of implementing this mitigation.

4.8 – Greenhouse Gas Emissions

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☑	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☑	☐

A *Residential Air Quality & Greenhouse Gas Assessment* was prepared for the proposed project by Urban Crossroads, dated September 30, 2022 (see Appendix A) to evaluate the air quality and greenhouse gas impacts associated with the construction and operation of the proposed project. The information presented below is summarized from the report and is attached as Appendix A.

a) Less than Significant Impact. Gases that trap heat in the atmosphere and affect regulation of the Earth's temperature are known as GHGs. GHGs that contribute to climate change are a different type of pollutant than criteria or hazardous air pollutants because climate change is global in scale, both in terms of causes and effects. Some GHG are emitted to the atmosphere naturally by biological and geological processes such as evaporation (water vapor), aerobic respiration (carbon dioxide), and off-gassing from low oxygen environments such as swamps or exposed permafrost (methane); however, GHG emissions from human activities such as fuel combustion (e.g., carbon dioxide) and refrigerants use (e.g., hydrofluorocarbons) significantly contribute to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs – carbon dioxide, methane, nitrous oxide, and sulfur hexafluoride – and two groups of gases – hydrofluorocarbons and perfluorocarbons. These GHG are the primary GHG emitted into the atmosphere by human activities. The six most common GHG's are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

The City of Redlands Climate Action Plan (CAP) was adopted on December 5, 2017. The CAP was prepared pursuant to Section 15183.5(b) of the CEQA Guidelines to be utilized as a tiering document for the General Plan as well as future projects within the City of Redlands that are consistent with the General Plan. The CAP incorporates the guidelines established in CARB's 2017 Scoping Plan. The 2017 Scoping Plan was prepared to meet the most current GHG emissions reduction targets set in Executive Order S-3-15 and SB 32 that recommends local governments to develop plans to reduce GHG emissions to 6 metric tons of carbon dioxide equivalent per year ($MTCO_2e$/yr) by the year 2030 and 2 $MTCO_2e$/yr by the year 2050. Since the CAP was prepared in coordination with the General Plan that has a horizon year of 2035, the Redlands CAP also provided a year 2035 target of 5 $MTCO_2e$/yr,

which was determined through interpolation of the 2030 and 2050 GHG emissions targets from the 2017 Scoping Plan. The CAP also has a Year 2030 GHG emissions target of 6.0 per capita per year.

The estimated GHG emissions for the project land use are summarized in Table 9 (Total Project GHG Emissions. The estimated GHG emission include emissions from Carbon Dioxide (CO_2), Methane (CH4), Nitrous Oxide ($N0_2$), and Refrigerants (R). As shown in Table 9, the project would generate a total of approximately 2.94 $MTCO_2e$/SP.

Table 9
Total Project GHG Emissions

Source	Emission ($MTCO_2e$/yr)				
	CO_2	CH_4	N_2O	R	Total CO_2E
Construction-related emissions*	39.04	0.00	0.00	0.04	39.65
Mobile	2645.00	0.16	0.14	4.44	2696.00
Area	107.00	<0.005	<0.005	0.00	107.00
Energy	682.00	0.06	<0.005	0.00	685.00
Water	28.60	0.67	0.02	0.00	50.10
Waste	32.00	3.20	0.00	0.00	112.00
Refrigerants	0.00	0.00	0.00	0.49	0.49
Total CO_2E (All Sources)	3690.24				
Service Population	1254.53				
Total CO_2e/Service Population	**2.94**				
Threshold (CO_2E)	**6.00**				
Threshold Exceeded?	**No**				

Source: Urban Crossroads, 2024; Appendix A.
* Amortized over a period of 30 years.

The project would result in 2.94 $MTCO_2e$/SP per year in 2025 as summarized in Table 9. As such, the project total GHG emissions would not exceed the screening threshold of 6.0 $MTCO_2e$/SP per year. Thus, project-related emissions would not have a potential significant direct or indirect impact on GHG and climate change. Impacts would be less than significant.

b) Less than Significant Impact.

2022 CARB Scoping Consistency

Included in the 2022 Scoping Plan is a set of Local Actions (Appendix D to the 2022 Scoping Plan) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects, in fact CARB states in Appendix D (page 4): "…focuses primarily on climate action plans (CAPs) and local authority over new residential development. It does not address other land use types (e.g., industrial) or air permitting."

Table 10 (Consistency with the 2022 Scoping Plan) summarizes the reduction actions/strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2022 Scoping Plan, and as shown, the Project would be consistent with the strategies discussed below.

Table 10
Consistency with the 2022 Scoping Plan

Reduction Strategy	Project Consistency Analysis
Smart Growth / Vehicles Miles Traveled	
Reduce VMT per capita to 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045	**Consistent.** The project site is currently undeveloped and would develop the underutilized land with 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component. The project is within walking and biking distance between existing commercial and residential developments. Therefore, future residents traveling from and to the proposed project would have more access to work, educational and other destinations and would reduce VMT. As such, the project is consistent with this strategy.
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial) contributing to 6 million heat pumps installed statewide by 2030	**Consistent.** The project is expected to utilize natural gas heating and/or cooking on-site. The City of Redlands has not adopted an ordinance or program limiting the use of natural gas for on-site cooking and/or heating. However, if one is adopted, the project would comply with the applicable goals or policies limiting the use of natural gas equipment in the future. As such, the project would be consistent with this strategy.
Non-combustion Methane Emissions	
Divert 75% of organic waste from landfills by 2025	**Consistent.** The project would be required to recycle and compost 75 percent of waste per AB 341. As such, the project would be consistent with the strategy.

2020-2045 RTP/SCS Consistency

The 2020-2045 RTP/SCS, developed with input from local governments, including the city of Redlands, establishes GHG emissions goals for automobiles and light-duty trucks for 2035, 2045 and establishes an overall GHG target for the region consistent with both the statewide GHG reduction targets for the post-2020 statewide GHG reduction goals. The 2020-2045 RTP/SCS is a long-range visioning plan to encourage and promote the safe and efficient management, operation, and development of a regional intermodal transportation system that, when linked with appropriate land use planning, will serve the

mobility needs of goods and people. Future investments seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices. The RTP/SCS is an important planning document for the region, allowing project sponsors to qualify for federal funding. In addition, the RTP/SCS is supported by a combination of transportation and land use strategies that help the region achieve state GHG emission reduction goals and federal Clean Air Act requirements, preserve open space areas, improve public health and roadway safety, support the vital goods movement industry, and use resources more efficiently.

Table 11 (Consistency with SCAG's 2020-2045 RTP/SCS) summarizes the project's consistency with the five strategies found within the SCAG's 2020-2045 RTP/SCS and as shown, the project would be consistent with the GHG reduction strategies contained within the SCAG's RTP/SCS. Implementing SCAG's RTP/SCS will reduce the regional GHG emissions from transportation, helping to achieve statewide emission reduction targets. The proposed project would be consistent with and would not conflict with the goals of the RTP/SCS; therefore, the proposed project would not interfere with SCAG's ability to achieve the region's year post-2020 mobile source GHG reduction targets outlined in the RTP/SCS, and it can be assumed that regional mobile emissions will decrease in line with the goals of the RTP/SCS.

Table 11
Consistency with SCAG's 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Focus Growth Near Destinations and Mobility Options		
• Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations • Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets • Plan for growth near transit investments and support implementation of first/last mile strategies • Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses • Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods	Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.	**Consistent.** The Project site is currently undeveloped and would develop the underutilized land with 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component. Therefore, future residents traveling from and to the proposed Project would have more access to work, educational and other destinations, as well as reduced commuting times and distances, which would all in turn reduce GHG associated with transportation. Therefore, the Project is consistent with the focus growth near destinations and mobility options strategy.

• Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) • Identify ways to "right size" parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking)		
Promote Diverse Housing Choices		
• Preserve and rehabilitate affordable housing and prevent displacement • Identify funding opportunities for new workforce and affordable housing development • Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply • Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions	PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening	**Consistent.** The project site is currently undeveloped and would develop the underutilized land with 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component. Therefore, similar to the discussion above, the Project is consistent with promoting diverse housing choices strategy.
Leverage Technology Innovations		
• Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space • Improve access to services through technology—such as telework and telemedicine as well as other incentives such	HQTA, TPAs, NMA, Livable Corridors.	**Consistent.** The project would include EV charging infrastructure and provide bike storage spaces in accordance with the California Green Building Standards Code. Therefore, the Project is consistent with leveraging technology innovations strategy and would promote alternative modes of transportation that would help the State, County and City meet their GHG reduction goals.

as a “mobility wallet,” an app-based system for storing transit and other multi-modal payments • Identify ways to incorporate “micro-power grids” in communities, for example solar energy, hydrogen fuel cell power storage and power generation		
Support Implementation of Sustainability Policies		
• Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions • Support statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations • Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space • Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies • Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region • Continue to support long range planning efforts by local jurisdictions	Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.	**Consistent.** As mentioned previously, the proposed project would install EV charging infrastructure and provide bike storage spaces to promote alternative modes of transportation. Additionally, the project would comply with sustainable development practices included in the 2022 Title 24 standards and CALGreen Code, including installation of vanpooling and carpooling parking spaces, installation of high-efficient lighting, and implementation of water-efficiency irrigation and drought-tolerant landscaping. Thus, the project would be consistent with supporting implementation of sustainability policies strategy.

• Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy		
Promote a Green Region		
• Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards • Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration • Integrate local food production into the regional landscape • Promote more resource efficient development focused on conservation, recycling and reclamation • Preserve, enhance and restore regional wildlife connectivity • Reduce consumption of resource areas, including agricultural land • Identify ways to improve access to public park space	Green Region, Urban Greening, Greenbelts and Community Separators.	The proposed project consists of currently undeveloped and would develop the underutilized land with 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component and would not interfere with regional wildlife connectivity or concert agricultural land. The project would be required to comply with 2022 Title 24 standards and CALGreen Code, which would help reduce energy consumption and reduce GHG emissions. Thus, the project would support resource efficient development that reduces energy consumption and GHG emissions and the Project would be consistent with promoting a green region strategy.

City of Redlands General Plan and CAP Consistency

The city of Redlands adopted both the General Plan and CAP on December 5, 2017. The CAP was developed concurrently with the General Plan, which identifies the city's most current land use and transportation strategies and GHG implementation of various General Plan's goals and principles. The CAP provides actions to operationalize the General Plan policies that help with GHG reductions. As summarized in Table 12 (Consistency with the General Plan and Climate Action Plan), the project is consistent with the goals related to GHG emissions reductions in the General Plan and CAP. Thus, the

project would not obstruct the city of Redlands CAP GHG reduction measures and would not conflict with the GHG projections included in the CAP and the project would have a less than significant impact.

Table 12
Consistency with the General Plan and Climate Action Plan

Reduction Strategy	Project Consistency Analysis
General Plan Sustainable Community Element	
Goal: Serve as an environmental steward; ensure that residents enjoy clean air and water; make efficient use of energy, water, and land resources; and grow in a manner in which increased population does not negatively impact resources (25). • 8-P.8: Promote sustainability by reducing the community's greenhouse gas (GHG) emissions and festering green development patterns- including buildings, sites, and landscapes. • 8-P.9: Undertake initiatives to enhance sustainability by reducing the community's GHG emissions.	**Consistent.** The project site is currently undeveloped and would develop the underutilized land with 35 multifamily residential dwelling units within 3-story buildings, 425 multifamily residential dwelling units located within 4 story buildings and a 17,899-sf retail component. The project would comply with Title 24 Building Energy Efficiency Standards and is within walking and biking distance between existing commercial and residential developments. Additionally, the Project would provide EV infrastructure and bike storage spaces. Therefore, the Project would be consistent with this goal and promote growth in a manner in which the future population does not negatively impact resources.
Climate Action Plan	
All electric appliances beginning 2026 (residential) and 2029 (commercial) contributing to 6 million heat pumps installed statewide by 2030.	**Consistent.** The project is expected to utilize natural gas heating and/or cooking on-site. The City of Redlands has not adopted an ordinance or program limiting the use of natural gas for on-site cooking and/or heating. However, if one is adopted, the project would comply with the applicable goals or policies limiting the use of natural gas equipment in the future. As such, the project would be consistent with this strategy.

Finally, the project is consistent with the general plan land use designation, density, building intensity, and applicable policies specified for the project area in SCAG's Sustainable Community Strategy/Regional Transportation Plan, which pursuant to SB 375 calls for the integration of transportation, land-use and housing policies to plan for achievement of the GHG-emissions target for the region. Thus, a less than significant impact related to GHG emissions from project construction and operation would occur and no mitigation is required.

4.9 – Hazards and Hazardous Materials

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☑	☐
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?	☐	☐	☑	☐
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?	☐	☐	☑	☐

A *Phase I Environmental Site Assessment and Limited Phase II Site Assessment* was prepared for the proposed project by Petra Geosciences, dated June 20, 2022 (see Appendix F) to evaluate the potential

presence of hazardous materials on the project site. The information presented below is summarized from the report and is attached as Appendix F.

a) Less than Significant Impact. Construction of the proposed project would require the temporary use and transport of fuels, equipment, earth and building materials, as well as other potentially hazardous materials. The contractor would be required to develop and adhere to a Health and Safety Plan, which pursuant to California state Health and Safety Code Chapter 6.95, Division 20 (§§ 25500-25532), would minimize potentially hazardous effects of handling potentially hazardous materials during construction.[16] The project is within the jurisdiction of the Environmental Protection Agency (EPA) and County of San Bernardino, both of which manage the inspection, regulation, transportation, use, and disposal of hazardous materials in Redlands. Development of the project will comply with the standards and regulations of both bodies. Adherence to local, state, and federal regulations, impacts related to the potential disposal or transport of onsite hazardous materials or waste would be less than significant.

The project site is currently zoned as EV/SD (East Valley Corridor Specific Plan/Special Development). The proposed project includes a Zone Change (ZC) to establish C-3 (General Commercial District) zoning for the site. The C-3 zoning designation allows for mixed-use and residential uses, with the residential density permitted as R-3 (multi-family residential district). Development of the project includes 460 new apartment units and the development of approximately 17,899 square feet of commercial space. The transport, use, and/or disposal of hazardous materials is not associated with or expected with the development of onsite residential land uses. While specific commercial uses are not known at the time of this document's preparation, such uses would not require the routine transport and/or use of hazardous materials associated with industrial-related businesses, as those uses are not permitted as part of the C-3 zoning designation. Any hazardous materials used in conjunction with commercial uses would include relatively limited amounts of cleaners, lubricants, and pesticides. Such materials would be disposed of with other Household Hazard Wastes (HHWs) generated from onsite residences. HHWs are prohibited or discouraged from being disposed of at local landfills. As such, the San Bernardino County Fire Protection District operates a Household Hazardous Waste Program, with 14 permanent HHW collection facilities.[17] These facilities would allow easy disposal of any HHW generated from future residents and businesses of the site. With adherence to local regulations, the use of common household hazardous materials, created waste, and their disposal would not present a substantial health risk to the community. As such, impacts would be less than significant.

b) Less than Significant Impact. Based on information obtained during the Phase I Environmental Site Assessment (ESA), the project site appears to have been developed as an orchard since at least 1930 until sometime between/during 1975 and 1985. Infrared aerial photographs suggest that sometime between/during 1975 and 1985 the orchards were removed from the project site and some sort of irrigated vegetation was present over portions of the project site. Irrigated vegetation areas decreased between the 1985 and 1989 photographs. Some sort of managed vegetation was noted within the southern portion of the project site in the black and white aerial photograph from 1994. Sometime between/during 1994 and 2002, the project site appeared to be fallow land and has remained vacant land to present day. Minor debris was also observed along the northern and western portions of the project site, consisting mostly of windblown trash, a car bumper, and remnants of a reclining chair. One area of plywood fragments and plastic sheeting was observed in the central portion of the project site. A concrete irrigation valve riser located in the northwest corner of the project site contained dumped trash and plastic bags. There were no visible signs of this trash containing hazardous substances; however, the trash was not disturbed.

No water wells were observed within the project site during the Phase I ESA. Two concrete irrigation valve risers were observed along the northern boundary of the project site, within the proposed Pennsylvania Avenue extension. Remnants of north-south orientated concrete and brick irrigation

channels were observed north of the proposed Pennsylvania Avenue extension and near the east property boundary. There are no current visual signs that these channels extended into the project site. In addition, remnants of a concrete and brick irrigation valve box with exposed concrete pipe trending east-west along the north side of the dirt road at the northern boundary of the project site was observed. The concrete pipe is estimated to connect with the two concrete irrigation valve risers. No wooden power poles, pole-mounted transformers, or ground mounted transformers are located within or adjacent to the project site. There was no evidence of drums, sumps, pits, pools, or lagoons identified during our site reconnaissance.

One site was identified in a search of various government agency database records, which appears to have adversely impacted the soils, groundwater or soil vapor beneath the project site at this time – the former Lockheed Martin facility (1500 Crafton Avenue), in northeast Redlands (approximately 4.5 miles east-northeast of the project site). Based upon groundwater monitoring results, the project site is located within the Crafton-Redlands Plume boundary, a groundwater plume with known synthetic perchlorate and trichloroethylene (TCE) contamination. Although the boundary of the plume varies in publications, groundwater monitoring wells associated with the plume extends from the former Lockheed Martin facility in northeast Redlands west to near the Waterman Avenue/Interstate 10 interchange. Groundwater monitoring wells associated with the Crafton-Redlands Groundwater Plume are mapped throughout the Redlands area. The closest monitoring wells to the project site, COR#30-A, COR#31-A, and COR#32, are situated east in Texonia Park on Texas Street.

Recognized Environmental Conditions

Recognized Environmental Conditions (REC's) are defined by the American Society of Testing and Materials (ASTM) as any hazardous substance or petroleum product under conditions that indicate an existing, past, or material threat of release into the structures, ground, groundwater, or surface water at the subject site. If the presences of recognized environmental conditions are identified on a subject site, it may warrant additional research, site evaluation, and/or action. However, no REC's have been identified within or affecting the project site.

Controlled recognized environmental conditions (CREC's) are defined by the American Society of Testing and Materials (ASTM) Practice E 1527-13 as a recognized environmental condition resulting from the past *release* of *hazardous substances* or *petroleum products* that has been addressed to the satisfaction of the applicable regulatory authority (i.e., as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with *hazardous substances* or *petroleum products* allowed to remain in place subject to the implementation of required controls. One CREC (former Lockheed Martin Facility), related to a groundwater plume containing TCE and synthetic perchlorate, has been identified underlying the project site. The former Lockheed Martin Facility is mapped approximately 4.5 mile east-northeast of the project site.

Historical recognized environmental conditions (HREC's) are defined by the American Society of Testing and Materials (ASTM) Practice E 1527-13 as a past release of any *hazardous substances or petroleum products* that has occurred in connection with the *property* and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory agency, without subjecting the *property* to any required controls (i.e., *property* use restrictions, *activity and use limitations*, *institutional controls* or *engineering controls*). However, no HREC'S have been identified within or affecting the project site.

The Phase I Environmental Site Assessment found no evidence of recognized environmental conditions in connection with the project site. However, it was determined that the project site is located within the Crafton-Redlands Plume boundary, a groundwater plume with known trichloroethylene (TCE)

contamination. Strict definition of the Crafton-Redlands plume warrants it to be labeled as a Controlled Recognized Environmental Condition; however, based on 2021 measured depths to groundwater (approximately 195 feet below grade [fbg]), the concentrations of TCE are reported to be sufficiently low (below MCLs in close proximity to the site) as to not present a health risk to future residents. Additionally, synthetic perchlorate concentrations are slightly above the MCL and decreasing in close proximity to the project site. Finally, because of the known presence of groundwater contamination and the source, the Regional Water Quality Control Board will more than likely not identify future property owners as Responsible Parties. As a result, the plume underlying the site is considered a de minimis condition.

Limited Phase II Site Assessment

Based upon the property being used as an orchard from at least 1930 to sometime before/during 1985, it was determined that the potential exists for restricted agricultural chemicals (i.e., pesticides) to have been legally applied to the project site. This legal application may have resulted in pesticide residues to be detectable within the subject site. As a result of the proposed land-use change to residential, a Limited Phase II Soil Residue Survey was conducted to evaluate shallow, near surface site soils for detectable pesticide residues. To evaluate pesticide soil residues within the site, soil samples were collected and were discretely analyzed for Organochlorine Pesticides (OCPs) according to Environmental Protection Agency (EPA) Test Method 8081A, and arsenic and lead according to EPA Method 6010B. Three of the samples were analyzed for Title 22 Metals, including arsenic and lead, according to EPA Method 6010B/7471A, one sample was tested for Chlorinated Herbicides using EPA Method 8151A, and four of the 0 to 1-foot samples were analyzed for Total Petroleum Hydrocarbons using EPA Method 8015B. All soil samples analyzed during this assessment were analyzed by Enviro-Chem, Inc. (ECI) in Pomona, California. ECI is accredited by the California Environmental Protection Agency, Department of Health Services Environmental Laboratory Accreditation Program (ELAP). Analyses were requested on a chain-of-custody record. Below is a discussion of the laboratory results.

Organochlorinated Pesticides

Seven discreet and one duplicate soil samples collected at a depth of 0 to 1 foot were tested for Organochlorinated Pesticides (OCPs) according to EPA Method 8081A. All detectable concentrations of Dichlorodiphenyldichloroethylene (DDE) were found to be below the USEPA Region 9 Regional Screening Level (RSL) of 2.0 mg/kg for DDE residential use soils. No other OCP analytes were reported at concentrations above their respective actual detection limit (ADL). Based upon these results, soil containing OCPs residues, DDE, are not considered a recognized environmental condition (REC). As such, no further action is warranted, and near surface soils may be reused as fill materials during grading of the proposed project.

Chlorinated Herbicides

One of the samples collected from a depth of 0 to 1 foot was also analyzed for Chlorinated Herbicides. No detectable levels of Chlorinated Herbicides were present in the sample analyzed. Based upon these results, soil containing chlorinated herbicide residues were not detected above the ADL and are not considered an REC. As such, no further action is warranted, and near surface soils may be re-used as fill materials during grading of the proposed residential project.

Title 22 Metals

Seven discrete soil samples and one duplicate sample collected at a depth of 0 to 1 foot were analyzed for arsenic and lead using EPA Method 6010B based upon their historical use as pesticides. In addition, three discrete soil samples collected at a depth of 0 to 1 foot were tested for CAM Title 22 Metals using EPA Method 6010B/7471. Detected levels of barium, chromium, cobalt, copper, lead, mercury, nickel,

vanadium and zinc were reported below their respective Regional Screening Levels (RSLs) for residential use soil.

Arsenic. A total of eleven tests were ran for residual arsenic levels on eight discrete samples collected from a depth of 0 to 1 foot on the project site (including one duplicate). Arsenic levels detected onsite are well under concentrations and considered background levels. As a result of screening near-surface soils onsite for elevated arsenic residues, concentrations are highly likely related to background levels and not associated with historic pesticide usage.

Lead. Lead residues was reported in the seven discrete samples and one duplicate sample analyzed ranging from 2.38 mg/kg to 21.0 mg/kg. The USEPA RSLs were evaluated for lead residues in soil pertaining to residential land use. Based upon the results, soils containing Title 22 Metal residues, including arsenic and lead, were not detected above their respective residential soil RSL's, DTSC's SL's, or background levels, and are not considered an REC. As such, no further action is warranted, and near surface soils may be re-used as fill materials during grading of the proposed residential project.

Total Petroleum Hydrocarbons. Since petroleum hydrocarbons may have been historically used for weed abatement or dust control in the orchards, three discrete soil samples collected at a depth of 0 to 1 foot were analyzed for total petroleum hydrocarbons (TPH) - carbon chain using EPA Method 8015B. None of the three samples reported TPH-gasoline chain (TPH-g), TPH-diesel chain (TPH-d), and TPH-motor oil chain (TPH-mo) concentrations above non-detect. Based upon the results, soils containing TPH-g, TPH-d, and TPH-mo residues were not detected above the ADL and are not considered a recognized environmental condition (REC). As such, no further action is warranted, and near surface soils may be re-used as fill materials during grading of the proposed residential property.

The proposed project would be required to adhere to the site considerations and recommendations of the *Phase I Environmental Site Assessment and Limited Phase II Site Assessment* as a condition of approval. As such, adherence to the site considerations and recommendations would ensure any impacts to the public through the accidental release of hazardous materials would be less than significant.

c) Less than Significant Impact. Lugonia Elementary School is located approximately 1.1 miles east of the project site. Citrus Valley High School is located approximately 1.3 miles northeast of the project site. The proposed project involves the development of a multi-family mixed-use development that includes 460 new apartment units with approximately 17,899 square feet of commercial space. Daily operation of the proposed project would not involve the use of acutely hazardous materials, substances, or wastes. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school. Impacts would be less than significant.

d) No Impact. The proposed project is not located on a site listed on the state *Cortese List*, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses.[18] Based upon review of the *Cortese List*, the project site is not:

- listed as a hazardous waste and substance site by the Department of Toxic Substances Control (DTSC),[19]
- listed as a leaking underground storage tank (LUST) site by the State Water Resources Control Board (SWRCB),[20]
- listed as a hazardous solid waste disposal site by the SWRCB,[21]
- currently subject to a Cease and Desist Order (CDO) or a Cleanup and Abatement Order (CAO) as issued by the SWRCB,[22] or

- developed with a hazardous waste facility subject to corrective action by the DTSC.[23]

Based on the above review of the Cortese List, the proposed project would not create a significant hazard to the public or the environment. No impact would occur.

e) Less than Significant Impact. The proposed project is not located within 2 miles of a public or private use airport. The project is located approximately 2.3 miles southeast of the San Bernardino International Airport, and 4 miles west of the Redlands Municipal Airport.[24] No impact would occur with regard to safety hazards or excessive airport noise.

f) Less than Significant Impact. Construction work along Tennessee Street would include lateral utility connections and half-width roadway improvements. These activities would require temporary street or lane closures during construction and could potentially result in the diversion of traffic onto other area roadways. However, the project applicant would be required to prepare and implement a traffic control plan for construction. Implementation of a traffic control plan would ensure that construction of the proposed project would not interfere with access for emergency personnel or the evacuation of onsite staff in an emergency. Implementation of a traffic control plan would also ensure that construction operations would not significantly impede movement on any major evacuation routes identified in the city's General Plan, including Interstates 10, 15, 210, and 215, and State Highways 30, 60, 66, 71, and 83. While the project is located adjacent to I-210, its development would not impact the availability of the route, or the other identified highways and roadways as evacuation routes. The project as proposed includes three points of entry into the project: one off Tennessee Street, one off Pennsylvania Avenue, and one at the future commercial development proposed to the south of the project site. Development of the proposed project would not impact the implementation of or physically interfere with an adopted emergency response plan or evacuation plan because no permanent public street or lane closures are proposed. Therefore, project impacts would be less than significant.

g) Less than Significant Impact. The project site is not located within a State Responsibility Areas (SRA). The nearest SRA area is located approximately 3.5 miles south of the project site near the San Timoteo Canyon.[25] There are no wildland conditions in the urbanized area where the project site is located. Any potential impacts related to wildland fire would be less than significant.

4.10 – Hydrology and Water Quality

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☑	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☑	☐
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:	☐	☐	☑	☐
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☑	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☑	☐
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?	☐	☐	☑	☐

A *Preliminary Water Quality Management Plan* (WQMP) dated February 7, 2024 (see Appendix G), a *Hydrology and Hydraulics Report* (Hydrology Report) dated September 2023 (see Appendix H), and a *Preliminary Sewer Sizing Memo* (Sewer Memo) dated October 2023 (see Appendix I) were prepared for the proposed project by Kimley Horn & Associates, Inc.to evaluate the potential water quality impacts associated with the construction and operation of the proposed project. The information presented below is condensed from the above documents and is attached as Appendices G, H, and I respectively.

a) Less than Significant Impact. While the project site is currently undeveloped, it has been regularly disturbed overtime or agricultural uses, and is located in an urbanized area of Redlands. The project proposes the development of 460 new apartment units, approximately 17,899 square feet of commercial space, as well as associated landscaping and roadway improvements to the site. The new streets, sidewalks, and structures on the project site would increase the amount of impermeable surfaces, as well as increase flows into storm drains. Construction and use of the proposed apartments would be required to comply with federal, state and local water guidelines and requirements.

According to the city's General Plan, Redlands is part of the Upper Santa Ana River Watershed Integrated Regional Water Management Plan (IRWM), which aims to improve water supply reliability, flood management, stormwater recharge, water quality, and habitats/open space. Development of the proposed project would be required to adhere to benchmarks outlined in the San Bernardino Valley Regional Urban Water Management Plan (RUWMP), of which the city is one of 10 water providers included.[26] Landscaping proposed with the project would be utilized to limit runoff and provide permeable surfaces throughout the site. Compliance would include following irrigation schedules, water efficiency audits, and non-potable irrigation systems among other guidelines.

The project must also adhere to all Santa Ana Regional Water Quality Control Board (SARWQCB) permitting requirements for construction and NPDES standards for stormwater runoff, as well as adhere to city ordinances requiring the use of Best Management Practices (BMPs) to control the release of potential pollutants entering storm drain systems.[27] Such BMPs include, but are not limited to; routine street sweeping, routine storm drain and catch basin cleaning, regular pavement repair/maintenance, and spill prevention practices. Non-structural, structural source control BMPs, and Low Impact Development (LID) BMPs are included in the preliminary WQMP (Appendix G) and shall be implemented as part of the project. With implementation of BMPs and city and regional standards and guidelines, impacts to water quality standards or waste discharge requirements would be less than significant.

b) Less than Significant Impact. Construction of the proposed residential and commercial mixed-use development has the potential to interfere with groundwater recharge. According to the Hydrology Report prepared for this project, groundwater was not encountered during the field investigation of the project site. The maximum depth explored was 51.5 feet, and while the site's historical groundwater depth is unknown, it is anticipated to be approximately 95 feet below the ground surface. The nearest groundwater well is located approximately 0.5 miles east of the project site, adjacent to Texonia Park off Pennsylvania Avenue. The well has a depth of 743 feet and as of writing this document, the latest measurement recorded was a depth to water of 218.7 feet taken September 9th, 2023.[28]

The project includes the development of 460 residential multi-family dwelling units, as well as approximately 17,899 square feet of commercial space, and associated landscaping and roadway improvements, all within a 13.48-acre parcel. Building, road, sidewalk, and parking development onsite would compromise of a total of 412,152 square feet or 9.46 acres of impervious surfaces. The paving of previously undeveloped land and the increase in building surface area would increase impervious surface coverage on the site, thereby potentially reducing the total amount of infiltration onsite. The remaining 175,037 square feet, or 4.02 acres of the project site would be compromised of open space

and landscaping coverage. The project site will have two drainage areas that will capture on-site storm runoff and convey water to various on-site inlets throughout the site. Flows will be diverted to two onsite underground infiltration facilities. The project site is not utilized for groundwater recharge and would include landscaping and drainage improvements that would contribute to infiltration. The development of the project site would have a less than significant impact on groundwater recharge.

c.i) Less than Significant Impact. The city of Redlands is located in and around several regional watersheds. The city's existing water system is reliant on the Mill Creek and Santa Ana Watersheds. No rivers or streams intersect the project site, and the project would not alter existing drainage patterns and facilities, as it would install new onsite water and storm drains that would connect to the existing infrastructure in the surrounding streets. Those facilities will be regularly maintained. Development of the proposed project will require site grading, which will require a standalone Erosion Control Plan per the city of Redlands.[29] Adherence to the city's erosion plan guidelines during construction of the project and proper maintenance of drainage facilities would decrease any likelihood of erosion of sensitive stream habitats. Impacts related to erosion or siltation would be less than significant.

c.ii) Less than Significant Impact. There are no rivers or streams that intersect the project site, and as such, development of the project would not result in the alteration of any stream course. During construction, the project applicant would be required to comply with drainage and runoff guidelines pursuant to Redlands Municipal Code Chapter 15.54.200.[30] A total of 412,152 square feet (70%) of the project site would consist of buildings, roads, and parking coverage. The majority of the project site would therefore consist of impervious surfaces and would increase the net area of impermeable surfaces on the site and, therefore, may increase discharges to the city's existing storm drain system.

A new on-site storm drain system, designed for the 100-yr 1-hr storm, will be installed to collect surface runoff at designated storm inlet locations across the site and convey flows downstream. The project site will be delineated into 2 major drainage areas. The drainage areas will capture on-site storm runoff and convey water to various on-site inlets throughout the site. These flows will be diverted to two onsite proprietary underground infiltration systems that will serve as the water quality facilities. Per San Bernardino water quality design requirements, the two underground detention systems also have the purpose of allowing storm runoff to infiltrate into the subsurface soils. Additionally, each infiltration system is outfitted with an orifice downstream. The water captured in the detention system will work in conjunction with proposed infiltration basins which will serve as the water quality infiltration BMPs. They will retain the 100-year storm, 24-hour event so the ultimate post construction stormwater flow is no more than the pre-construction stormwater flow. There is no existing stormwater infrastructure for the project to connect to. A proprietary pump is included in the design at the western boundary of the site to bring stormwater to grade. Construction of the proposed project would be required to adhere to all SARWQCB permitting requirements and NPDES standards for stormwater runoff, as well as adhere to city ordinances requiring the use of BMPs to control the release of potential pollutants entering storm drain systems as indicated in the city's General Plan. Impacts will be less than significant with compliance of local drainage guidelines and implementation of pollutant-related BMPs.

c.iii) Less than Significant Impact. Development of the proposed project would increase the area of impermeable surfaces on the site. As discussed in Section 4.9.c.ii above, construction of the proposed project would install new onsite water, sewer, and infiltration facilities. Flows will be diverted to two onsite proprietary underground infiltration systems that will serve as the water quality facilities that will also allow storm runoff to infiltrate into subsurface soils. The proposed Pennsylvania Avenue sewer mainline shall connect to the existing maintenance hole and flow westerly to Tennessee Street. The proposed Tennessee Street sewer mainline shall flow from Pennsylvania Avenue north to a mainline in San Bernardino Avenue (see Appendix I). All drainage plans are subject to city review and approval. As discussed in sections 4.9.a and 4.9.c.ii, BMPs would be required to be incorporated to protect water

quality. With proper maintenance of drainage facilities and adherence to BMPs, impacts would be less than significant.

c.iv) Less than Significant Impact. According to flood maps prepared by the Federal Emergency Management Agency (FEMA) and the Healthy Community Element of the city's General Plan, the project site is located in an area designated as Flood Zone "X." Zone X represents areas determined to be outside the 0.2% annual chance, and not located within a floodway, or within a 100 or 500-year floodplain.[31] The project site is currently undeveloped, vacant land, and construction operations would not impede or redirect flood flows. In addition, the proposed project would comply with city of Redlands Municipal Code Chapter 15.32 (Flood Damage Protection), which would ensure flood flows would not be impeded.[32] Impacts would be less than significant.

d) Less than Significant Impact. The city is not exposed to tsunami hazards due to its inland location. In addition, according to the California Department of Water Resources, the project site is not located in a dam inundation area.[33] There are no impacts related to tsunami or dam inundation.[34] The project site is located in Flood Zone X, representing an area determined to be outside the 0.2% annual chance. Adherence to city ordinances requiring the use of BMPs to control the release of potential pollutants would reduce the potential for the release of pollutants in the event of inundation by a flood. Impacts would be less than significant.

e) Less than Significant Impact. The proposed project will be subject to the regulations and guidelines of various plans governing water quality and groundwater management throughout the region. Development of the proposed project would be required to adhere to requirements of the Santa Ana Regional Water Quality Control Board's (SARWQCB) Basin Plan. The Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Included in the Plan are the incorporation of BMPs to protect water quality during construction and operation of a project. The project would be subject to policies included in the Sustainable Community Element that limit potential water quality impacts and promote groundwater conservation. Development of the project site would be subject to all existing water quality regulations and programs, including all applicable construction permits. Implementation of General Plan and Basin Plan policies would ensure that water quality impacts related to the proposed project would be less than significant.

4.11 – Land Use and Planning

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☑
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?	☐	☐	☑	☐

a) No Impact. The project site encompasses one undeveloped, 13.48-acre parcel of land in the city of Redlands. The parcel is surrounded by mostly undeveloped land to the north, south and east of the project site, and is bounded by Interstate 210 to the west. This portion of the city is characterized by residential, commercial, and light industrial uses. Development of the project site would not include the reconfiguration of existing roadways and would not divide an established community. No impacts would occur.

b) Less than Significant Impact. The project includes a Specific Plan Amendment (SPA) to remove the site from East Valley Corridor Specific Plan; a Zone Change (ZC) to establish C-3 (General Commercial District) zoning for the site, a Conditional Use Permit (CUP) for the mixed use portion of the project; and a Tentative Parcel Map to subdivide the property into four lots. The Commercial Land Use Designations allow for mixed-use and residential land uses consistent with the underlying zoning district.[35] The C-3 Zoning District permits residential uses, subject to the approval of a conditional use permit; and those residences may be combined with nonresidential uses as a mixed use development, as indicated in the Redlands Code of Ordinances.[36] While the development requires a SPA and ZC for the project site, the proposed development would be subject to all land use and planning policies in the General Plan. A site design review as part of the project review process will take place and ensure compliance with all site-specific development standards, as outlined in the City's Code of Ordinances. The proposed project would not conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, impacts will be less than significant.

4.12 – Mineral Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☑	☐
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?	☐	☐	☑	☐

a) Less Than Significant Impact. The California Surface Mining and Reclamation Act (SMARA) identifies and protects mineral resources within the State of California. It establishes several Mineral Resource Zones (MRZ), divisions of land containing within them various amounts of known or unknown mineral resources. The MRZ's are defined as follows: MRZ-1 are areas where no significant minerals are considered to be present, MRZ-2 are areas where mineral resources have been identified, MRZ-3 are areas of undetermined mineral resource significance, and MRZ-4 areas are of unknown mineral resource potential. According to the city's General Plan, the Santa Ana Wash, which adjoins Redlands to the north, contains high quality construction aggregates. According to the city's General Plan, the project site is entirely located within an area designated as an MRZ-2 area, suggesting that significant mineral resources may be present.[37] However, Figure 6-4 of the Vital Environment Element of the General Plan indicates that the project site is not located in an area designated by the State Mining and Geology Board as having regionally significant PCC-grade aggregate resources.[38] The project site is currently undeveloped, however it is located in an urbanized area of Redlands, with residential and commercial uses in the surrounding areas. Development of the proposed project would be in keeping with the character of the surrounding area, and would not constitute a loss of availability of a mineral resource. The project site location in an urbanized area is incompatible with mining operations, as such operation would negatively impact nearby businesses and residents. As such, development of the proposed project would 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. Impacts would be less than significant.

b) Less than Significant Impact. Mineral resources found in and around Redlands have been deemed significant to the region and the State; however, such mineral resources identified have not been designated as locally significant to the city of Redlands. The project site is located entirely within an MRZ-2 area, of which significant mineral deposits are likely to be present. However, while project site is currently undeveloped, the surrounding area is characterized by residential and commercial uses that are incompatible with the development of any mining operations and subsequent related pollution that would take place. Development of the proposed project does not constitute a loss of mineral resources as surrounding land uses do not support mining operations. Impacts to a locally important mineral resources would be less than significant.

4.13 – Noise

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	☐	☑	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☑	☐
c) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☑	☐

A *Noise and Vibration Analysis Memo* was prepared by MIG (January, 2024) to evaluate and document noise levels associated with construction and operation of the proposed project (see Appendix J). The information in this section is taken from the *Noise and Vibration Analysis Memo* for the proposed project. Additional detail regarding how noise is defined and measured can be found in Appendix J.

a) Less than Significant with Mitigation Incorporated. Existing ambient noise levels in the project area were monitored on December 12, 2023 (Appendix J). Three (3) short-term measurements were conducted to determine typical ambient noise levels in the vicinity of the project area, provide direct observations of existing noise sources at and in the vicinity of the project area, and evaluate project noise levels at nearby sensitive receptors. The three monitoring locations are described below and shown in Appendix J.

- Location ST-1 was at the central eastern portion of the project site, approximately 62 feet east of the centerline of Tennessee Street and approximately 930 feet north of the centerline of Lugonia Avenue.
- Location ST-2 was at the south central portion of the project site, approximately 435 feet east of the centerline of Tennessee Street and approximately 800 feet north of the centerline of Lugonia Avenue.
- Location ST-3 was at the central eastern of the project site, approximately 695 feet east of the centerline of Tennessee Street and approximately 980 feet north of the centerline of Lugonia Avenue.

Based on observations made during the ambient noise monitoring, the existing noise environment in the project vicinity consists primarily of vehicles on Tennessee Street and I-210. Table 13 (Measured Short-Term Ambient Noise Levels (dBA)) summarizes the results of the ambient noise monitoring.

Table 13
Measured Short-Term Ambient Noise Levels (dBA)

Monitor	Duration	Measured Noise Level		
		L_{eq}	L_{min}	L_{max}
ST-1	4 hours	70.3	61.7	96.2
ST-2	3.5 hours	62.2	57.1	72.4
ST-3	3.75 hours	60.3	54.8	75.0
Source: MIG, 2024; Appendix J.				

As shown in Table 13, measured ambient noise levels were highest along Tennessee Street (ST-1) while noise levels on the interior of the site (ST-2 and ST-3) were much lower. These noise levels indicate traffic noise levels at the site attenuate at rate of approximately 3 decibel per doubling of distance from the roadway centerline.

Construction Noise Impact Analysis

The proposed project involves construction activities including site preparation, grading, building construction, paving and architectural coating on an undeveloped parcel in an existing residential area of the city. Construction activities are anticipated to begin in 2024 and may last approximately 18 months in total. In general, construction activities would involve the use of worker vehicles, delivery trucks, dump trucks, and heavy-duty construction equipment such as (but not limited to) dozers, backhoes, tractors, loaders, graders, excavators, scrapers, welders, rollers, cranes, material lifts, generators, pavers, paving equipment, and air compressors. These types of construction activities would generate noise and vibration from the following sources:

- Heavy equipment operations at different work areas. Some heavy equipment would consist of mobile equipment such as a loader and excavator that would move around work areas; other equipment would consist of stationary equipment (e.g., cranes or material hoists/lifts) that would generally operate in a fixed location until work activities are complete. Heavy equipment generates noise from engine operation, mechanical systems, and components (e.g., fans, gears, propulsion of wheels or tracks), and other sources such as back-up alarms. Mobile equipment generally operates at different loads, or power outputs, and produces higher or lower noise levels depending on the operating load. Stationary equipment generally operates at a steady power output that produces a constant noise level.
- Vehicle trips, including worker, vendor, and haul truck trips. These trips are likely to primarily occur on Lugonia Avenue and Tennessee Street.

Typical construction equipment noise levels at different distances are shown in Table 14 (Potential Project Construction Equipment Noise Levels) below.

Table 14
Potential project Construction Equipment Noise Levels

Typical Equipment	Noise Level at 50 feet (L_{max})[A]	Percent Usage Factor[B]	Predicted Equipment Noise Levels (L_{eq})[C]						
			25 Feet	50 Feet	100 Feet	200 Feet	300 Feet	425 Feet	850 Feet
Air Compressor	80	40	82	76	70	64	56	57	44
Bulldozer	85	40	87	81	75	69	65	62	56
Backhoe	80	40	82	76	70	64	56	57	51
Compact Roller	80	20	79	73	67	61	57	54	48
Concrete Mixer	85	40	87	81	75	69	65	57	56
Crane	85	16	83	77	71	65	61	58	52
Delivery Truck	85	40	87	81	75	69	65	57	56
Excavator	85	40	87	81	75	69	65	57	56
Grader	85	40	87	81	75	69	65	57	56
Generator	82	50	85	79	73	67	66	60	54
Paver	85	50	88	82	76	70	66	63	57
Pneumatic Tools	85	50	88	82	76	70	66	63	57
Tractor	84	40	86	80	74	68	64	61	55
Scraper	85	40	87	81	75	69	65	62	56
Welder	73	40	75	69	63	57	53	50	44

Source: Caltrans, 2013 and FHWA, 2010.

(A) L_{max} noise levels based on manufacturer's specifications.

(B) Usage factor refers to the amount (percent) of time the equipment produces noise over the time period.

(C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans, 2013: L_{eq} (hourly) = L_{max} at 50 feet – 20log (D/50) + 10log (UF), where: L_{max} = reference L_{max} from manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.

With regard to construction noise, site preparation and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, tractors, scrapers, and trucks. Construction noise impacts generally occur when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time.

The proposed project would have a limited potential to result in construction noise impacts at existing sensitive receptor locations because the closest residential properties are located approximately 880 feet east of the project boundary. As shown in Table 14, typical construction noise levels would not exceed 57 dBA L_{eq} at a distance of approximately 850 feet. Thus, the proposed project's potential construction noise levels would be less than the measured ambient levels along Karon Street in December 2022 (Appendix J) and would not result in a significant impact at existing sensitive receptor locations on Karon Street. In addition, the proposed project would be required to comply with all applicable Municipal Code requirements pertaining to the control of construction noise, including Section 8.06.090(F) and 8.06.120(G), which limits construction activities to the hours of 7 AM to 6 PM, Monday through Saturday, with no activities taking place on Sunday or holidays and requires all equipment to include air intake silencers and exhaust mufflers in good work order.[39] These mandatory requirements would further reduce the project's less than significant construction noise levels.

The vacant land that borders the proposed project to the east (between the proposed project's eastern

boundary and Karon Street) is the site of the planned Lugonia Village residential project and subdivision, which would consist of 451 apartment units, 72 townhomes, and 18 single-family detached homes on approximately 24.4 acres of land. The Lugonia Village project is anticipated to begin construction by June 2025 and complete construction by January 2028 (see Appendix J). Based on this published schedule, the Lugonia Village project would result in adjacent sensitive residential receptors no sooner than January 2028. In contrast, the proposed project is anticipated to be constructed over an 18-month period beginning in 2024 and concluding, at latest (i.e., assuming construction begins in December 2024), by May 2026. Thus, the proposed project's construction activities would be complete before the Lugonia Village project is occupied. The proposed project, therefore, would not have the potential to impact future receptors at the Lugonia Village project.

It is noted that, based on their respective schedules, the proposed project's construction activities would combine with the Lugonia Village project's construction activities to result in a cumulative noise impact to existing sensitive receptors on Karon Street. Specifically, it could be possible for the proposed project's building construction, paving, and architectural coating phases to overlap with grading and other activities associated with the Lugonia Village project. If this were to occur, the proposed project would not result in a cumulatively considerable contribution to total construction noise levels on Karon Street because the proposed project's work activities would be located more than 850 feet from Karon Street and result in substantially lower noise levels than heavy equipment operations in the Lugonia Village project area that would be occurring much closer to Karon Street receptors.

Finally, based on their respective schedules, the proposed project may be occupied by sensitive residential receptors prior to the completion of Lugonia Village construction activities. Specifically, Lugonia Village building construction, paving, and architectural coating activities may still be occurring after May 2026, when the proposed project would be occupied. The Initial Study / Mitigated Negative Declaration (IS/MND) prepared for the Lugonia Village project included standard conditions requiring Lugonia Village construction activities to occur in accordance with the Municipal Code's allowable time periods and all construction equipment to be equipped with exhaust and air intake silencers in good working order. With implementation of these conditions, the IS/MND concluded Lugonia Village noise impacts on adjacent sensitive receptors would be less than significant.

In conclusion, the proposed project's construction activities would occur more than 850 feet away from existing sensitive receptors and would not result in significant construction noise levels at existing sensitive receptor locations. The proposed project also would not have the potential to impact future receptors in the Lugonia Village project because the Lugonia Village project is anticipated to be occupied after the proposed project is constructed. Regardless of the timing of the Lugonia Village project, the proposed project's construction activities would occur in compliance with Municipal Code limits on allowable work hours and requirements for intake and exhaust mufflers. The proposed project's construction noise levels would be less than significant.

Operational Noise Impact Analysis

(On-Site Noise Sources)

The proposed project would generate noise from human activity (e.g., use of open space areas), vehicle parking activities, garbage collection activities, landscaping activities, stationary heating, ventilation, and air conditioning (HVAC) equipment, and other residential and commercial activities (e.g., building maintenance). These new sources of noise could be audible at adjacent properties; however, the project would have a limited potential to generate significant on-site noise levels or substantially change overall noise levels in the vicinity of the project for the following reasons:

- Residential uses: Residential land uses, including high density and mixed-use residential development, are a not a substantial source of noise because:

    - Buildings and equipment are setback from front, side, and rear property lines;
    - Mechanical equipment associated with elevators, amenities (e.g., pools,) are typically enclosed within closets, sheds, or equipment rooms;
    - Heating, ventilation, and air conditioning (HVAC) equipment is typically roof mounted behind a parapet wall or screened from public view by landscaping, fences, or walls and, therefore, shielded from adjacent property lines; and
    - Residential activities are subject to the Municipal Code requirements that control and abate unnecessary, excessive, or annoying noise, including . . . .
    - Pursuant to Assembly Bill 1307, for residential projects, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment for the purposes of CEQA.

- Commercial uses: Ground level commercial uses would be located in the southwest corner of the project (in Building 8 and Building 10). The commercial space is intended to create a walkable environment for residents to have easy access to goods and services, as well as access to the potential commercial development to the south of the project area (between the proposed project's southern boundary and Lugonia Avenue). The commercial area would, at closest, be more than 1,300 feet away from existing sensitive receptors on Karon Street, and more than 450 feet away from future sensitive receptors associated with the Lugonia Village project to the east (between the proposed project's eastern boundary and Karon Street). In addition, residential buildings 3, 6, 7, and 9 would serve to partially or fully shield ground-level potential commercial noise from sensitive, off-site receptors to the east. Finally, the proposed project's commercial uses do not include intensive operations or features that could generate elevated exterior noise levels, such as drive-throughs with speaker boxes. The commercial area would include a gated loading dock that would be located at least 75 feet from any residential building façade and the loading dock would operate in accordance with Municipal Code Section 8.06.090(E), which prohibits loading and unloading activities between the hours of 10 PM and 6 AM or at any time in violation of the Municipal Code's general noise regulation contained in Section 8.06.030.
- Project layout: The proposed project layout generally places the housing units around the perimeter of the site, which would shield adjacent properties from noise originating on-site. For example, the courtyards would be shielded from existing and future residences to the east by the proposed project's residential buildings. Indoor common space such as the fitness center and club room would also be shielded from receptors by the project's residential buildings. The roof deck, which is located near the center of the site, would be located over 400 feet from the nearest sensitive receptors and would not generate substantial noise levels at shared property lines.

Once constructed, the proposed project's primary on-site stationary noise source would be HVAC equipment, which would be located on the roof of the project's three- and four-story buildings, at least 30 or 40 feet above the ground, respectively. HVAC units would be located on a platform in the center of each building (or building wing), with approximately one unit per tenant. Although the exact make and model of the HVAC units are unknown at this time, the type of HVAC unit anticipated to be installed is a small fan-type residential unit capable of generating noise levels between 70 and 76 dBA at a distance of three feet, depending on the type of model installed (Appendix J). A parapet wall would shield the HVAC units from adjacent property lines and increase the effective distance equipment noise must travel to reach the property line. Each building's parapet wall would provide a different level of HVAC noise attenuation due to differences in distance between the HVAC platform and the parapet

wall and the parapet wall and the adjacent property line, as well as differences in receiver, source (i.e., HVAC), and top of wall elevations. For the purposes of this analysis, only HVAC equipment noise associated with perimeter buildings adjacent to shared property lines was estimated. The proposed project's estimated HVAC unit noise levels with distance and barrier attenuation are provided in Table 15 (residential property lines) and Table 16 (commercial property lines).

Table 15
Potential HVAC System Noise Levels at Residential Property Lines

HVAC System Variable	Building 2	Building 3	Building 7
Reference HVAC Noise Level at 3 Feet	76.0 dBA L_{eq}	76.0 dBA	76.0 dBA
Distance to Residential Property Line(A)	200 Feet	90 Feet	240 Feet
Number of HVAC Units Operating	42	32	20
Estimated Total Noise Level	42.8	50.0	43.6
Residential Daytime Standard (7 AM – 10 PM)	**60 dBA L_{eq}**	**60 dBA L_{eq}**	**60 dBA L_{eq}**
Residential Nighttime Standard (10 PM – 7 AM)	**50 dBA L_{eq}**	**50 dBA L_{eq}**	**50 dBA L_{eq}**
Standards Exceeded?	**No**	**No**	**No**

Source: MIG, 2024; Appendix J.
(A) Distance is as measured from the center of the HVAC platform to the closest point on the property line.
(B) Total noise level includes attenuation with distance and shielding by parapet wall.

Table 16
Potential HVAC System Noise Levels at Commercial Property Lines

HVAC System Variable	Building 7	Building 8	Building 10
Reference HVAC Noise Level at 3 Feet	76.0 dBA L_{eq}	76.0 dBA	76.0 dBA
Distance to Residential Property Line(A)	45 Feet	30 Feet	50Feet
Number of HVAC Units Operating	20	16	24
Estimated Total Noise Level	51.3	52.5	46.9
Residential Daytime Standard (7 AM – 10 PM)	**65 dBA L_{eq}**	**65 dBA L_{eq}**	**65 dBA L_{eq}**
Residential Nighttime Standard (10 PM – 7 AM)	**60 dBA L_{eq}**	**60 dBA L_{eq}**	**60 dBA L_{eq}**
Standards Exceeded?	**No**	**No**	**No**

Source: MIG, 2024; Appendix J.
(A) Distance is measured from the center of the HVAC platform to the closest point on the property line.
(B) Total noise level includes attenuation with distance and shielding by parapet wall.

As shown in Table 15 and Table 16, the proposed project's potential HVAC noise levels would not exceed the city's daytime or nighttime noise standards for residential or commercial districts. The HVAC estimates provided in Table 15 and Table 16 are considered conservative (i.e., likely to overestimate potential noise levels) because the estimated noise levels assume all HVAC units in a given area are operating at the same time, for a full 30 minutes. In actuality, this condition is unlikely to occur. Although estimated HVAC noise levels would not exceed a city standard, Building 3 HVAC noise levels would be equal to the Municipal Code's residential nighttime standard of 50 dBA L_{eq}. To allow for potential small differences in assumed and final setback distances and building elevations, **Mitigation Measure NOI-1** is incorporated into the project to ensure Building 3 HVAC noise levels do not exceed the city's nighttime noise standard of 50 dBA L_{eq}.

The implementation of **Mitigation Measure NOI-1** would provide a minimum of 1 dBA of additional HVAC noise attenuation along the shared eastern property line and ensure that HVAC noise levels would not exceed the city's 50 dBA L_{eq} exterior nighttime noise standard, nor any other exterior noise standard (e.g., the city's 60 dBA L_{eq} daytime standard for residential properties).

The project also would not have the potential to result in noise levels that exceed the city's maximum permissible interior noise limit of 45 dBA L_{eq} for residential properties. Noise levels inside existing residential buildings would be approximately 12 dBA to 30 dBA lower than estimated exterior noise levels, depending on whether windows and doors were open or closed. Thus, potential HVAC-related interior noise levels at existing residential receptors adjacent to the project would be less than 40 dBA L_{eq} even with windows open, which is less than the city's 45 dBA L_{eq} interior noise standard.

Finally, it is noted that HVAC equipment does not operate continuously and would not affect ambient noise levels when the equipment is not in use. For these reasons, potential HVAC equipment would not generate noise levels that have the potential to exceed the 45 dBA CNEL interior noise standard established by General Plan Policy 9.0s. Furthermore, with **Mitigation Measure NOI-1,** potential HVAC noise is estimated to be less than 50.0 dBA L_{eq} when in operation, which is approximately 10 dBA less than the CNEL measured on Karon Street for the Lugonia Village project (Appendix J). The proposed project, therefore, would not substantially change noise levels in the vicinity of the project, result in incompatible noise levels at sensitive receptor locations, or otherwise result in a substantial permanent increase in ambient noise levels in the vicinity of the project (considered by General Plan Policy 9.0v to be 4 dBA if a land use compatibility threshold is exceeded or 6 dBA in any situation).

For the reasons outlined above, the proposed project would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of city standards with the incorporation of **Mitigation Measure NOI-1**. With implementation of the above mitigation measure, impacts would be less than significant.

(Off-Site Vehicle Trip Noise)
The Transportation Study Screening Analysis prepared for the proposed project indicates the project would result in a net increase of 2,704 daily vehicle trips (see Appendices L and M). Currently, there are approximately 5,058 passenger car equivalent (PCE) trips per day at the intersection of SR-210 West Bound Ramps and Tennessee Street, 4,828 PCE per day at the intersection of SR-210 East Bound Ramps and San Bernardino Avenue, 6,186 PCE trips per day at the intersection of Tennessee Street and Lugonia Avenue, and 4,162 PCE trips per day at the intersection of Tennessee Street and I-10 West Bound ramps, and 5,174 PCE trips per day at the intersection of Tennessee Street and I-10 East Bound ramps (Appendices L and M). In general, it takes a doubling of traffic to increase traffic noise volumes by 3 dBA, which is considered an audible increase for exterior noise environments by the city's General Plan (Appendix J). The addition of 2,704 passenger cars to the roadway system would not result in a doubling of traffic on any roadway segment at or in the vicinity of the project site and, therefore, would result in a less than 3 dBA increase in noise levels on local roads used to access the project site. The proposed project would not result in a substantial, permanent increase in noise levels along the roadways used to access the proposed project as compared to existing or future conditions. Therefore, this impact would be less than significant.

b) Less than Significant Impact. Construction vibration impacts generally occur when construction activities occur in close proximity to buildings and vibration-sensitive areas, during evening or nighttime hours, or when construction activities last extended periods of time. The potential for groundborne vibration is typically greatest when vibratory or large equipment such as rollers or bulldozers are operated adjacent to or in proximity of occupied buildings and structures. For the proposed project, large equipment would primarily operate during the site preparation, grading, and paving phases; however, the proposed project is currently bordered by vacant land on the east and south, with the closest existing structures being residences located 880 feet east of the project. The proposed project, therefore, does not have the potential to result in excessive groundborne vibrations at existing structures. In addition, the planned Lugonia Village residential project and subdivision is anticipated to

begin construction by June 2025 and complete construction by January 2028.[40] In contrast, the proposed project is anticipated to be constructed over an 18-month period beginning in 2024 and concluding, at latest (i.e., assuming construction begins in December 2024), by May 2026. Thus, the proposed project's site preparation, grading, and paving activities would be complete before the Lugonia Village project is constructed and occupied. The proposed project, therefore, would not have the potential to result in ground-borne vibrations during construction that could impact existing or future off-site receptors or structures. This impact would be less than significant impact.

Once operational, the proposed project would consist of a mix of residential and commercial uses that would not involve any large equipment or other operations that would generate excessive groundborne vibration levels. As such, impacts related to groundborne vibrations and noise levels would be less than significant.

c) Less than Significant Impact. The proposed project is located approximately 2.3 miles southeast of the San Bernardino International Airport. The project site is located outside of the 65 CNEL noise contour for the San Bernardino International Airport and is not located within any other airport planning boundary (SBIAA, 2019; City of Redlands, 2003).[41] The proposed project, therefore, would not expose people living or working at the site to excessive airport-related noise levels.

Mitigation Measures

NOI-1 **Reduce Potential Building 3 HVAC Noise Levels.** To reduce potential noise levels from Building 3 heating, ventilation, and air conditioning (HVAC) equipment:

1. The installation of HVAC units or systems that generate a noise level greater than 75 dBA (at 3 feet) for units located within 90 lateral feet of the project's eastern property line shall be prohibited; or

2. Parapet walls for any building with an HVAC unit or system within 90 feet of the project's eastern property line shall be at least 1 foot taller than the top of the tallest installed HVAC unit.

4.14 – Population and Housing

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 roads or other infrastructure)?	☐	☐	☑	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

a) Less than Significant Impact. The project would directly induce population growth in the area with the development of new multi-family housing. As outlined in "Table 4-4: Residential Buildout (2035)" of the Livable Community Element of the Redlands General Plan, potential buildout of multi-family residential within the city, outside of the Transit Village, is projected at 374 units by 2035.[42] Furthermore, future development of commercial buildout outside within the city and outside of the Transit Village is projected at 2,889,357 square-feet by 2035.[43] These numbers do not include projects that were under construction, entitled, or in the planning stage when the General Plan was written. The table additionally estimates a population growth from total future buildout, including multi-family residential, of 10,964 people.

The project as proposed includes development of 460 new apartment units and approximately 17,899 square feet of commercial space. Eight of the proposed buildings would exclusively serve as residential uses, while the remaining two buildings would serve mixed-uses that incorporate ground-floor commercial space with residential units on the floors above (see Exhibit 5, Project Elevations). The project also proposes a Specific Plan Amendment (SPA) to remove the site from East Valley Corridor Specific Plan; Zone Change (ZC) to establish C-3 (General Commercial District) zoning for the site, Conditional Use Permit (CUP) for the mixed use portion of the project; and Tentative Parcel Map to subdivide the property into four lots. Per the Redlands Code of Ordinances (18.92.080) the residential density permitted within the C-3 zoning district is R-3 (multi-family residential district). The R-3 residential zoning district allows for high density residential apartments, at a density of 1,450 square feet of lot area per dwelling unit.[44] The 12.79-acre (557,132.4 square-foot) project would therefore support a density of 384 du/ac. As part of the project proposal, approximately 5% of the proposed residential units would be designated as "very low-income" units spread throughout the site, allowing for a 20 percent density bonus in accordance with the "California Density Bonus Law". The 20% density bonus would allow for the possible addition of another 76 dwelling units. As such, the proposed 460 apartments as proposed would not exceed the city's R-3 zoning district's maximum density.

Using an average of 2.91 persons per household (from a current population of 73,849 divided by 25,319 households in Redlands) the proposed 460 apartments would house approximately 1,339 persons.[45] Furthermore, this increase in units and potential population growth would not represent substantial

unplanned growth that cannot be handled by the city's existing utilities and service providers. As discussed in Section 4.18 (Public Services), payment of development impact fees by the proposed project would offset incremental increases in demand for services such as fire protection, police protection, schools, parks and recreation facilities, and other public services such as libraries. Additionally, the potential increase in population growth would be within the SCAG 2020 RTP/SCS growth projections for the City of Redlands (i.e., an increase of 11,300 residents between 2016 and 2045).[46] Therefore, the proposed project would not exceed regional growth assumptions, and as such, impacts would be less than significant.

b) No Impact. The project site is currently undeveloped. No housing would be displaced as a result of project development and as such there would be no impacts.

4.15 – Public Services

Would the project 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☑	☐
b) Police protection?	☐	☐	☑	☐
c) Schools?	☐	☐	☑	☐
d) Parks?	☐	☐	☑	☐
e) Other public facilities?	☐	☐	☑	☐

a) Less than Significant Impact. The project is located in the service area of the City of Redlands Fire Department. The Fire Department responds to medical emergencies, hazardous materials incidents, rescue calls, and motor-related accidents, in addition to regular fire suppression services. There are four stations in Redlands[47]:

- Fire Station 261: 525 E Citrus Ave.
- Fire Station 262: 1690 Garden St.
- Fire Station 263: 10 W Pennsylvania Ave.
- Fire Station 264: 1270 W Park Ave.

The nearest fire station to the project site is Station 263, located approximately one mile directly east of the project site off Pennsylvania Avenue. The project may create an incremental increase in demand for fire services. To offset any incremental demand in fire protection and emergency medical services, development impact fees are collected at the time of building permit issuance for approved projects. The project as proposed is a mixed-use development that will incorporate 460 multi-family residential units with approximately 17,899 square feet of commercial space. developments and commercial. Fees would be charged at a rate of $528.21 per multi-family dwelling unit, and $69.89 per 1,000 square feet of commercial space, and would go towards fire facilities and staffing.[48] Impacts related to expansion of fire protection services would be less than significant with payment of fees.

b) Less than Significant Impact. The project area is served by the Redlands Police Department. The Police Department and Patrol building is located at 1270 W Park Ave, Building C, Redlands, CA 92373. The station is approximately 1 mile south of the project site. Development of the project may generate an incremental increase in the need for police protection in the project area. The Police Department reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. To offset an incremental increase in police services, development impact fees will

be collected at the time of building permit issuance. Fees would be charged at a current rate of $27.56 per multi-family dwelling unit and $3.65 per 1,000 square feet of commercial building area.[49] Fees would go towards law enforcement facilities and staffing, and as such, would offset any impacts from development of the proposed project. Impacts will be less than significant.

c) Less than Significant Impact. The project proposes construction of a mixed-use development incorporating 460 apartment units with approximately 17,899 square feet of commercial space, and is anticipated to lead to a population growth of approximately 1,339 persons (See Threshold 4.14a above). This growth will most likely have a direct growth on the student population of the Redlands Unified School District. To offset this impact, payment of development impact fees towards the cost of increased demand of school district facilities is required under State law. The Redlands Unified School District has established a school fee and charge a current rate of $4.79 per square foot of "assessable space" (space within the perimeter of a residential structure) within new residential construction.[50] Additionally, the District charges a rate of $0.78 per square foot of commercial/industrial space.[51] Payment of these development impact fees would offset any project impacts on school facilities. As such, impacts would be less than significant.

d) Less than Significant Impact. Development of the project could have the potential to impact demand for parks and recreation facilities as it is anticipated to have a direct impact on the growth of the city's population. However, development impact fees collected at the time of building permit issuance would offset any impacts of development on the utilization of local park services. The city has established Open Space and Parks Fees going to those facilities and the project would be charged at a current rate of $3,624.62 per multi-family dwelling.[52] Less than significant impacts would occur with payment of fees.

e) Less than Significant Impact. The project is expected to result in an increase in residents, who may generate an additional demand for public facilities such as libraries. However, the development of the proposed dwelling units is in line with the region's future growth and buildout. Payment of required development impact fees determined by the City of Redlands would offset the cost of increased demand for such facilities in the future. Fees for public facilities would be charged at a current rate of $628.33 per multi-family residential dwelling unit, and $83.13 per 1,000 square feet of commercial building area.[53] Potential impacts to public facilities in Redlands would be less than significant with payment of fees.

4.16 – Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☐	☑	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

a) Less than Significant Impact. The project involves the development of 460 multi-family apartments units, as well as approximately 17,899 square feet of commercial space, and associated landscaping and roadway improvements. Texonia Park is a 10.7-acre neighborhood park located approximately 0.7 miles east of the project site. The park includes a lighted soccer field and basketball courts, as well as picnic and playground facilities.[54] Development of the proposed project may lead to an increased use of the park due to the anticipated population increase associated with the project. However, the project proposes several amenities for future residents. The project proposes a 30-foot by 73-foot pool and a 19-foot by 24-foot spa to be located in the courtyard of Building 9. Building 9 is also proposed to feature a golf simulator, theater, and yoga and fitness centers. Use of these facilities would reduce any exacerbation of current local recreational areas. Additionally, Development Impact Fees collected at the time of building permit issuance would help to offset any incremental impacts of development on the utilization of local park services. The city has established Open Space and Parks Fees at a current rate of $3,624.62 per multi-family dwelling.[55] The proposed project will lead to a population increase in the area, however, this increase would not induce unforeseen stress on the city's local or regional parks. The proposed project would not increase the use of local recreational resources to such a substantial amount that would lead to their accelerated physical deterioration. Impacts would be less than significant.

b) No Impact. The project does not include the construction of recreational facilities which might have an adverse physical impact on the environment. No impacts will occur.

4.17 – Transportation

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☑	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☑	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☑	☐
d) Result in inadequate emergency access?	☐	☐	☑	☐

A *Measure U Growth Management Analysis* dated October 12, 2023 (see Appendix K) and a *Vehicle Miles Traveled Screening Analysis* (VMT Study) dated March 21, 2024 (see Appendix L) were prepared for the proposed project by Translutions. The information presented below is provided from the aforementioned evaluations provided in Appendices K and L.

a) Less than Significant Impact. The *Measure U Growth Management Analysis* was prepared to calculate the project's trip generation and evaluate the potential for transportation impacts resulting from the development of the proposed project in the context of the City of Redlands's discretionary authority for conformance with locally established operational standards – specifically Measure U policies (which are largely based on Level of Service (LOS) standards that measure traffic congestion). The *Vehicle Miles Traveled Screening Analysis* was prepared to determine whether the proposed project meets the vehicle miles traveled (VMT) requirements for the San Bernardino County Transportation Authority (SBCTA) Guidelines and screens out from needing to conduct a detailed VMT analysis. CEQA Guidelines section 15064.3(A) states that VMT is the most appropriate measure for transportation impacts, and LOS shall not be considered an environmental impact and "a project's effect on automobile delay shall not constitute a significant environmental impact" (for CEQA purposes).

Project Trip Generation

Table 17 (Proposed Project Trip Generation) shows the estimated trip generation for the proposed project based on trip generation rates collected from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition, 2021). As shown in Table 17, the proposed project is forecast to generate a total of approximately 2,704 new daily trips, including 195 trips during the AM peak hour and 245 trips during the PM peak hour.

Table 17
Proposed Project Trip Generation

Land Use	Dwelling Units / Square Footage	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
Residential (Multifamily Housing – Low-Rise)[1] Trip Generation Rates	135 DU	0.10	0.30	0.40	0.32	0.19	0.51	6.74
Trip Generation		13	41	54	43	26	69	910
Internal Trips		(1)	(1)	(2)	(3)	(2)	(5)	(80)
Net Trip Generation		12	40	52	40	24	64	830
Residential (Multifamily Housing – Mid-Rise)[2] Trip Generation Rates	325 DU	0.09	0.28	0.37	0.24	0.15	0.39	4.54
Trip Generation		28	92	120	77	50	127	1,476
Internal Trips		(1)	(1)	(2)	(6)	(5)	(11)	(131)
Net Trip Generation		27	91	118	71	45	116	1,345
Retail (Strip Retail Plaza (<40k))[3] Trip Generation Rates	17.764 TSF	1.42	0.94	2.36	3.30	3.30	6.59	54.45
Trip Generation		25	17	42	59	59	118	967
Internal Trips		0	0	0	(4)	(6)	(10)	(86)
Net Trip Generation		25	17	42	55	53	108	881
Pass By Rate[4]				40%			40%	40%
Pass By Trips		(8)	(9)	(17)	(21)	(22)	(43)	(352)
Net After Pass-By		17	8	25	34	31	65	529
Total Project Trips		**56**	**139**	**195**	**145**	**100**	**245**	**2,704**

Source: Translutions, 2023.
1 - Trip generation based on rates for Land Use 220 - "Multifamily Housing (Low-Rise)" from Institute of Transportation Engineers' (ITE) Trip Generation (11th Edition).
2 - Trip generation based on rates for Land Use 221 - "Multifamily Housing (Mid-Rise)" from Institute of Transportation Engineers' (ITE) Trip Generation (11th Edition).
3- Trip generation based on rates for Land Use 822 - "Strip Retail Plaza(<40k)" from Institute of Transportation Engineers' (ITE) Trip Generation (11th Edition).
4 - Daily Pass-by rates for Land Use 822 (Strip Retail Plaza) are based on pass-by rates for Land Use 821 (Shopping Plaza) from ITE Trip Generation (11th Edition). Rates for a.m.peak hour and daily are assumed to be same as p.m. peak hour rate.

Conflicts with Redlands Measure U

Measure U was an initiative approved by the voters of Redlands in 1997 to enact several principles of managed development within the City of Redlands. The principles in Measure U have been incorporated throughout the new 2035 General Plan, as well as several sections of the Redlands Municipal Code. The *Measure U Growth Management Analysis* evaluated the project using the applicable Measure U Policies identified in the Connected City Element of the City of Redlands 2035 General Plan as well as the County of San Bernardino Transportation Impact Study Guidelines (TIS Guidelines). The Measure U Policies are largely based on Level of Service (LOS) standards that measure traffic congestion. A detailed LOS evaluation is included in the *Measure U Growth Management Analysis* (See Appendix K) in order to demonstrate project compliance with Measure U. As shown in Table 18 below, all study areas intersections are currently operating at satisfactory levels of service, with the exception of the following:

- Tennessee Street and Lugonia (am and pm peak hours)
- Tennessee Street and Redlands Avenue (am and pm peak hours)

The existing "with project levels of service" for the study area intersections are summarized in Table 18 below as well. As shown below, all study areas intersections are forecast to operate at satisfactory levels of service, with the exception of the following:

- Tennessee Street and Lugonia (am and pm peak hours)
- Tennessee Street and Redlands Avenue (am and pm peak hours)

Table 18
Existing Without and With Project Levels of Service

Intersection	Jurisdiction	LOS Standard	Control	Without Project				With Project			
				AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
				Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SR-210 EB Ramps/San Bernardino Ave.	Caltrans	D	Signal	38.6	D	39.4	D	39.9	D	40.3	D
SR-210 WB Ramps-Tennessee ST/San Bernardino	Caltrans	D	Signal	42.7	D	49.6	D	43	D	49.8	D
Tennessee St/Pennsylvania Ave	Redlands	C	TWSC	Future Intersection				13.6	B	16.1	C
Tennessee St/ DWY 1	Redlands	C	TWSC	Future Intersection				15.8	C	21.9	C
Tennessee St/ Lugonia Ave	Redlands	C	Signal	42.9	D*	52.7	D*	43.5	D*	53.7	D*
Tennessee St/ I-10 WB Ramps	Caltrans	D	Signal	17.4	B	19.4	B	16.6	B	22.2	C
Tennessee St/ I-10 EB Ramps	Caltrans	D	Signal	30.3	C	37.0	D	30.1	C	38.3	D
Tennessee St/ Colton Ave	Redlands	C	Signal	22.5	C	34.6	C	22.5	C	34.6	C
Tennessee St/ Redlands Ave	Redlands	C	Signal	48	D*	50.1	D*	48	D*	50.1	D*

Notes:
LOS = Level of Service
TWSC = Two-Way Stop Control; For TWSC intersections, reported delay is for worst-case movement

Based on Measure U guidelines, where the current LOS at a location within the city is below the LOS standard C, no development project shall be approved that cannot be mitigated so that it does not reduce the existing LOS at that location. Table 18 above demonstrates that, while the intersection of Tennessee Street and Redlands Ave. operates at unsatisfactory LOS D under both "without and with" project conditions, the project does not increase the intersection delay. Therefore, no improvements are recommended at that intersection.

Additionally, the city requires circulation improvements if the study area intersections do not meet Measure U guidelines. Signal cycle length improvements are recommended for the intersection of Tennessee Street and Lugonia Avenue. Table 19 below shows that with the addition of improvements, the intersection delay would be reduced to pre-project conditions.

Table 19
Existing With Project Improvements Levels of Service

Intersection	Jurisdiction	LOS Standard	Control	Without Project				With Project			
				AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
				Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Tennessee St/ Lugonia Ave	Redlands	C	Signal	43.5	D	53.7	D	39.8	D	50.6	D

As discussed above, the project does not result in a drop in LOS at any intersection and therefore would not cause the LOS to drop below Measure U standards. As shown in the *Measure U Growth Management Analysis,* all study area intersections are forecast to operate at satisfactory levels of service, except for the intersections of Tennessee Street and Lugonia Avenue and Tennessee Street and Redlands Avenue. There is no increase in intersection delay at the latter intersection, and with the addition of circulation improvements, delays at Tennessee Street and Lugonia Avenue are reduced to pre-project conditions. As such, the project would not result in any unsatisfactory LOS; therefore, the project would be in compliance with Measure U, no mitigation is required, and impacts would be less than significant.

b) Less than Significant Impact. In December 2018, the California Natural Resources Agency certified and adopted the updated CEQA Guidelines package. The amended CEQA Guidelines, specifically Section 15064.3, recommend the use of Vehicle Miles Travelled (VMT) as the primary metric for the evaluation of transportation impacts, under CEQA, associated with land use and transportation projects. In general terms, VMT quantifies the amount and distance of automobile travel attributable to a project or region. All agencies and projects State-wide are required to utilize the updated CEQA guidelines recommending the use of VMT for evaluating transportation impacts as of July 1, 2020. CEQA Guidelines allow for lead agency discretion in establishing methodologies and thresholds provided there is substantial evidence to demonstrate that the established procedures promote the intended goals of the legislation.

The City of Redlands' CEQA Assessment VMT Analysis Guidelines provides guidelines for analysis of transportation impacts under CEQA. The guidelines also provide three types of screening that can be applied to determine if a project is exempt from project-level VMT analysis. The project was screened using the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool. If a project meets one of the following criteria, then the VMT impact of the project is considered less-than significant and no further analysis of VMT would be required:

1. The project is located within a Transit Priority Area.
2. The project is located in a low VMT screening area.
3. The project is considered a local serving use or would generate less than 3,000 metric tons of CO2 equivalent (3,000 MT CO2e) per year.

Below are the results of the screening criteria for the project:

Screening Criteria 1 –Transit Priority Area (TPA) Screening
Projects located within a TPA, defined as within one-half mile of a major transit stop or high-quality transit corridor, may be presumed to result in a less than significant VMT impact absent substantial evidence to the contrary. This presumption may not apply, however, if the project:

1. Has a Floor Area Ratio (FAR) of less than 0.75.

2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking)
3. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the jurisdiction with input from the Metropolitan Planning Organization): or
4. Replaces affordable residential units with a smaller number of moderate or high-income residential units.

According to Figure 1 of the VMT Study (Appendix L) conducted for the project, the project site is not located within a TPA, and therefore this screening criteria does not apply to the proposed project.

Screening Criteria 2 – Low VMT Screening Area

Residential and office projects located within a low VMT generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population (residential plus employment) that is similar to the existing land uses in the low VMT area.

As prescribed in the City VMT Guidelines, the SBCTA VMT Screening Tool was used to assess low VMT area screening for the project, as well as the city's threshold of 15% below the County regional average VMT per service population. The SBCTA VMT Screening Tool utilizes county travel forecasting models to measure VMT performance for individual jurisdiction and for individual traffic analysis zones (TAZ) within the SBCTA region. TAZs are geographic polygons similar to census block groups used to represent areas of homogenous travel behavior.

Total daily VMT per service population was estimated for the TAZ encompassing the project area. The VMT for project TAZ is 24.9 miles and the County VMT is 32 miles (Figure 2, Appendix L). The TAZ VMT is 22.15% lower than the County's VMT, and meets the County's threshold of 15% below County regional average (28.4 VMT per service population). As such, the project is located within a low VMT generating TAZ, and the project is presumed to have a less than significant impact on VMT.

Screening Criteria 3 – Project Type Screening

Some project types have been identified as having the presumption of a less than significant impact as they are local serving by nature, or they are small enough to not warrant assessment. Local serving retail projects with stores less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. Local serving retail generally improves the convenience of shopping close to home and has the effect of reducing vehicle travel. In addition to local serving retail, the following uses can also be presumed to have a less than significant impact absent substantial evidence to the contrary as their uses are local serving in nature:

- Local-serving K-12 schools
- Local Parks
- Day care centers
- Local-serving gas stations
- Local-serving banks
- Local-serving hotels (e.g., non-destination hotels)
- Student housing projects on or adjacent to a college campus
- Local-serving assembly uses (places of worship, community organizations)
- Community institutions (public libraries, fires stations, local government)
- Local-serving community colleges that are consistent with the assumptions noted in the RTP/SCS

- Affordable or supportive housing
- Assisted living facilities
- Senior housing (as defined by HUD)
- Projects which generate less than 3,000 MTCO2e per year can be presumed to have a less than significant impact on VMT. Projects which generate less than 3,000 MTCO2e per year5 include the following:
    - Single-family residential – 167 dwelling units or fewer
    - Multi-family residential (1-2 stories) – 232 dwelling units or fewer
    - Multi-family residential (3+ stories) – 299 dwelling units or fewer
    - Office – 59,100 square feet or less
    - Local-serving retail center – 112,400 square feet or less (no stores larger than 50,000 square feet)
    - Warehousing – 463,400 square feet or less
    - Light industrial – 74,600 square feet or less

The project as proposed includes the development of 460 multi-family dwellings in 3 to 4 story buildings and approximately 17,899 square feet of commercial space. The project is not included in the above listed project types, and therefore the Project Type Screening does not apply to the proposed project.

Conclusion

Based on the above analysis, the proposed project is determined to have a less than significant impact on VMT since it satisfies one of more of the VMT screening criteria established by the City of Redlands CEQA Assessment VMT Analysis Guidelines. The project's VMT impact is considered less than significant and no additional VMT analysis is required.

c) Less than Significant Impact. A significant impact would occur if the proposed project substantially increased an existing hazardous design feature or introduced incompatible uses to the existing traffic pattern. There are three points of entry into the project: one entry point off Tennessee Street, one entry point off Pennsylvania Avenue, and one entry point at the future commercial development proposed to the south. Approximately 764 total parking spaces will be available onsite through a combination of underground, garage, outdoor-covered, outdoor-uncovered, and commercial parking spaces throughout the project. Access to above ground parking will be available through aisles, akin to driveways, connected to the three project entry points. Those entry points, as well as turns within the project site, will be designed to accommodate the inner (20 feet) and outer (40 feet) turning radius for fire vehicles. The project does not involve any changes to the alignment or uses of existing roadways, and the proposed project is consistent with City of Redlands driveway spacing and design requirements. Construction operations occurring on site would comply with the California Building Code adopted in the City of Redlands Municipal Code.[56] The proposed project would not result in a traffic safety hazard due to any design features, and impacts would be less than significant.

d) Less than Significant Impact. A significant impact would occur if the design of the proposed project would not satisfy emergency access requirements of the City of Redlands Fire Department or in any other way threaten the ability of emergency vehicles to access and serve the project site or adjacent uses. As outlined above, entry ways and aisle turns within the proposed project are designed to accommodate the inner and outer turn radii of fire vehicles, so as to allow adequate access for emergency services throughout the project site. As previously discussed above, access within the project site would be provided aisles accessible via the three entry points. Entry Point 1 via Tennessee Street will be divided by median with ornamental landscaping. The road on each side of the median will be 16 feet wide. Entry Points 2 and 3, connecting the future southern commercial development and Pennsylvania Avenue respectively, will each be 30 feet wide. The streets' width is sufficient to provide

access to fire and emergency vehicles and is consistent with California Fire Code requirements. All access features are subject to and must satisfy the City of Redlands design and the Fire Department's requirements. The project would not result in adverse impacts with regard to emergency access, and impacts would be less than significant.

4.18 – Tribal Cultural Resources

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Cultural Native American tribe, and that is:				
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	☐	☐	☐	☑
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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☑	☐	☐

a.i) No Impact. A significant impact would occur if the proposed project would cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Resources of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). A field survey and records search was conducted as part of the Cultural Resources Report (Report) (see Appendix D) and identified one cultural resource within the project area: a concrete and brick water conveyance system consisting of two north-south water channels, two concrete rectangular vaults, and two standpipe features. This irrigation system, however, is not considered a "historical resource" per the Report, is not eligible for listing in the California Register of Historical Resources, and is not listed on any Certified Local Government historic property register. While the city has several historic landmarks and sites listed under its historic preservation program as defined in Public Resources Code Section 5020.1(k), the proposed project site is completely

undeveloped and there are no buildings, structures, or features on the site that could be listed as a "historical resource." The project site was formerly used for agricultural purposes and is not known to be associated with an important historical period or important persons from the past. The project would not have any physical impacts outside the designated project area boundary. Therefore, the project would not result in any adverse change in the significance of a historical resource as defined in Public Resources Code Section 5020.1(k). No impact would occur.

a.ii) Less than Significant with Mitigation Incorporated. Government Code §§ 65352.3 and 65562.5 (SB 18); and Public Resources Code §§ 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 (AB 52) provide that a project that may cause a substantial adverse change to a defined Tribal Cultural Resource (TCR) can result in a significant effect on the environment. SB18 requires public notice to be sent to tribes listed on the Native American Heritage Commission's SB18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan. The Lead Agency is required to notify tribes within 14 days of deeming a development application complete subject to CEQA to notify the requesting tribe as an invitation to consult on the project.

AB 52 identifies examples of mitigation measures that would avoid or minimize impacts to TCR. The bill makes the above provisions applicable to projects that have a notice of preparation or a notice of intent to adopt a negative declaration/mitigated negative declaration circulated on or after July 1, 2015. Although there is no indication of TCRs at the project site, AB 52 is clear in stating that it is the responsibility of the Public Agency (i.e., Lead Agency) to consult with Native American tribes early in the CEQA process to allow tribal governments, lead agencies, and project proponents to discuss the appropriate level of environment review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process (see Public Resources Code Section 2108.3.2). Specifically, government-to-government consultation may provide "tribal knowledge" of the project area that can be used in identifying TCRs that cannot be obtained through other investigative means. Pursuant to AB 52, as the CEQA Lead Agency, the city of Redlands sent consultation notification letters on March 9th, 2023 to tribes identified by the NAHC as having a historic or cultural connection to the project area. Of the contacted tribes, the representatives of the following tribes responded:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Mission Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- Rincon Band of Luiseno Indians

Of those tribes who responded, only the Agua Caliente Band of Cahuilla Indians (ACBCI) and the Morongo Band of Mission Indians (MBMI) requested specific actions be taken by the Lead Agency as part of project development. As the project site is located within the ACBCI's Traditional Use Area, they requested the following actions be taken:

- A records search conducted at the appropriate California Historical Resources Information System (CHRIS) center with at least a 1.0-mile search radius from the project boundary. If this

work has already been completed, please furnish copies of the reports and site records generated through this search so that we can compare these with our records to begin productive consultation.

- Tribal participation during survey and testing if this fieldwork has not already taken place. In the event that archaeological crews have completed this work, our office requests a copy of the Phase I study or other cultural assessments as soon as available.

A records search was conducted using CHRIS as part of the *Cultural Resources Inventory and Evaluation Report* prepared by Ecorp Consulting Inc. Pursuant to AB 52, the city will provide the requested items to ACBCI as well as incorporate mitigation measures requested by MBMI, as described below. The other four respondent tribes had no comment on the project as proposed at the time of notification. The city has not been presented with any information or evidence regarding the presence or likelihood of any TCR occurring on or near the project site. Implementation of **Mitigation Measures TCR-1** through **TCR-8**, as requested by MBMI, will reduce potentially significant impacts to previously undiscovered TCRs to less than significant by providing for monitoring during grading and construction of the project. With implementation of **Mitigation Measures TCR-1** through **TCR-8,** impacts would be less than significant with regards to resources of potential importance to California Native American tribes.

Mitigation Measures

TCR-1 **Native American Treatment Agreement.** Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Agreement with the Consulting Tribe(s) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

TCR -2 **Retention of Archaeologist.** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist shall conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

TCR -3 **Cultural Resource Management Plan.** Prior to any ground-disturbing activities the Project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. This Plan shall be written in consultation with the Consulting Tribe(s) and shall include the following: approved Mitigation Measures (MM)/Conditions of

Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.

TCR -4 **Pre-Grade Meeting.** The retained qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

TCR -5 **On-Site Monitoring.** During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

TCR -6 **Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe(s) of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

A. Full avoidance.
B. If avoidance is not feasible, Preservation in place.
C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

TCR -7 **Inadvertent Discovery of Human Remains.** The Consulting Tribe(s) requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe(s).

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and

bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98.

D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

TCR -8 **Final Report.** The final report[s] created as a part of the Project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the City and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the Eastern Information Center, and the Consulting Tribe(s).

4.19 – Utilities and Service Systems

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☑	☐
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 and 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?	☐	☐	☐	☑

a) Less than Significant Impact. The Redlands Municipal Utilities Department oversees some 21,500 metered connections and approximately 400 miles of pipelines that delivers water throughout its service area that includes Redlands, Mentone, parts of Crafton Hills, San Timoteo Canyon, and San Bernardino. The Department receives its water from a mix of sources including local groundwater wells, the Mill Creek Watershed, Santa Ana Watershed, and imported water provided through the State Water Project (SWP). The city owns 15 domestic wells and receives water from an additional two wells owned by the South Mountain Water Company.[57] Furthermore, the city operates both the Tate and Hinkley surface water treatment plants (WTPs), both of which provide treated water from the Mill Creek and Santa Ana watersheds, respectively. Both WTPs treat water from the SWP when required. The city

maintains ownership in multiple local private and mutual water companies to bolster and secure reliable water supplies for their treatment plants. Wastewater is collected and treated at the Redlands Wastewater Treatment Facility and has a treatment capacity of 9.5 million gallons.[58]

As discussed in Section 4.9 (Hydrology and Water Quality), as the project site is currently undeveloped, the project will require the construction of new onsite water, sewer, and stormwater drainage facilities onsite that would connect to the existing infrastructure in the surrounding streets. The project will comply with local drainage guidelines and implement various pollutant-related BMPs that will reduce the chances of substantial runoff accumulating. According to the Preliminary Water Quality Management Plan (WQMP) (see Appendix G) prepared for the project, the project has two drainage areas that will convey stormwater west of the site to an onsite pump system that will flow to Tennessee Street, as it does in the existing condition prior to project development (See Appendix H). Landscaping improvements and BMPs would mitigate any increase in surface runoff due to the expansion of new impermeable surfaces on site. Additionally, standard connection fees would address any incremental impacts of the project. The project would therefore result in a less than significant impact in relation to new or expanded water supply and wastewater treatment facilities.

The project would connect to existing electric power, natural gas, and telecommunications facilities and would not require any expansion of services. Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause a significant environmental effect. As such, impacts would be less than significant.

b) Less than Significant Impact. According to the *2020 Integrated Regional Urban Water Management Plan* (*UWMP*) for the Upper Santa Ana River Watershed Region, the city of Redlands is projected to have a total demand of 25,818 acre-feet (AF) in 2025.[59] The same estimates calculated a supply total of 31,039 AF in 2020, a difference of 5,221 AF. The Urban Water Management Plan anticipates an overall increase in demand associated with the continued development of Redlands over 2015 conditions. Development of the proposed project is anticipated to result in operational water demand of approximately 20,489,165 million gallons per year, or approximately 62 AFY. Therefore, the project would not substantially deplete water supplies, and the project would have a less than significant impact on entitled water supplies.

c) Less than Significant Impact. Impacts could be potentially significant as a result of project development if it is determined by the wastewater treatment provider that the project does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. As outlined above in Sections 4.19.a and 4.19.b, the project can be adequately served by existing wastewater treatment facilities. Impacts would be less than significant.

d) Less than Significant Impact. Significant impacts could occur if solid waste generated by the proposed project exceeds the existing permitted landfill capacity or violates federal, state, and local statutes and regulations. Solid waste disposal services are overseen by the City of Redlands Trash Collection. Solid waste collected in Redlands is primarily transferred to the San Timoteo Landfill in Redlands, located approximately 4 miles south of the project site. According to CalRecycle, the San Timoteo Landfill has a maximum capacity of 23,685,785 tons, with a remaining capacity of 12,360,396 tons measured April 30th, 2019.[60] Construction of the project is estimated to generate approximately 3,139 pounds of solid waste per dwelling unit per year, and 4,745 pounds per 1000 square feet of commercial space per year.[61] This would result in a total of approximately 1,528,870 pounds, or approximately 764 tons, of solid waste per year. There would be adequate landfill capacity in the area to accommodate project-generated waste. The project is therefore not expected to generate solid waste

in excess of the capacity of local infrastructure. Impacts related to solid waste disposal capacity would be less than significant.

e) No Impact. The proposed project is required to comply with all applicable federal, state, County, and city statutes and regulations related to solid waste. Therefore, no impact would occur.

4.20 – Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
b) 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?	☐	☐	☐	☑
c) 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?	☐	☐	☐	☑
d) 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?	☐	☐	☐	☑

a) No Impact. The project site is not located within a State Responsibility Areas (SRA). The nearest SRA area is located approximately 3.5 miles south of the project site near the San Timoteo Canyon.[62] While the project site is currently undeveloped, the site has been routinely disturbed and is located in an urbanized area surrounded by commercial and residential uses. The city's General Plan identifies several evacuation routes out of the city; these routes were previously designated as potential evacuation routes in the 2007 San Bernardino General Plan.[63] These include: Interstates 10, 15, 210, and 215, and State Highways 30, 60, 66, 71, and 83. In the event of an earthquake, the following roads would provide safe access out of the San Bernardino Valley, as indicated by Caltrans and cited in the Redlands General Plan:

- Hospitality Lane from Tippecanoe Avenue to Waterman Avenue
- Coulston Street from Mountain View Avenue to Tippecanoe Avenue
- Lugonia Avenue from Orange Street to Mountain View Avenue
- Redlands Boulevard from Orange Street to Waterman Avenue

While the project is located adjacent to I-210, its development would not impact the availability of the route, or the other identified highways and roadways as evacuation routes. The project would not substantially impair any adopted or informal emergency response plan or evacuation plan. No impacts would occur.

b) No Impact. The project site is not located within a fire hazard zone, as identified on the Very High Fire Hazard Severity Zone (VHFHSZ) maps prepared by the California Department of Forestry and Fire Protection (CALFIRE).[64] The nearest VHFHSZ is located approximately three miles south of the project site adjacent to the Redlands Community Hospital. The project site is located in an urbanized area that is relatively flat. Therefore, the project would not exacerbate wildfire risks, thereby exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impact would occur.

c) No Impact. The project site is not located within or near a State Responsibility Areas as indicated in Threshold 4.19.a above. Development of the proposed project would involve the construction of two driveways and access roadways within the development providing access throughout as well as in and out of the proposed development. The installation of utility connections to the new mixed-use development would also be required to provide water, heating, and electricity to residents. Such project improvements would not exacerbate fire risk or would result in a temporary or ongoing impact from wildfires. Construction of the project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk, or that may result in temporary or ongoing impacts to the environment. No impact would occur.

d) No Impact. The project site is not located within or near any State Responsibility Areas. As described in Threshold 4.9.c.iv above, the project site is located in an area not considered at risk of flood or inundation. According to Figure 7-3: Flood Hazards, of the Healthy Community Element of the city's General Plan, the project site is not located within a floodway, or within a 100 or 500-year floodplain.[65] Additionally, the project site is not located in a dam inundation area.[66] The project site is located in a relatively flat area, with little to no potential for landslides or downstream flooding or runoff. If the project stie were to experience a flooding event, the city's General Plan includes strategies to mitigate potential impacts from flooding. Development of the proposed project would not exacerbate risks to people from flooding or landslides, and as such, no impacts would occur.

4.21 – Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☑	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable?	☐	☑	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☑	☐	☐

a) Less than Significant with Mitigation Incorporated. The proposed project would not substantially impact any scenic vistas, scenic resources, or the visual character of the area, as discussed in Section 4.1, and would not result in excessive light or glare. The project site is located within a developed area with no natural habitat. The proposed project would not significantly impact any sensitive plants, plant communities, fish, wildlife, or habitat for any sensitive species. Impacts to burrowing owl and nesting birds would be less than significant with adherence to existing regulations and incorporation of **Mitigation Measures BIO-1** and **BIO-2.** There are no jurisdictional waters on the project site. Impacts to archaeological resources, buried human remains, and Tribal Cultural Resources would be reduced to less than significant with implementation of **Mitigation Measures CUL-1** and **TCR-1** through **TCR-8.** Based on the preceding analysis of potential impacts in the responses to items 4.1 through 4.20, no evidence is presented that this proposed project would degrade the quality of the environment. Impacts related to degradation of the environment would be less than significant with incorporation of mitigation measures.

b) Less than Significant with Mitigation Incorporated. Cumulative impacts can result from the interactions of environmental changes resulting from one proposed project with changes resulting from other past, present, and future projects that affect the same resources, utilities and infrastructure systems, public services, transportation network elements, air basin, watershed, or other physical conditions. Such impacts could be short-term and temporary, usually consisting of overlapping construction impacts, as well as long-term, due to the permanent land-use changes and operational

characteristics involved with the proposed project. Cumulative impacts would be less than significant, as further discussed herein.

Aesthetics

Impacts related to aesthetics at the project-level have no potential for cumulative impacts because impacts are limited to on-site conditions and include no component that could result in similar impacts over time or space. Therefore, no cumulative impacts related to this topic would occur.

Agricultural Resources

The analysis provided in Sections 4.2 found that no individual impacts would occur; therefore, the project could not contribute considerably to local agriculture or forestry.

Air Quality

The analysis provided in Section 4.3 found that impacts would be less than significant. Therefore, the project would not contribute to cumulatively considerable air quality impacts.

Biological Resources

The analysis provided in Section 4.4 found that no individual impacts to sensitive species or migratory birds would occur with implementation of **Mitigation Measures BIO-**1 and **BIO-2**; therefore, the project would not contribute considerably to regional impacts on such species, and impacts would be less than significant. The analysis also found that the project would have no other impacts on biological resources and would not result in localized or regional cumulative impacts, and as such, impacts would be less than significant.

Cultural Resources

The analysis provided in Section 4.5 found that impacts to archaeological resources and buried human remains would be less than significant with incorporation of **Mitigation Measures CUL-1**. Therefore, the project would not contribute to cumulatively considerable cultural resources impacts.

Energy

The analysis provided in Section 4.6 found that no individual impacts related to energy use would occur as a result of the proposed project. Therefore, the project would not contribute to cumulative energy impacts.

Geology and Soils

Impacts related to geology at the project-level have no potential for cumulative impacts. Therefore, the proposed project would have no contribution to potential geological or soil degradation or other such impacts. The analysis in section 4.7 found that if during construction operations, paleontological resources are discovered, **Mitigation Measure GEO-1** would establish proper care and attention to such discoveries. Therefore, the project would not contribute to cumulative paleontological resources impacts.

Greenhouse Gas Emissions

As discussed in Section 4.8, climate change is the result of numerous, cumulative sources of greenhouse gas emissions all over the world. The project would not contribute considerably to global climate change.

Hazardous Materials

The analysis provided in Section 4.9 related to hazards and hazardous materials found that impacts would be less than significant. Additionally, compliance with all regulations related to the disposal and storage of household hazardous waste would ensure that impacts would be less than significant.

Land Use and Planning
The analysis provided in Section 4.11 related to Land Use and Planning found that impacts would be less than significant; therefore, while the proposed project would contribute to individual, localized, or regional cumulative impacts, its contribution would not be considerable.

Mineral Resources
The analysis provided in Section 4.12 related to mineral resources found that there would be no impact; therefore, while the project would contribute to localized or regional cumulative impacts, the project contribution would not be considerable.

Noise
The analysis provided in Section 4.13 found that impacts related to the construction and operation of the proposed project would be less than significant with incorporation of **Mitigation Measures NOI-1**. Therefore, the project would not contribute considerably to cumulative noise impacts.

Population and Housing
The analysis provided in Section 4.14 related to Population and Housing found that no impacts would result; therefore, no cumulative impacts related to this topic would occur.

Public Services
The analysis provided in Section 4.15 related to Public Services found that impacts would be less than significant; therefore, while the proposed project would contribute to localized cumulative impacts, the contribution would not be cumulatively considerable.

Recreation
The analysis provided in Section 4.16 related to Recreation found that impacts would be less than significant; therefore, no cumulative impacts related to this topic would occur.

Traffic and Transportation
Traffic conditions were analyzed in Section 4.17 and found to be less than significant. The proposed project's contribution to cumulative impacts to local and regional transportation facilities would not be considerable.

Tribal Cultural Resources
The analysis provided in Section 4.18 related to Tribal Cultural Resources found that impacts would be less than significant with adherence to **Mitigation Measures TCR-1** through **TCR-8**.

Utilities and Service Systems
The analysis provided in Section 4.19 related to Utilities and Service Systems found that impacts would be less than significant; therefore, while the project would contribute to localized or regional cumulative impacts, the project contribution would not be considerable.

Wildfire
The analysis provided in Section 4.20 related to Wildfire found that no impacts would result; therefore, no cumulative impacts related to this topic would occur.

c) Less than Significant with Mitigation Incorporated. The proposed project would not have environmental effects which would cause substantial adverse effects on humans, either directly or indirectly, as noted in the previous sections above, except as it related to operational noise impacts from HVAC units on Building 3. However, potential noise impacts from HVAC units would be reduced to less than significant with incorporation of mitigation.

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BIO-1 **Pre-construction Survey for Nesting Birds.** To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1.

If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged.

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

BIO-2: **Pre-construction Survey for Burrowing Owl.** No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.

CUL-1: If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

GEO-1: **Inadvertent Discovery of Paleontological Resources.** If paleontological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if determined feasible by the project paleontologist. Otherwise, the paleontologist shall fully recover the scientifically consequential information. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of

the find until all information recovery has been completed and a report concerning it filed with the Development Services Director. The applicant shall bear the cost of implementing this mitigation.

NOI-1 **Reduce Potential Building 3 HVAC Noise Levels.** To reduce potential noise levels from Building 3 heating, ventilation, and air conditioning (HVAC) equipment:

1. The installation of HVAC units or systems that generate a noise level greater than 75 dBA (at 3 feet) for units located within 90 lateral feet of the project's eastern property line shall be prohibited; or

2. Parapet walls for any building with an HVAC unit or system within 90 feet of the project's eastern property line shall be at least 1 foot taller than the top of the tallest installed HVAC unit.

TCR-1 **Native American Treatment Agreement.** Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Agreement with the Consulting Tribe(s) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

TCR-2 **Retention of Archaeologist.** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist shall conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

TCR -3 **Cultural Resource Management Plan.** Prior to any ground-disturbing activities the Project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. This Plan shall be written in consultation with the Consulting Tribe(s) and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.

TCR -4 **Pre-Grade Meeting.** The retained qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

TCR -5 **On-Site Monitoring.** During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

TCR -6 **Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe(s) of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

A. Full avoidance.
B. If avoidance is not feasible, Preservation in place.
C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

TCR -7 **Inadvertent Discovery of Human Remains.** The Consulting Tribe(s) requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe(s).

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County

Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98.

D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

TCR-8 **Final Report.** The final report[s] created as a part of the Project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the City and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the Eastern Information Center, and the Consulting Tribe(s).

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6 References

6.1 – List of Preparers

City of Redlands
Planning Department
35 Cajon Street, Suite 15-A
Redlands, California 92373
909-798-7555

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507
(951) 787-9222

- Bob Prasse, Director of Environmental Services
- Cameron Hile, Senior Analyst
- Chris Dugan, Director of Air Quality, GHG, and Noise Services
- Phil Gleason, Senior Project Manager II
- Kasey Kitowski, Air Quality Noise Analyst
- Todd Easley, Director of Biological Services
- Duncan Edwards, Assistant Planner

Urban Crossroads Inc. (Air Quality & Greenhouse Gas Assessment)
20341 SW Birch St Suite 230,
Newport Beach, CA 92660

- Haseeb Qureshi
- Ali Dadabhoy

ECORP Consulting Inc. (Cultural Resources Inventory)
215 North 5th Avenue
Redlands, CA. 92374

Kimley-Horn & Associates Inc.
3880 Lemon Street, Suite 420
Riverside, CA. 92501

- Rob Otte, P.E. (Preliminary Water Quality Management Plan)
- Taylor Thorig, P.E. (Preliminary Sewer Sizing Memo)

Translutions Inc. (Measure U Growth & VMT Analysis)
17632 Irvine Boulevard, Suite 200
Tustin, CA. 92780
(949) 656-3131

6.2 – Persons and Organizations Consulted

- N/A

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July 29, 2024

To: Sean Reilly, Principal Planner
City of Redlands Planning Department
35 Cajon Street, Suite 15-A
Redlands, California 92373

From: Cameron Hile, Senior Analyst
MIG, Inc. Planning and Environmental Services
1650 Spruce Street, Suite 106
Riverside, California 92507

Subject: Response to Comments on the Tennessee Village Mixed-Use Project

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Dear Mr. Reilly,

This letter is in response to comments submitted by Marjan R. Abubo of Lozeau Drury, LLP on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), dated Tuesday May 28, 2024, regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the proposed Tennessee Village Mixed-Use Project in the city of Redlands, California. The comments submitted by Mr. Abubo are included as Attachment 1 of this response letter. Provided below are our responses to Ms. Lenhardt's comments. Based on the responses to comments provide below, no further analysis of impacts is required.

Comment 1. "**There is Substantial Evidence of a Fair Argument that the Project May Have Significant Indoor Air Quality Impacts.** Certified Industrial Hygienist, Francis Offermann, PE, CIH, conducted a review of the Project and relevant documents regarding the Project's indoor air emissions and that Mr. Offermann concludes that the Project may expose future residents of the Project to significant health impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. The Project's emissions of formaldehyde to the air may result in very significant cancer risks to future residents of the Project's residential units.

Mr. Offermann explains that many composite wood products typically used in home and apartment building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. A, p. 3.)

Formaldehyde is a known human carcinogen and is listed by the State as a toxic air contaminant ("TAC"). The South Coast Air Quality Management District ("SCAQMD") has established a significance threshold of health risks for carcinogenic TACs of 10 in one million. (Ex. A, p. 3.) Mr. Offermann found that future residents of the Project's residential units may be exposed to a cancer risk of 120 per million, even assuming all materials are compliant with the California Air Resources Board's ("CARB") formaldehyde airborne toxics control measure.

(Ex. A, p. 4.) This is more than 12 times SCAQMD's CEQA significance threshold of 10 per million and constitutes a potentially significant impact.

Mr. Offermann concludes that this significant environmental impact must be analyzed in an EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (Ex. A, pp. 13-14.) He prescribes a methodology for estimating the Project's formaldehyde emissions in order to do a more project-specific health risk assessment. (*Id*., pp. 9-10.). Mr. Offermann also suggests several feasible mitigation measures, such as requiring the use of no-added-formaldehyde composite wood products, which are readily available. (*Id*., p. 13.) Mr. Offermann also suggests requiring air ventilation systems which would reduce formaldehyde levels. (*Id*., pp. 11-12.) Since the EIR does not analyze this impact at all, none of these or other mitigation measures have been considered.

When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes a fair argument that the project may have a significant environmental impact and an EIR is required. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (*See*, e.g. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District's "published CEQA quantitative criteria" and "threshold level of cumulative significance"]; *see also Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ["A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"].)

The California Supreme Court made clear the substantial importance that an air district significance threshold plays in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ["As the District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact."].) Since expert evidence demonstrates that the Project may exceed the SCAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, ***potentially significant environmental effect***" exists. (See *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958 [emphasis added].)

The failure of the MND to address the Project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBIA*"). In that case, the Supreme Court expressly holds that potential adverse impacts to future users and residents from pollution generated by a proposed project ***must be addressed*** under CEQA. At issue in *CBIA* was whether the Air District could enact CEQA Guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment's effects on a project. (*CBIA*, 62 Cal.4th at 800-01.) However, to the extent a project may exacerbate existing environmental conditions at or near a

project site, those would still have to be considered pursuant to CEQA. (*Id*. at 801.) In so holding, the Court expressly held that CEQA's statutory language required lead agencies to disclose and analyze "impacts on ***a project's users or residents*** that arise ***from the project's effects*** on the environment." (*Id*. at 800 [emphasis added].)

The carcinogenic formaldehyde emissions identified by Mr. Offermann is not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in the Project's buildings once built and emitting formaldehyde. Once built, the Project will begin to emit formaldehyde at levels that may pose significant direct and cumulative health risks. The Supreme Court in *CBIA* expressly finds that this type of air pollution emission and health impact by the project on the environment and a "project's users and residents" must be addressed in the CEQA process. The existing TAC sources near the Project site would have to be considered in evaluating the cumulative effect on future residents of both the Project's TAC emissions as well as those existing off-site emissions.

The Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the environment that must be addressed in an environmental review. "Section 21083(b)(3)'s express language, for example, requires a finding of a 'significant effect on the environment' (§ 21083(b)) whenever the 'environmental effects of a project will cause substantial adverse effects *on human beings,* either directly or indirectly.'" (*CBIA*, 62 Cal.4th at 800.) Likewise, "the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme." (*Id*. [citing e.g., PRC §§ 21000, 21001].) It goes without saying that the future residents of the Project are human beings and their health and safety must be subject to CEQA's safeguards.

The City has a duty to investigate issues relating to a project's potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. ["[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts."].) The proposed buildings may have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that may expose future residents to cancer risks potentially in excess of SCAQMD's threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann's comments, the City does not have any idea what risks will be posed by formaldehyde emissions from the Project. As a result, the City must include an analysis and discussion in an EIR which discloses and analyzes the health risks that the Project's formaldehyde emissions may have on future residents and identifies appropriate and feasible mitigation measures.

Because Mr. Offermann's expert review is substantial evidence of a fair argument of a significant environmental impact to future users of the project, an EIR must be prepared to disclose and mitigate those impacts."

Response 1. The comment does not describe how the asserted formaldehyde related cancer risk of 120 per million would occur and does not identify any Project-specific

conditions (other than the fact that the Project' s construction may use wood building materials) that would lead to impacts. Current federal and state regulations exist, which limit the potential formaldehyde emissions from building materials. On June 1, 2018, the U. S. Toxic Substances Control Act (TSCA) Title VI was implemented, which requires composite wood products sold, supplied, offered for sale, manufactured, or imported in the United States to meet new emission standards for formaldehyde from composite wood products to reduce exposures to formaldehyde and avoid adverse health effects. Typical composite wood products include hardwood plywood, medium-density fiberboard, and particleboard, as well as household and other finished goods containing these products. The new emission limits include the following:

- Hardwood Plywood: 0.05 parts per million (ppm)
- Particleboard: 0.09 ppm
- Medium-density fiberboard: 0. 1 1 ppm
- Thin Medium-density fiberboard: 0. 13 ppm

These emission levels were determined to be in compliance with and result in less exposure (e. g., daily intake) than the California Proposition 65 safe harbor level for formaldehyde (40 µg/ day), which is based on Proposition 65's risk criterion of 1 in 100,000. Thus, products manufactured to TSCA Title VI and California Proposition 65 safe harbor standards, which is now required by the U.S. EPA for all products manufactured or imported into the United States, would not generate formaldehyde emissions that would exceed the SCAQMD significance threshold of 10 per million.

CARB has determined that these standards are projected to lead to a reduction in statewide formaldehyde emissions of 500 tons per year. Reduced risk of cancer from formaldehyde exposure is also a resulting benefit, and implementation of these standards is estimated to reduce excess cancer cases per million people from formaldehyde exposure by about 40 percent (https://ww2.arb.ca.gov/sites/default/files/classic/toxics/compwood/outreach/pamphpanelmanufac.pdf). The CalGreen Building Code also includes similar formaldehyde limits for building products.

The proposed project would be implemented pursuant to these formaldehyde requirements, as all products manufactured or imported into the United States are required to meet these regulations. This would limit the potential of human health and cancer risks to a less than significant level pursuant to the SCAQMD significance threshold of 10 per million. Thus, building material manufacturer compliance with existing regulations would avoid potentially significant impacts related to formaldehyde. The Project would result in less than significant impacts.

Comment 2. "**There is Substantial Evidence of a Fair Argument that the Project May Have Significant Biological Resources Impacts.** An EIR is required because substantial evidence in the record indicates a fair argument that the Project may have significant biological impacts. Expert wildlife biologist Shawn Smallwood, Ph.D. reviewed the Project and MND and concluded that the Project may have significant impacts on special-status species. Dr. Smallwood's comments and CV are attached hereto as Exhibit B. Dr. Smallwood's comments are supported

by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood"). (Ex. B, p. 1.) Ms. Smallwood is an expert wildlife ecologist with a focus on urban ecology, avian ecology, and habitat conservation. Ms. Smallwood visited the site for approximately 4.5 hours on May 9, 2024, starting at 6:15 am. (*Id*.) She walked the site's perimeter, using binoculars and camera to scan for and photograph wildlife. (*Id*.)."

Response 2. The City has reviewed the materials provided by SWAPE and finds that they inaccurately characterize the conditions of the project site and do not make a "fair argument" that the project would significantly impact biological resources with the proposed mitigation measures. We find that both Ms. Smallwood and Dr. Smallwood are qualified biologists; however, we do not feel that their methods are consistent with those used in typical CEQA / NEPA studies, as discussed in further detail in the responses below.

Comment 3. "**The Project May Have Significant Impacts on Special Status Species.** An EIR is required because there is substantial evidence establishing a fair argument that the Project may have significant adverse impacts on special status species. Dr. Smallwood concluded that the Project may have significant impacts on biological resources. (Ex. B, p. 1.) Ms. Smallwood also detected the Lawrence's goldfinch (*Spinus lawrencei*), which is classified as "Birds of Conservation Concern", calling near the site1 (*Id*.) Birds of Conservation Concern include "migratory nongame birds that without additional conservation action are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973."2 Ms. Smallwood further detected a Southern grasshopper mouse (*Onychomys torridus ramona*), a "California Species of Special Concern", captured as prey in a raven's bill. (*Id*.)3 Altogether, these species are considered "Special Status Species", a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened, or endangered by the Federal and/or State governments."

Response 3. The commenter is referring to the "Birds of Conservation Concern" (BBC) list when referring to Lawrence's goldfinch as "special-status"; however, the BCC list is not used as a special-status list on typical biological analyses for CEQA/NEPA documents. Some of the statuses considered by Smallwood (i.e., BCC, TWL, BOP) are not typically evaluated in CEQA biological assessments because they do not meet the documentation and report preparation requirements of CDFW; they are acknowledged here but were not discussed in further detail. Nonetheless, Lawrence's goldfinch is provided protection under mitigation measure BIO-1, which requires a preconstruction survey and avoidance of nesting birds.

Ms. Noriko Smallwood reported a sighting of a Southern Grasshopper Mouse, which was documented in their report as being identified from a photograph; however, the photograph is not provided or labeled in their report. Since Smallwood did not include or properly label the photograph, we cannot review it to ensure that it was properly identified. We consider this unverifiable information since we have not been provided with the existing photograph. Typical biological reports include photographs of species when observed.

Comment 4. "Dr. Smallwood concludes that the Project may have a substantial adverse effect on these special status species, either directly due to traffic collisions or through the habitat modifications stemming from the Project. Dr. Smallwood also concludes that the Project may fragment the few remaining habitat for special status species, disturb their reproductive capacity, increase mortality due to traffic collisions, and overall impede their movement. (Ex. B, pp. 20-33.) Dr. Smallwood's findings constitute substantial evidence of a fair argument that the Project may have an adverse effect on special status species."

Response 4. The City has reviewed Exhibit B. Please see responses to the comments below regarding, wildlife movement (Comment 5 and 6), habitat modifications (as habitat loss, Comment 7), habitat fragmentation (Comment 7), or traffic collisions (Comment 8), where applicable.

Comment 5. "**The Project May Have Significant Impact on Wildlife Movement.** The MND's analysis of the Project's impacts to wildlife movement is flawed. The MND claims that the "Project Area does is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species diversity, and it is too small of an area to support significant wildlife movement. This Project Area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas." (General Biological Resources Assessment, p. 12.) However, the proper standard under CEQA is whether the Project would "[i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors." (MND, p. 60.) As Dr. Smallwood notes, the conclusion reached in one portion of the assessment is inconsistent with its own description of how a wildlife corridor can be constructed because the MND also acknowledges that wildlife corridors can also constitute "discontinuous areas of habitat" much like the Project site's relationship to the area (General Biological Resources Assessment, p. 12.)"

Response 5. The project would not significantly impact wildlife movement based on CEQA criteria because it is in an already disturbed site and not within any known migration corridor. CEQA does not protect all lands as "wildlife movement" areas but instead protects designated or "established native resident or migratory wildlife corridors." It is not expected that the project removal of vegetation (primarily non-native vegetation) would reasonably be considered an impact on wildlife movement because there are alternate sites available in the vicinity that wildlife may use. The discontinuous habitat was not meant to refer to parcels comprised of non-native vegetation but rather habitats such as ponds or wetlands which are known to support sensitive wildlife.

Comment 6. "The MND relies on the conclusion that the Project site is not located in any wildlife corridor, but such finding is inconclusive of whether the Project site would substantially interfere with wildlife movement. As Dr. Smallwood notes, "[t]he primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. In fact, a site such as the project site is critically important for wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of

anthropogenic uses, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol [citations omitted].” (Ex. B, p. 27.) Conversely, Ms. Smallwood’s in-person site visit yielded findings that contradict MIG’s assessment, as evidenced by the wildlife species she photographed perching on and flying over the Project site. (*Id*., p. 12.) Given the documented use by wildlife species of the Project site and aerosphere for movement, Dr. Smallwood concludes that the Project may have adverse impacts on wildlife movement. An EIR is required to analyze and mitigate this impact.”

Response 6. The information provided in reference to channelization was developed by Dr. Smallwood and does not correspond to CEQA Appendix G question 4.4(D), which is provided below here:

Does the project 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?

We agree that the question does not require the corridor to be channelized; however, in general, this question is intended to evaluate if a project would significantly block the movement of a species, such that it results in substantial negative impacts (a good example would be freeway development that cougars cannot cross that prevents breeding). The proposed project would not block the movement of any known species, due to existing development on all sides.

Comment 7. “**Habitat Loss and Fragmentation.** The Project may adversely affect the special status species identified because the Project will result in direct loss of habitat. Habitat loss and fragmentation impede the movement of wildlife species, thereby exacerbating an area’s productive capacity. In particular, “[h]abitat loss results in diminished productive capacity of affected wildlife species, but MIG (2023a) and the IS/MND make no attempt to estimate this lost capacity for any of the wildlife species potentially affected.” (Ex. B, p. 26.) Dr. Smallwood calculated that the Project would result in a reduction of approximately 50 nest sites and 70 nest attempts annually. (*Id.*) Given that the area has already undergone severe habitat fragmentation, proceeding with this Project would only further exacerbate the habitat loss and the area’s productive capacity for wildlife species. As such, an EIR is necessary to ensure the wildlife impacts from habitat loss and fragmentation is mitigated to the fullest extent.”

Response 7. While CEQA requires consideration of potential impacts on the environment, it doesn't directly protect all habitats. Instead, it focuses on a project's potential impacts on special-status species that rely on those habitats. It is common knowledge that not all special-status species found near or on a site may occupy it permanently as its habitat (i.e., natal site). Many species, especially avian species, are habitat-specific in selecting roosting, foraging, and nesting locations, and occurrences nearby do not indicate potential impacts to the species or habitat loss. The attempt to quantify nests lost and fewer births annually is overly speculative and not supported by empirical evidence and site conditions.

Again, the project site does not contain any habitats considered sensitive or protected by any resource agency or entity, such as wetlands or native grasslands; therefore, the project owner would not be expected to mitigate habitat loss. Further, the estimated losses per year are not a reasonable estimate. The Smallwood projections are flawed because they assume 100% of the deaths of birds when, realistically, there are other possible sites for nesting birds to nest other than the project site. Mitigation Measure BIO-1 (for nesting birds) calls for avoiding nests during the nesting period and preconstruction surveys for nests, which should lower the potential to impact nesting birds to below the significance level.

Comment 8. "**Traffic/Window Collisions.** The Project may have significant impacts related to window collisions that the MND fails to evaluate. The Project will include glass facades that would intercept with and potentially kill bird species that rely on the surrounding aerosphere. (Ex. B, p. 28.) "The aerosphere is where birds and bats and other volant animals with wings migrate, disperse, forage, perform courtship and where some of them mate…Many special-status species of birds have been recorded at or near the aerosphere of the project site, and Noriko saw many birds using the aerosphere while she surveyed the site. Bird-window collision mortality is a potentially significant impact that warrants analysis." (*Id*.) Despite numerous studies emphasizing the significant impacts that buildings have on bird species, the MND does not analyze the extent to which the Project's use of windows would have on bird species utilizing the existing aerosphere. In response, Dr. Smallwood reviewed the Project renderings and predicts that the Project may lead to 609 annual bird deaths. (Ex. B, p. 30.)"

Response 8. The project will comply with existing window design standards required for buildings in the planning area.

The comment is based on an analysis by Sean Smallwood, Ph.D., which may overestimate the amount of bird strike, and which makes assumptions about the amount and type of glass that will be included in future development. The analysis that is presented is based on empirical data collected at several buildings, resulting in an estimated bird strike rate of 0.073 bird deaths per square meter of glass per year, and extrapolated to the project design to provide an estimate of 609 annual bird deaths. It does not describe anything about the glazing on the buildings that were studied, or the landscaping around them, or their physical setting.

As reported in the San Francisco Standards for Bird-Safe Buildings and other documents, the typical bird strike zone is from grade to 60 feet, the primary concern is with any uninterrupted glazing 24 square feet or larger in size, and the likelihood of strike depends on the glazing used, the angle of the glass, the orientation of the building, and landscaping. In the urban setting, birds spend the majority of their time in landscape vegetation in the bird strike zone, where the vegetation may be reflected in glass, making the glass look like vegetation and undetectable to the bird.

Currently, the land uses and habitat conditions in and around the project area consist primarily of developed and landscaped uses. Vegetation is limited and consists primarily of non-native trees and shrubs. The birds that will occur in the

landscaping around buildings are common, urban-adapted songbird species – none of which are special-status – and these are the species most at risk for collision with windows. The vast majority of these species would continue to move in and around the area unimpeded by the new construction. Thus, although some birds may collide with window glass installed in future development, the impact would be less than significant.

Comment 9. "The Project may also have an adverse effect on wildlife species movement due to traffic collisions. According to the MND, the Project's annual vehicle miles traveled ("VMT") is 7,131,868. (Appendix E, p. 4.) As a result, Dr. Smallwood estimates that collisions with vehicles as a result of the Project would kill approximately 3,908 vertebrate wildlife fatalities per year. (Ex. B, p. 32.) Especially due to the special-status species likely to occur at or near the Project, these collisions represent an adverse impact to wildlife that has not been discussed or mitigated in the MND. Dr. Smallwood's calculations constitute substantial evidence of a fair argument of significant impacts and must be addressed in an EIR."

Response 9. The commenter raises concerns about road-kill being increased by the project due to the vehicle miles traveled (VMT) estimated for the project. There is no evidence that increased traffic in the already urbanized project area will result in a significant increase in wildlife roadkill. Because the area is disturbed and not pristine wildlife habitat, and does not support high quality habitat for special-status species, or significant wildlife corridors, or significant nursery sites, the likelihood of roadkill of wildlife, including special-status species is low. CEQA does not specify that the analysis address project impacts to commonly occurring species. Many of these species thrive in an urban setting because they have adapted to traffic, either through behavior or reproductive rates. It is not expected that the project will result in a significant impact related to roadkill.

Comment 10. "Since there is substantial evidence of a fair argument that the Project may have adverse biological impacts, as it relates to movement, habitat loss/fragmentation, and wildlife collisions/mortalities, an EIR is required to analyze these impacts and propose feasible mitigation measures. Dr. Smallwood suggests multiple mitigation measures related to protecting wildlife from traffic, funding wildlife rehabilitation facilities, and applying native landscaping on the Project site. (Ex. B, p. 36.) These mitigation measures should be analyzed in an EIR and incorporated where feasible. Unless and until such impacts are addressed and mitigated, the City cannot proceed with any further approvals."

Response 10. An EIR is not required to propose mitigation measures, as an MND may propose mitigation measures to mitigate impacts. The mitigation measures proposed in the MND are typical for similar projects commonly permitted by the City. The City finds the measures proposed by Smallwood in Exhibit B to be atypical for projects with similar impacts. No additional mitigation measures are typically proposed for projects of this type, and therefore, no additional mitigation measures are proposed.

Comment 11. "**The MND's Proposed Mitigation Measures are Ineffective, Unenforceable, and Infeasible.** A public agency may not rely on mitigation measures of

uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 [finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available].) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (14 CCR § 15126.4(a)(2).) The MND concludes that Project-specific impacts will be less than significant with the implementation of mitigation measures. However, the MND's proposed mitigation measures are ineffective and there is no guarantee that implementation of these mitigation measures will reduce potentially significant biological resources impacts to a level below significance."

Response 11. The mitigation measures provided in the MND have been garnered from a review of many similar projects in the region, and are typically used for mitigation of impacts for projects with similar potential impacts. The MND's measures are enforceable, as they are conditions of approval for the project; hence, the project cannot proceed without the applicant documenting compliance. The City is responsible for ensuring that mitigation measures are in place, and also maintains an administrative record for all projects, as legally required, which is available for audit by the general public through a public records request. No additional mitigation is required based on this comment.

Comment 12. "**The IS/MND Fails to Adequately Describe the Project's Environmental Setting.** The City inadequately characterized the existing environmental setting and the site's ability to provide habitat for special-status species. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist*. (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA: "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (emphasis added.) (See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124- 125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)"

Response 12. The City disagrees with the commenter regarding the characterization of the environmental baseline. The biologist who conducted the survey and report is qualified to conduct biological surveys and reports. MIG's report followed standard topics that are typically analyzed in similar projects of this scale and scope. We do not find that any significant inaccuracies were detected, and the competing survey conducted by Dr. Smallwood does not nullify previous surveys. The report by Dr. Smallwood has, however, been recorded for administrative

record use. However, no additional mitigation measures are required based on the findings of their report.

Comment 13. "**The Field Surveys Prepared for the MND are Unreliable.** The field survey prepared by the City's expert, MIG, which was used to inform the environmental setting, is deficient. MIG's survey combined both a reconnaissance survey as well as a more-specific burrowing owl survey, which is a concern because Dr. Smallwood explains that the combined survey "cannot be expected to achieve" fulfilling the multiple objectives satisfactorily. (Ex. B, p. 16.) This is evidenced, for example, by the fact that MIG's survey did not fulfill the minimum requirements outlined under the California Department of Fish and Wildlife ("CDFW") for surveying burrowing owls. (*Id*., p. 16.) For instance, the survey did not prepare any habitat assessments prior to the breeding-season survey nor were any surveys actually performed prior to April 15. (*Id*.) Moreover, the reconnaissance survey did not report for any other special-status species that potentially occur on the Project site despite conceding that many special-status species occur or have the potential to occur on the Project site. (*Id*.)"

Response 13. The initial burrowing owl survey was conducted on the same day as the general habitat assessment for this project. It is common practice for MIG biologists to conduct compatible surveys at the same time, and it is also common practice for most other firms to perform some surveys simultaneously. The CDFW also allows for modifications to the survey guidelines when appropriate, as long as such modifications would not completely impede the detection of burrowing owls.

Regarding reporting for other specific species -- the purpose of a habitat assessment is to assess what habitats are present at the site that may support special-status species. The species identified in tables included in the Smallwood report do not all require focused surveys. Special-status species would not require focused surveys unless suitable habitats exist on the project site. The Smallwoods' report does not contain a habitat assessment – the database assessments provided in their report of "very close, in the region, etc." are not an assessment of habitat suitability for a given species. Many special-status species are confined to specific habitats (such as particular types of wetlands, soils, and vegetation communities), and the mere evaluation of distances to the site does not trigger the need for a focused survey. Sensitive habitats that require surveys are sites that are essential to the continued persistence of a special-status species or population, and areas outside of those that species may use to forage, perch, or flyover, would not necessarily trigger the need for a focused survey either.

We do not find any significant inaccuracies, and the competing survey conducted by Dr. Smallwood does not nullify previous surveys. The Smallwood report has been recorded for the administrative record; however, no additional mitigation measures are required based on its findings.

Comment 14. "MIG's failure to include the methodological details or statement of objectives that shaped the survey findings is alarming because such information is essential "to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources." (Ex. B, pp. 15-16.) Dr. Smallwood concludes that the Project site has not been adequately surveyed "to

obtain a representative sample of the wildlife community," explaining that additional surveys would yield more detections. (*Id*., p. 16.) For example, Ms. Smallwood observed 28 species of vertebrate wildlife at and/or near the Project site, and at least three of which were special-status species. (*Id*., p. 2.) Comparatively, however, Ms. Smallwood detected 13 species that MIG's report did not, while MIG identified five species that Ms. Smallwood did not – a combined total of 33 species. (*Id*., p. 16.) The clear disparities between what MIG's and Ms. Smallwood's surveys as well as the unclear method in which the surveys were conducted and documented render the resulting environmental setting unreliable for the purposes of determining the Project baseline."

Response 14. The methods section is in Section 3.0 of MIG's report and follows standard protocols regularly used by local firms, including a desktop review and field survey to verify habitats. We see that the type of survey, a wildlife species inventory, performed by Ms. Noriko Smallwood to be a different type of survey, and atypical for projects of this size and scope. The Smallwood report does not nullify the conclusions in the report simply because they surveyed the site for longer and generated a longer list of species – the goal of a habitat assessment is not to conduct a floristic or faunal inventory, but rather a description of the habitats and features present on the site that could support sensitive species or biological resources. Please also see Response 13, above for a discussion of items typically included in habitat assessments.

Comment 15. "**The MND's Reliance on an Improper Desktop Survey is Erroneous.** The desktop survey performed by MIG is misleading, making the resulting MND document inaccurate. From the onset, MIG narrowed its survey of special-status species because the Project site does not include essential habitat, low occurrences of species based on distributional range, limited nesting and foraging, and the disturbance of the Project site. (General Biological Resources Assessment, p. 11.) This decision by MIG has led to unreliable and speculative determinations as a result. First, the MND is incorrect in concluding that the disturbed conditions of the Project site mean that there is no suitable habitat on it. As evidenced by Ms. Smallwood, disturbances to the site, such as the disking event Ms. Smallwood witnessed, uncovered the species diversity of the Project site. Disturbance of the area highlighted the numerous wildlife species, including special-status species, that inhabit and rely on the Project site for foraging, hunting, and cover from predators. (*See generally*, Ex. B, Photos 1-31.) Furthermore, even MIG's survey detected a long-tailed weasel, a discovery that Dr. Smallwood indicates "is not a type of animal that would occur in a wildlife community that has been suppressed by disturbance, as the IS/MND repeatedly claims as a leading reason that the Project site should not be expected to support special-status species." (*Id*., p. 16.)"

Response 15. We disagree with the statement that the desktop review makes the MND inaccurate. The species included in tables assessed for habitat suitability in MIG's study were derived from a desktop review of the positive occurrence databases (including the CNDDB in addition to others indicated on page 7 of MIG's report) and is a typical practice for habitat assessments. Reviewing local species occurrence records to establish a list of species to evaluate is common practice for habitat assessments, and we do not find this an unusual

methodology to follow. Please also see the response to Comments 13 and 14 above for a response regarding criteria used in habitat assessments.

We agree with Dr. Smallwood that the detection of a long-tailed weasel is indeed an unusual finding for the area; however, the site is close to homes, and it is assumed that the animal may have been introduced/released in the field as it is not typically known from this area. Detection of a species that may have been introduced to the site does not make the results of MIG's study inaccurate and no further mitigation is required.

Comment 16. "Additionally, the MIG improperly relied on the California Natural Diversity Database ("CNDDB") because CNDDB "is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community…There are many areas of the state where no surveys have been conducted" but "that does not mean that there are no special status species present." (Ex. B, p. 18.) As such, Dr. Smallwood concludes that reliance on CNDDB to establish a reconnaissance survey for special-status species is flawed. (*Id*.)"

Response 16. Please see the response to Comment 15 above. The use of the CNDDB and other databases is only to provide a list of species for review that are known from the area. It was not used to "screen out" species. We understand that it is a positive-occurrence database and additional species may be detected in some circumstances; however, it is common practice to use databases to illustrate that species reported to occur in the local area are evaluated, at minimum. Whenever a surveying biologist detects an additional rare species based on their knowledge, additional species are added to the table. The biologists surveying the site are familiar with more species than just the project area, as their survey experience extends throughout most of southern California, and would report a new occurrence of a special-status species if found regardless of the initial database searches.

Comment 17. "Given the abundance of wildlife detected on the Project site, including those identified as special-status species, the MND's determinations on environmental impacts relies on an unreliable and misleading analysis of the Project's environmental setting. Therefore, the IS/MND fails to accurately describe the Project's environmental setting. Dr. Smallwood recommends preparing additional, and more detailed, surveys in order to better capture the existing environmental setting and site conditions for wildlife species."

Response 17. The detection of additional species by the Smallwoods in their analysis does not warrant an additional habitat assessment. The Smallwoods did not conduct a competing habitat assessment in their study; however, nonetheless, their findings are incorporated into the administrative record for the project. No new information presented by the Smallwoods requires additional surveys, and no additional mitigation is warranted.

Comment 18. "**Mitigation Measure BIO-1 is an Ineffective Mitigation Measure.** The MND proposes Mitigation Measure BIO-1 (Pre-construction Survey for Nesting Birds) in response to the Project site's potential to host ground- and tree-nesting bird nests protected by state law. (Cal. Fish and Game Code ("CFGC") §§ 3503,

3503.5, and 3512.) This mitigation measure explains that "[t]o the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided." (MND, p. 63.)"

Response 18. Projects of similar scope and size include a similar mitigation measure and phrase for scheduling construction activities in a manner that avoids the nesting season. The City does not find this to be an ineffective mitigation measure.

Comment 19. "Dr Smallwood underlines that the proposed preconstruction surveys are ineffective because bird species have varying nesting seasons. (Ex. B, p. 34.) Additionally, pre-construction surveys are intended as a follow-up to a breeding season detection survey. As Dr. Smallwood emphasizes, no breeding-season detection surveys that meet CDFW standards have been prepared for the Project site. (*Id*.) This means that the measure's protections will not extend to future breeding seasons and would likely lead to the permanent destruction of the site's productive capacity for burrowing owls. (*Id*., pp. 34-35.)"

Response 19. Preconstruction surveys are attended to serve as avoidance measures for construction, and they are intended for the detection of species for avoidance during the initial phases of construction. Pre-construction surveys are not intended as a follow-up survey for a breeding detection survey, as the goal is avoidance. Burrowing owls were not found during the protocol surveys, and therefore, one cannot conclude that burrowing owl habitat has been lost. Per CEQA we must evaluate the environmental baseline, not the potential for future occupation of a species.

Comment 20. "Even if a pre-construction detection survey was prepared, Dr. Smallwood opines that it would achieve very little. Dr. Smallwood explains that "[w]henever a preconstruction survey is conducted, its biologists would be searching only for the nests of the birds that happen to be breeding at the time and would miss the nests begun between the survey and the state of construction." (Ex. B, p. 34.) Dr. Smallwood further explains that even with the implementation of BIO-1, preconstruction surveys will not mitigate the significant impacts related to the loss of productive capacity on the Project site. "All subsequent years of productivity would be destroyed by the project regardless of the success of a preconstruction survey." (*Id*.)."

Response 20. The intent of the pre-construction surveys is to avoid active nesting prior to the project's construction. Construction crews are required to comply with existing laws, including the Migratory Bird Treaty Act and avoid nests if they form on the site later. The purpose of a biologist performing a preconstruction survey is to have trained personnel perform the initial surveys since vegetation can often obscure nests. The project is not required to mitigate for loss of non-sensitive habitats.

Comment 21. "Furthermore, the contours of Mitigation Measure BIO-1 would allow unfettered control for a biologist to make critical determinations about the adequacy of surveying for nesting birds. This mitigation measure lacks objective criteria because the language allows a single individual (qualified biologist) "to make a

subjective decision, outside the public's view, to determine the buffer area within stated maxima for any given species. (Ex. B, p. 34.) Mitigation Measure BIO- 1 therefore violates CEQA's requirements for mitigation measures."

Response 21. This comment makes an incorrect assertion. Qualified biologists are required to submit reports to the City documenting the results and activities conducted during surveys and monitoring for projects. The City is responsible for ensuring that mitigation measures are in place, and also maintains an administrative record for all projects, as legally required, which is available for audit by the general public through a public records request. No additional mitigation is required based on this comment.

Comment 22. "**Mitigation Measure BIO-2 is an Ineffective Mitigation Measure.** Mitigation Measure BIO-2 (Pre-construction Survey for Burrowing Owls) proposes that "[n]o more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance." (MND, p. 64.) This mitigation measure is similarly ineffective for a variety of reasons. Much like Mitigation Measure BIO-1 above, no breeding-season detection surveys have been performed on the Project site. (Ex. B, p. 34.) Therefore, relying on a mitigation measure for pre-construction surveys to be conducted without first having done any breeding-season detection surveys renders Mitigation Measure BIO-2 ineffective."

Response 22. This statement is incorrect, as a modified breeding survey was conducted. The mitigation measure included in the report is consistent with the 2012 Staff Report on Burrowing Owl Mitigation.

Comment 23. "**The MND Fails to Adequately Address the Project's Cumulative Impacts on Biological Resources.** A project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines section 15355(a).) "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines section 15355(a).) The MND concludes that the Project would not have any cumulative impacts with mitigation implemented, and that therefore, "the project would not contribute considerably to regional impacts on such species." (MND, p. 124.) However, the discussion of cumulative impacts to wildlife is flawed because the MND falsely assumes that cumulative impacts are "really residual impacts left over by inadequate mitigation of project impacts." (Ex. B, p.33.) This is not the standard under CEQA. Under CEQA, individually insignificant impacts can nevertheless be cumulatively considerable. Dr. Smallwood asserts that the Project may have cumulative impacts on biological resources due to the exacerbation of habitat fragmentation in the area, increased mortality rates of wildlife due to window and traffic collisions, and the decreased productive capacity of the region. (Ex. B, p. 33.) None of these impacts were adequately reviewed, therefore underestimating the cumulative impacts that this

Project may have. Furthermore, and as explained above, the proposed mitigation measures to address biological resources impacts are ineffective. As such, even with implementation of mitigation, the Project may still contribute considerably to wildlife impacts locally and in the region. Thus, the MND's conclusion that the cumulative impacts would be less than significant is unfounded and should be revised in an EIR."

Response 23. Consistent with Appendix G of the CEQA Guidelines, the Initial Study does not directly address cumulative impacts or evaluate impacts to common wildlife beyond the thresholds identified in the checklist (e.g., impacts to wildlife migratory corridors or nursery sites). Cumulative effects were considered as part of the overall evaluation of effects on biological resources, consistent with CEQA Guidelines section 15063(b)(1). The comment letter does not specify what cumulative impacts have been overlooked. Since the project site is already disturbed and is surrounded by parcels providing little to no suitable habitat for special-status species or other significant habitat functions, and the project is not expected to result in significant impacts to wildlife species when implemented with the required mitigation measures, the project is not expected to result in significant cumulative impacts to biological resources.

ATTACHMENT 1:
Lozeau Drury, LLP Comment Letter

Via Email

May 28, 2024

Sean Reilly, Principal Planner
Development Services Department
City of Redlands
35 Cajon St., Ste. 20
Redlands, CA 92373
sreilly@cityofredlands.org

Re: Comment on the Mitigated Negative Declaration
Tennessee Village Mixed-Use Project

Dear Mr. Reilly:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living and working in and around the City of Redlands ("City") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Tennessee Village Mixed-Use Project ("Project").

After careful review of the IS/MND and its accompanying documents prepared by environmental consulting firm MIG, Inc. ("MIG"), SAFER believes that the IS/MND is improper under the California Environmental Quality Act, and that an environmental impact report ("EIR") is required. As explained in more detail below, there is a fair argument that the Project may have significant environmental impacts.

Additionally, the MND violates CEQA because it fails to evaluate the feasibility of increasing reliance on renewable energy sources such as using 100% renewable energy for the Project some lesser amount that is beyond the minimum Title 24 requirements. The MND also fails to evaluate strategies for reducing reliance on fossil fuels by prohibiting natural gas. Furthermore, the Project is inconsistent with the City's General Plan.

Accordingly, SAFER requests that the City not proceed with certifying the MND and to instead prepare an EIR to ensure that potentially significant environmental impacts of this Project are fully disclosed, analyzed, and mitigated.

PROJECT DESCRIPTION

The Project proposes the development of 460 new apartment units, approximately 17,899 square feet of commercial space, and associated landscaping and roadway improvements. The

Project would consist of two (2) three-story buildings and eight (8) four-story buildings Eight (8) of the proposed buildings would include only residential uses and two (2) of the proposed buildings would include mixed uses that incorporate ground-floor commercial space with residential units on the floors above. Approximately 5% of the proposed residential units would be designated as "very low-income" units.

Parking would be provided through a combination of underground, garage, outdoor-covered, outdoor-uncovered, and commercial parking spaces throughout the project. The project would include 673 residential parking spaces, and 91 commercial spaces, for a total of 764 spaces.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *Bakersfield Citizens*, 124 Cal.App.4th at 1220. The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. The EIR process "protects not only the environment but also informed self-government." *Pocket Protectors*, 124 Cal.App.4th at 927.

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have significant environmental impacts —even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
>
> Kostka & Zischke*, Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

I. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Indoor Air Quality Impacts.

Certified Industrial Hygienist, Francis Offermann, PE, CIH, conducted a review of the Project and relevant documents regarding the Project's indoor air emissions. Mr. Offermann concludes that the Project may expose future residents of the Project to significant health impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is one of the world's leading experts on indoor air quality and has published extensively on the topic. As discussed below and in Mr. Offermann's comments, the Project's emissions of formaldehyde to the air may result in very significant cancer risks to future residents of the Project's residential units. Mr. Offermann's expert comments and CV are attached as Exhibit A.

1

Mr. Offermann explains that many composite wood products typically used in home and apartment building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. A, p. 3.)

Formaldehyde is a known human carcinogen and is listed by the State as a toxic air contaminant ("TAC"). The South Coast Air Quality Management District ("SCAQMD") has established a significance threshold of health risks for carcinogenic TACs of 10 in one million. (Ex. A, p. 3.) Mr. Offermann found that future residents of the Project's residential units may be exposed to a cancer risk of 120 per million, even assuming all materials are compliant with the California Air Resources Board's ("CARB") formaldehyde airborne toxics control measure. (Ex. A, p. 4.) This is more than 12 times SCAQMD's CEQA significance threshold of 10 per million and constitutes a potentially significant impact.

Mr. Offermann concludes that this significant environmental impact must be analyzed in an EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (Ex. A, pp. 13-14.) He prescribes a methodology for estimating the Project's formaldehyde emissions in order to do a more project-specific health risk assessment. (*Id*., pp. 9-10.). Mr. Offermann also suggests several feasible mitigation measures, such as requiring the use of no-added-formaldehyde composite wood products, which are readily available. (*Id*., p. 13.) Mr. Offermann also suggests requiring air ventilation systems which would reduce formaldehyde levels. (*Id*., pp. 11-12.) Since the EIR does not analyze this impact at all, none of these or other mitigation measures have been considered.

1 (cont).

When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes a fair argument that the project may have a significant environmental impact and an EIR is required. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (*See*, e.g. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District's "published CEQA quantitative criteria" and "threshold level of cumulative significance"]; *see also Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ["A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"].)

The California Supreme Court made clear the substantial importance that an air district significance threshold plays in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ["As the District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact."].) Since expert evidence demonstrates that the Project may exceed the SCAQMD's CEQA significance threshold, there is

substantial evidence that an "unstudied, ***potentially significant environmental effect[]***" exists. (See *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958 [emphasis added].)

The failure of the MND to address the Project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBIA*"). In that case, the Supreme Court expressly holds that potential adverse impacts to future users and residents from pollution generated by a proposed project ***must be addressed*** under CEQA. At issue in *CBIA* was whether the Air District could enact CEQA Guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment's effects on a project. (*CBIA*, 62 Cal.4th at 800-01.) However, to the extent a project may exacerbate existing environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. (*Id*. at 801.) In so holding, the Court expressly held that CEQA's statutory language required lead agencies to disclose and analyze "impacts on ***a project's users or residents*** that arise ***from the project's effects*** on the environment." (*Id*. at 800 [emphasis added].)

The carcinogenic formaldehyde emissions identified by Mr. Offermann is not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in the Project's buildings once built and emitting formaldehyde. Once built, the Project will begin to emit formaldehyde at levels that may pose significant direct and cumulative health risks. The Supreme Court in *CBIA* expressly finds that this type of air pollution emission and health impact by the project on the environment and a "project's users and residents" must be addressed in the CEQA process. The existing TAC sources near the Project site would have to be considered in evaluating the cumulative effect on future residents of both the Project's TAC emissions as well as those existing off-site emissions.

1 (cont).

The Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the environment that must be addressed in an environmental review. "Section 21083(b)(3)'s express language, for example, requires a finding of a 'significant effect on the environment' (§ 21083(b)) whenever the 'environmental effects of a project will cause substantial adverse effects *on human beings,* either directly or indirectly.'" (*CBIA*, 62 Cal.4th at 800.) Likewise, "the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme." (*Id*. [citing e.g., PRC §§ 21000, 21001].) It goes without saying that the future residents of the Project are human beings and their health and safety must be subject to CEQA's safeguards.

The City has a duty to investigate issues relating to a project's potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. ["[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts."].) The proposed buildings may have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that may expose

future residents to cancer risks potentially in excess of SCAQMD's threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann's comments, the City does not have any idea what risks will be posed by formaldehyde emissions from the Project. As a result, the City must include an analysis and discussion in an EIR which discloses and analyzes the health risks that the Project's formaldehyde emissions may have on future residents and identifies appropriate and feasible mitigation measures.

1 (cont).

Because Mr. Offermann's expert review is substantial evidence of a fair argument of a significant environmental impact to future users of the project, an EIR must be prepared to disclose and mitigate those impacts.

II. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Biological Resources Impacts.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project may have significant biological impacts. Expert wildlife biologist Shawn Smallwood, Ph.D. reviewed the Project and MND and concluded that the Project may have significant impacts on special-status species. Dr. Smallwood's comments and CV are attached hereto as Exhibit B. Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood"). (Ex. B, p. 1.) Ms. Smallwood is an expert wildlife ecologist with a focus on urban ecology, avian ecology, and habitat conservation. Ms. Smallwood visited the site for approximately 4.5 hours on May 9, 2024, starting at 6:15 am. (*Id.*) She walked the site's perimeter, using binoculars and camera to scan for and photograph wildlife. (*Id.*)

2

A. The Project May Have Significant Impacts on Special Status Species.

An EIR is required because there is substantial evidence establishing a fair argument that the Project may have significant adverse impacts on special status species. Dr. Smallwood concluded that the Project may have significant impacts on biological resources. (Ex. B, p. 1.)

Ms. Smallwood also detected the Lawrence's goldfinch (*Spinus lawrencei*), which is classified as "Birds of Conservation Concern", calling near the site[1] (*Id.*) Birds of Conservation Concern include "migratory nongame birds that without additional conservation action are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973."[2] Ms. Smallwood further detected a Southern grasshopper mouse (*Onychomys torridus ramona*), a "California Species of Special Concern", captured as prey in a raven's bill. (*Id.*)[3] Altogether, these species are considered "Special Status Species", a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration

3

[1] *See*, US Fish & Wildlife Service ("USFW"), Birds of Conservation Concern 2021, pp. 18-19 https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf.
[2] *Id.*, p. 4.
[3] Taxa of animals identified by the CDFW as a Species of Special Concern. *See*, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline.

and/or protection and should be, or have been, listed as rare, threatened, or endangered by the Federal and/or State governments."[4]

3 (cont).

Dr. Smallwood concludes that the Project may have a substantial adverse effect on these special status species, either directly due to traffic collisions or through the habitat modifications stemming from the Project. Dr. Smallwood also concludes that the Project may fragment the few remaining habitat for special status species, disturb their reproductive capacity, increase mortality due to traffic collisions, and overall impede their movement. (Ex. B, pp. 20-33.) Dr. Smallwood's findings constitute substantial evidence of a fair argument that the Project may have an adverse effect on special status species.

4

1. The Project May Have Significant Impact on Wildlife Movement.

The MND's analysis of the Project's impacts to wildlife movement is flawed. The MND claims that the "Project Area does is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species diversity, and it is too small of an area to support significant wildlife movement. This Project Area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas." (General Biological Resources Assessment, p. 12.) However, the proper standard under CEQA is whether the Project would "[i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors." (MND, p. 60.) As Dr. Smallwood notes, the conclusion reached in one portion of the assessment is inconsistent with its own description of how a wildlife corridor can be constructed because the MND also acknowledges that wildlife corridors can also constitute "discontinuous areas of habitat" much like the Project site's relationship to the area (General Biological Resources Assessment, p. 12.)

5

The MND relies on the conclusion that the Project site is not located in any wildlife corridor, but such finding is inconclusive of whether the Project site would substantially interfere with wildlife movement. As Dr. Smallwood notes, "[t]he primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. In fact, a site such as the project site is critically important for wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol [citations omitted]." (Ex. B, p. 27.) Conversely, Ms. Smallwood's in-person site visit yielded findings that contradict MIG's assessment, as evidenced by the wildlife species she photographed perching on and flying over the Project site. (*Id*., p. 12.)

6

[4] Sacramento County, Planning and Environmental Review, "Special Status Species," https://planning.saccounty.net/InterestedCitizens/Pages/ER_SpecialStatusSpecies.

Given the documented use by wildlife species of the Project site and aerosphere for movement, Dr. Smallwood concludes that the Project may have adverse impacts on wildlife movement. An EIR is required to analyze and mitigate this impact.

6 (cont.)

2. Habitat Loss and Fragmentation.

The Project may adversely affect the special status species identified because the Project will result in direct loss of habitat. Habitat loss and fragmentation impede the movement of wildlife species, thereby exacerbating an area's productive capacity. In particular, "[h]abitat loss results in diminished productive capacity of affected wildlife species, but MIG (2023a) and the IS/MND make no attempt to estimate this lost capacity for any of the wildlife species potentially affected." (Ex. B, p. 26.) Dr. Smallwood calculated that the Project would result in a reduction of approximately 50 nest sites and 70 nest attempts annually. (*Id.*)

7

Given that the area has already undergone severe habitat fragmentation, proceeding with this Project would only further exacerbate the habitat loss and the area's productive capacity for wildlife species. As such, an EIR is necessary to ensure the wildlife impacts from habitat loss and fragmentation is mitigated to the fullest extent.

3. Traffic/Window Collisions.

The Project may have significant impacts related to window collisions that the MND fails to evaluate. The Project will include glass facades that would intercept with and potentially kill bird species that rely on the surrounding aerosphere. (Ex. B, p. 28.) "The aerosphere is where birds and bats and other volant animals with wings migrate, disperse, forage, perform courtship and where some of them mate…Many special-status species of birds have been recorded at or near the aerosphere of the project site, and Noriko saw many birds using the aerosphere while she surveyed the site. Bird-window collision mortality is a potentially significant impact that warrants analysis." (*Id*.)

8

Despite numerous studies emphasizing the significant impacts that buildings have on bird species, the MND does not analyze the extent to which the Project's use of windows would have on bird species utilizing the existing aerosphere. In response, Dr. Smallwood reviewed the Project renderings and predicts that the Project may lead to 609 annual bird deaths. (Ex. B, p. 30.)

The Project may also have an adverse effect on wildlife species movement due to traffic collisions. According to the MND, the Project's annual vehicle miles traveled ("VMT") is 7,131,868. (Appendix E, p. 4.) As a result, Dr. Smallwood estimates that collisions with vehicles as a result of the Project would kill approximately 3,908 vertebrate wildlife fatalities per year. (Ex. B, p. 32.) Especially due to the special-status species likely to occur at or near the Project, these collisions represent an adverse impact to wildlife that has not been discussed or mitigated in the MND. Dr. Smallwood's calculations constitute substantial evidence of a fair argument of significant impacts and must be addressed in an EIR.

9

Since there is substantial evidence of a fair argument that the Project may have adverse biological impacts, as it relates to movement, habitat loss/fragmentation, and wildlife collisions/mortalities, an EIR is required to analyze these impacts and propose feasible mitigation measures. Dr. Smallwood suggests multiple mitigation measures related to protecting wildlife from traffic, funding wildlife rehabilitation facilities, and applying native landscaping on the Project site. (Ex. B, p. 36.) These mitigation measures should be analyzed in an EIR and incorporated where feasible. Unless and until such impacts are addressed and mitigated, the City cannot proceed with any further approvals. 10

III. The MND's Proposed Mitigation Measures are Ineffective, Unenforceable, and Infeasible.

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 [finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available].) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (14 CCR § 15126.4(a)(2).) 11

The MND concludes that Project-specific impacts will be less than significant with the implementation of mitigation measures. However, the MND's proposed mitigation measures are ineffective and there is no guarantee that implementation of these mitigation measures will reduce potentially significant biological resources impacts to a level below significance.

B. The IS/MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting and the site's ability to provide habitat for special-status species. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist*. (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA: 12

> "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against

the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)

12 (cont.)

1. The Field Surveys Prepared for the MND are Unreliable.

The field survey prepared by the City's expert, MIG, which was used to inform the environmental setting, is deficient. MIG's survey combined both a reconnaissance survey as well as a more-specific burrowing owl survey, which is a concern because Dr. Smallwood explains that the combined survey "cannot be expected to achieve" fulfilling the multiple objectives satisfactorily. (Ex. B, p. 16.) This is evidenced, for example, by the fact that MIG's survey did not fulfill the minimum requirements outlined under the California Department of Fish and Wildlife ("CDFW") for surveying burrowing owls. (*Id*., p. 16.) For instance, the survey did not prepare any habitat assessments prior to the breeding-season survey nor were any surveys actually performed prior to April 15. (*Id*.) Moreover, the reconnaissance survey did not report for any other special-status species that potentially occur on the Project site despite conceding that many special-status species occur or have the potential to occur on the Project site. (*Id*.)

13

MIG's failure to include the methodological details or statement of objectives that shaped the survey findings is alarming because such information is essential "to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources." (Ex. B, pp. 15-16.) Dr. Smallwood concludes that the Project site has not been adequately surveyed "to obtain a representative sample of the wildlife community," explaining that additional surveys would yield more detections. (*Id*., p. 16.) For example, Ms. Smallwood observed 28 species of vertebrate wildlife at and/or near the Project site, and at least three of which were special-status species. (*Id*., p. 2.) Comparatively, however, Ms. Smallwood detected 13 species that MIG's report did not, while MIG identified five species that Ms. Smallwood did not – a combined total of 33 species. (*Id*., p. 16.) The clear disparities between what MIG's and Ms. Smallwood's surveys as well as the unclear method in which the surveys were conducted and documented render the resulting environmental setting unreliable for the purposes of determining the Project baseline.

14

2. The MND's Reliance on an Improper Desktop Survey is Erroneous.

The desktop survey performed by MIG is misleading, making the resulting MND document inaccurate. From the onset, MIG narrowed its survey of special-status species because the Project site does not include essential habitat, low occurrences of species based on distributional range, limited nesting and foraging, and the disturbance of the Project site. (General Biological Resources Assessment, p. 11.) This decision by MIG has led to unreliable and speculative determinations as a result.

15

First, the MND is incorrect in concluding that the disturbed conditions of the Project site mean that there is no suitable habitat on it. As evidenced by Ms. Smallwood, disturbances to the site, such as the disking event Ms. Smallwood witnessed, uncovered the species diversity of the Project site. Disturbance of the area highlighted the numerous wildlife species, including special-status species, that inhabit and rely on the Project site for foraging, hunting, and cover from

predators. (*See generally*, Ex. B, Photos 1-31.) Furthermore, even MIG's survey detected a long-tailed weasel, a discovery that Dr. Smallwood indicates "is not a type of animal that would occur in a wildlife community that has been suppressed by disturbance, as the IS/MND repeatedly claims as a leading reason that the Project site should not be expected to support special-status species." (*Id*., p. 16.)

15 (cont.)

Additionally, the MIG improperly relied on the California Natural Diversity Database ("CNDDB") because CNDDB "is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community…There are many areas of the state where no surveys have been conducted" but "that does not mean that there are no special status species present." (Ex. B, p. 18.) As such, Dr. Smallwood concludes that reliance on CNDDB to establish a reconnaissance survey for special-status species is flawed. (*Id*.)

16

Given the abundance of wildlife detected on the Project site, including those identified as special-status species, the MND's determinations on environmental impacts relies on an unreliable and misleading analysis of the Project's environmental setting. Therefore, the IS/MND fails to accurately describe the Project's environmental setting. Dr. Smallwood recommends preparing additional, and more detailed, surveys in order to better capture the existing environmental setting and site conditions for wildlife species.

17

1. Mitigation Measure BIO-1 is an Ineffective Mitigation Measure.

The MND proposes Mitigation Measure BIO-1 (Pre-construction Survey for Nesting Birds) in response to the Project site's potential to host ground- and tree-nesting bird nests protected by state law. (Cal. Fish and Game Code ("CFGC") §§ 3503, 3503.5, and 3512.) This mitigation measure explains that "[t]o the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided." (MND, p. 63.)

18

Dr Smallwood underlines that the proposed preconstruction surveys are ineffective because bird species have varying nesting seasons. (Ex. B, p. 34.) Additionally, pre-construction surveys are intended as a follow-up to a breeding season detection survey. As Dr. Smallwood emphasizes, no breeding-season detection surveys that meet CDFW standards have been prepared for the Project site. (*Id*.) This means that the measure's protections will not extend to future breeding seasons and would likely lead to the permanent destruction of the site's productive capacity for burrowing owls. (*Id*., pp. 34-35.)

19

Even if a pre-construction detection survey was prepared, Dr. Smallwood opines that it would achieve very little. Dr. Smallwood explains that "[w]henever a preconstruction survey is conducted, its biologists would be searching only for the nests of the birds that happen to be breeding at the time and would miss the nests begun between the survey and the state of construction." (Ex. B, p. 34.) Dr. Smallwood further explains that even with the implementation of BIO-1, preconstruction surveys will not mitigate the significant impacts related to the loss of

20

productive capacity on the Project site. "All subsequent years of productivity would be destroyed by the project regardless of the success of a preconstruction survey." (*Id*.)

20 (cont.)

Furthermore, the contours of Mitigation Measure BIO-1 would allow unfettered control for a biologist to make critical determinations about the adequacy of surveying for nesting birds. This mitigation measure lacks objective criteria because the language allows a single individual (qualified biologist) "to make a subjective decision, outside the public's view, to determine the buffer area within stated maxima for any given species. (Ex. B, p. 34.) Mitigation Measure BIO-1 therefore violates CEQA's requirements for mitigation measures.

21

2. Mitigation Measure BIO-2 is an Ineffective Mitigation Measure.

Mitigation Measure BIO-2 (Pre-construction Survey for Burrowing Owls) proposes that "[n]o more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance." (MND, p. 64.) This mitigation measure is similarly ineffective for a variety of reasons. Much like Mitigation Measure BIO-1 above, no breeding-season detection surveys have been performed on the Project site. (Ex. B, p. 34.) Therefore, relying on a mitigation measure for pre-construction surveys to be conducted without first having done any breeding-season detection surveys renders Mitigation Measure BIO-2 ineffective.

22

IV. The MND Fails to Adequately Address the Project's Cumulative Impacts on Biological Resources.

A project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines section 15355(a).) "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines section 15355(a).)

23

The MND concludes that the Project would not have any cumulative impacts with mitigation implemented, and that therefore, "the project would not contribute considerably to regional impacts on such species." (MND, p. 124.) However, the discussion of cumulative impacts to wildlife is flawed because the MND falsely assumes that cumulative impacts are "really residual impacts left over by inadequate mitigation of project impacts." (Ex. B, p.33.) This is not the standard under CEQA. Under CEQA, individually insignificant impacts can nevertheless be cumulatively considerable.

Dr. Smallwood asserts that the Project may have cumulative impacts on biological resources due to the exacerbation of habitat fragmentation in the area, increased mortality rates of wildlife due to window and traffic collisions, and the decreased productive capacity of the region. (Ex. B, p. 33.) None of these impacts were adequately reviewed, therefore

underestimating the cumulative impacts that this Project may have. Furthermore, and as explained above, the proposed mitigation measures to address biological resources impacts are ineffective. As such, even with implementation of mitigation, the Project may still contribute considerably to wildlife impacts locally and in the region.

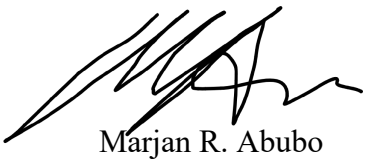
23 (cont.)

Thus, the MND's conclusion that the cumulative impacts would be less than significant is unfounded and should be revised in an EIR.

CONCLUSION

For the reasons set forth above, SAFER respectfully requests that the City prepare and circulate an EIR for the Project prior to approval.

Sincerely,



Marjan R. Abubo
LOZEAU DRURY LLP

Exhibit A

IEE INDOOR ENVIRONMENTAL ENGINEERING IEE
1448 Pine Street, Suite 103 San Francisco, California 94109
Telephone: (415) 567-7700
E-mail: offermann@IEE-SF.com
http://www.iee-sf.com

Date: May 15, 2024

To: Marjan R. Abubo
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612

From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: The Tennessee Village Mixed-Use Project, Redlands, CA.
(IEE File Reference: P-4803

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products

used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m^3, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m^3, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m^3. The median indoor formaldehyde concentration was 36 µg/m^3, and ranged from 4.8 to 136 µg/m^3, which corresponds to a median exceedance of the 2 µg/m^3 NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m^3, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the San Diego County Air Pollution Control District (SDAPCD, 2021).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m^3 to 28% for the Acute REL of 55 µg/m^3.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of 22.4 $\mu g/m^3$ (18.2 ppb) as compared to a median of 36 $\mu g/m^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of 24.1 $\mu g/m^3$, which is 33% lower than the 36 $\mu g/m^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the Tennessee Village Mixed-Use Project, Redlands, CA, the buildings consist of residential and commercial spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu g/m^3$ (Singer et. al., 2020)

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 482 µg/day for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials and ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which

is a median of 24.1 μg/m^3 (Singer et. al., 2020)

Assuming that the employees of commercial spaces work 8 hours per day and inhale 20 m^3 of air per day, the formaldehyde dose per work-day at the offices is 161 μg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 μg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 μg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report ("EIR"), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 μg/m^3, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") identifies an existing cancer risk at the Project site of 401 per million due to the site's elevated ambient air contaminant concentrations, which are due to the area's high levels of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to the building occupants, which result from exposure to formaldehyde in both indoor and outdoor air.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from

composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific

material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m^2 of material/m^2 floor area, units of furnishings/m^2 floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m^2-h) and the area (m^2) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for

Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu g/m^2$-h) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than 31 $\mu g/m^2$-h, but not the actual measured specific emission rate, which may be 3, 18, or 30 $\mu g/m^2$-h. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (https://berkeleyanalytical.com), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m^3) from Equation 1 by dividing the total formaldehyde emission rates (i.e. µg/h) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

(Equation 1)

where:

C_{in} = indoor formaldehyde concentration (µg/m^3)

E_{total} = total formaldehyde emission rate (µg/h) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 "Calculation of Estimated Building Concentrations" of the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per

million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

1.) reducing the amount materials and/or furnishings that emit formaldehyde
2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very

important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

The Tennessee Village Mixed-Use Project, Redlands, CA is close to roads with moderate to high traffic (e.g., Tennessee Street, W. Lugonia Avenue, Foothill Freeway-210, San Bernadino Avenue, etc.). Thus, the Project is located in a sound impacted area.

According to the Initial Study and Mitigated Negative Declaration - The Tennessee Village Mixed-Use Project, Redlands, CA (MIG Inc. 2024), there have only been short-term (i.e., 3.5-4.0 hours) on Tuesday, December 12, 2023. These short-term measurements indicated high ambient noise levels ranging from 60.3 to 70.3 dBA Leq.

In order to design the building for this Project such that interior noise levels are acceptable, an acoustic study with actual on-site measurements of the existing ambient noise levels and modeled future ambient noise levels needs to be conducted. The acoustic study of the existing ambient noise levels should be conducted over a minimum of a one-week period and report the dBA CNEL or Ldn. This study will allow for the selection of a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable. A mechanical supply of outdoor air ventilation to allow for a habitable

interior environment with closed windows and doors will also be required. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

$PM_{2.5}$ Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of $PM_{2.5}$. According to the Initial Study and Mitigated Negative Declaration - The Tennessee Village Mixed-Use Project, Redlands, CA (MIG Inc. 2024), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for $PM_{2.5}$.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 401 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should be conducted to determine the concentrations of $PM_{2.5}$ in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local $PM_{2.5}$ sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average $PM_{2.5}$ exceedence concentration of 12 $\mu g/m^3$, or the National 24-hour average exceedence concentration of 35 $\mu g/m^3$, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor $PM_{2.5}$ particles is less than the California and National $PM_{2.5}$ annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of $PM_{2.5}$ will exceed the California and National $PM_{2.5}$ annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. at least MERV 13, or possibly MERV 14 or 15 depending on the results of the Project ambient $PM_{2.5}$ concentrations) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building

Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft^2 of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

$PM_{2.5}$ Outdoor Air Concentration Mitigation. Install air filtration with sufficient $PM_{2.5}$ removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor $PM_{2.5}$ particles are less than the California and National $PM_{2.5}$ annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS
AND THE
CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to "reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California".* In other words, the CARB ATCM regulations do not "assure healthful indoor air quality", but rather "reduce formaldehyde emissions from composite wood products".

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not "*assure healthful indoor air quality"* when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu g/m^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1,

2017, California Department of Public Health, Richmond, CA. https://www.cdph.ca.gov/Programs/CCDPHP/ DEODC/EHLB/IAQ/Pages/VOC.aspx.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m^3/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft^2 (0.7% of the floor area), or
Particle Board – 30 ft^2 (1.3% of the floor area), or
Hardwood Plywood – 54 ft^2 (2.4% of the floor area), or
Thin MDF – 46 ft^2 (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry,

could be used without causing indoor formaldehyde concentrations that result in CEQA cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

Francis (Bud) J. Offermann III PE, CIH

Indoor Environmental Engineering
1448 Pine Street, Suite 103, San Francisco, CA 94109
Phone: 415-567-7700
Email: Offermann@iee-sf.com
http://www.iee-sf.com

Education

M.S. Mechanical Engineering (1985)
Stanford University, Stanford, CA.

Graduate Studies in Air Pollution Monitoring and Control (1980)
University of California, Berkeley, CA.

B.S. in Mechanical Engineering (1976)
Rensselaer Polytechnic Institute, Troy, N.Y.

Professional Experience

President: Indoor Environmental Engineering, San Francisco, CA. December, 1981 - present.

Direct team of environmental scientists, chemists, and mechanical engineers in conducting State and Federal research regarding indoor air quality instrumentation development, building air quality field studies, ventilation and air cleaning performance measurements, and chemical emission rate testing.

Provide design side input to architects regarding selection of building materials and ventilation system components to ensure a high quality indoor environment.

Direct Indoor Air Quality Consulting Team for the winning design proposal for the new State of Washington Ecology Department building.

Develop a full-scale ventilation test facility for measuring the performance of air diffusers; ASHRAE 129, Air Change Effectiveness, and ASHRAE 113, Air Diffusion Performance Index.

Develop a chemical emission rate testing laboratory for measuring the chemical emissions from building materials, furnishings, and equipment.

Principle Investigator of the California New Homes Study (2005-2007). Measured ventilation and indoor air quality in 108 new single family detached homes in northern and southern California.

Develop and teach IAQ professional development workshops to building owners, managers, hygienists, and engineers.

Air Pollution Engineer: Earth Metrics Inc., Burlingame, CA, October, 1985 to March, 1987.

Responsible for development of an air pollution laboratory including installation a forced choice olfactometer, tracer gas electron capture chromatograph, and associated calibration facilities. Field team leader for studies of fugitive odor emissions from sewage treatment plants, entrainment of fume hood exhausts into computer chip fabrication rooms, and indoor air quality investigations.

Staff Scientist: Building Ventilation and Indoor Air Quality Program, Energy and Environment Division, Lawrence Berkeley Laboratory, Berkeley, CA. January, 1980 to August, 1984.

Deputy project leader for the Control Techniques group; responsible for laboratory and field studies aimed at evaluating the performance of indoor air pollutant control strategies (i.e. ventilation, filtration, precipitation, absorption, adsorption, and source control).

Coordinated field and laboratory studies of air-to-air heat exchangers including evaluation of thermal performance, ventilation efficiency, cross-stream contaminant transfer, and the effects of freezing/defrosting.

Developed an *in situ* test protocol for evaluating the performance of air cleaning systems and introduced the concept of effective cleaning rate (ECR) also known as the Clean Air Delivery Rate (CADR).

Coordinated laboratory studies of portable and ducted air cleaning systems and their effect on indoor concentrations of respirable particles and radon progeny.

Co-designed an automated instrument system for measuring residential ventilation rates and radon concentrations.

Designed hardware and software for a multi-channel automated data acquisition system used to evaluate the performance of air-to-air heat transfer equipment.

Assistant Chief Engineer: Alta Bates Hospital, Berkeley, CA, October, 1979 to January, 1980.

Responsible for energy management projects involving installation of power factor correction capacitors on large inductive electrical devices and installation of steam meters on physical plant steam lines. Member of Local 39, International Union of Operating Engineers.

Manufacturing Engineer: American Precision Industries, Buffalo, NY, October, 1977 to October, 1979.

Responsible for reorganizing the manufacturing procedures regarding production of shell and tube heat exchangers. Designed customized automatic assembly, welding, and testing equipment. Designed a large paint spray booth. Prepared economic studies justifying new equipment purchases. Safety Director.

Project Engineer: Arcata Graphics, Buffalo, N.Y. June, 1976 to October, 1977.

Responsible for the design and installation of a bulk ink storage and distribution system and high speed automatic counting and marking equipment. Also coordinated material handling studies which led to the purchase and installation of new equipment.

PROFESSIONAL ORGANIZATION MEMBERSHIP

American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE)

- Chairman of SPC-145P, Standards Project Committee - Test Method for Assessing the Performance of Gas Phase Air Cleaning Equipment (1991-1992)
- Member SPC-129P, Standards Project Committee - Test Method for Ventilation Effectiveness (1986-97)
  - Member of Drafting Committee
- Member Environmental Health Committee (1992-1994, 1997-2001, 2007-2010)
  - Chairman of EHC Research Subcommittee
  - Member of Man Made Mineral Fiber Position Paper Subcommittee
  - Member of the IAQ Position Paper Committee
  - Member of the Legionella Position Paper Committee
  - Member of the Limiting Indoor Mold and Dampness in Buildings Position Paper Committee
- Member SSPC-62, Standing Standards Project Committee - Ventilation for Acceptable Indoor Air Quality (1992 to 2000)
  - Chairman of Source Control and Air Cleaning Subcommittee
- Chairman of TC-4.10, Indoor Environmental Modeling (1988-92)
  - Member of Research Subcommittee
- Chairman of TC-2.3, Gaseous Air Contaminants and Control Equipment (1989-92)
  - Member of Research Subcommittee

American Society for Testing and Materials (ASTM)

- D-22 Sampling and Analysis of Atmospheres
  - Member of Indoor Air Quality Subcommittee
- E-06 Performance of Building Constructions

American Board of Industrial Hygiene (ABIH)

American Conference of Governmental Industrial Hygienists (ACGIH)

- Bioaerosols Committee (2007-2013)

American Industrial Hygiene Association (AIHA)

Cal-OSHA Indoor Air Quality Advisory Committee

International Society of Indoor Air Quality and Climate (ISIAQ)

- Co-Chairman of Task Force on HVAC Hygiene

U. S. Green Building Council (USGBC)
- Member of the IEQ Technical Advisory Group (2007-2009)
- Member of the IAQ Performance Testing Work Group (2010-2012)

Western Construction Consultants (WESTCON)

PROFESSIONAL CREDENTIALS

Licensed Professional Engineer - Mechanical Engineering

Certified Industrial Hygienist - American Board of Industrial Hygienists

SCIENTIFIC MEETINGS AND SYMPOSIA

Biological Contamination, Diagnosis, and Mitigation, Indoor Air'90, Toronto, Canada, August, 1990.

Models for Predicting Air Quality, Indoor Air'90, Toronto, Canada, August, 1990.

Microbes in Building Materials and Systems, Indoor Air '93, Helsinki, Finland, July, 1993.

Microorganisms in Indoor Air Assessment and Evaluation of Health Effects and Probable Causes, Walnut Creek, CA, February 27, 1997.

Controlling Microbial Moisture Problems in Buildings, Walnut Creek, CA, February 27, 1997.

Scientific Advisory Committee, Roomvent 98, 6th International Conference on Air Distribution in Rooms, KTH, Stockholm, Sweden, June 14-17, 1998.

Moisture and Mould, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Ventilation Modeling and Simulation, Indoor Air '99, Edinburgh, Scotland, August, 1999.

Microbial Growth in Materials, Healthy Buildings 2000, Espoo, Finland, August, 2000.

Co-Chair, Bioaerosols X- Exposures in Residences, Indoor Air 2002, Monterey, CA, July 2002.

Healthy Indoor Environments, Anaheim, CA, April 2003.

Chair, Environmental Tobacco Smoke in Multi-Family Homes, Indoor Air 2008, Copenhagen, Denmark, July 2008.

Co-Chair, ISIAQ Task Force Workshop; HVAC Hygiene, Indoor Air 2002, Monterey, CA, July 2002.

Chair, ETS in Multi-Family Housing: Exposures, Controls, and Legalities Forum, Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

Chair, Energy Conservation and IAQ in Residences Workshop, Indoor Air 2011, Austin, TX, June 6, 2011.

Chair, Electronic Cigarettes: Chemical Emissions and Exposures Colloquium, Indoor Air 2016, Ghent, Belgium, July 4, 2016.

SPECIAL CONSULTATION

Provide consultation to the American Home Appliance Manufacturers on the development of a standard for testing portable air cleaners, AHAM Standard AC-1.

Served as an expert witness and special consultant for the U.S. Federal Trade Commission regarding the performance claims found in advertisements of portable air cleaners and residential furnace filters.

Conducted a forensic investigation for a San Mateo, CA pro se defendant, regarding an alleged homicide where the victim was kidnapped in a steamer trunk. Determined the air exchange rate in the steamer trunk and how long the person could survive.

Conducted *in situ* measurement of human exposure to toluene fumes released during nailpolish application for a plaintiffs attorney pursuing a California Proposition 65 product labeling case. June, 1993.

Conducted a forensic *in situ* investigation for the Butte County, CA Sheriff's Department of the emissions of a portable heater used in the bedroom of two twin one year old girls who suffered simultaneous crib death.

Consult with OSHA on the 1995 proposed new regulation regarding indoor air quality and environmental tobacco smoke.

Consult with EPA on the proposed Building Alliance program and with OSHA on the proposed new OSHA IAQ regulation.

Johnson Controls Audit/Certification Expert Review; Milwaukee, WI. May 28-29, 1997.

Winner of the nationally published 1999 Request for Proposals by the State of Washington to conduct a comprehensive indoor air quality investigation of the Washington State Department of Ecology building in Lacey, WA.

Selected by the State of California Attorney General's Office in August, 2000 to conduct a comprehensive indoor air quality investigation of the Tulare County Court House.

Lawrence Berkeley Laboratory IAQ Experts Workshop: "Cause and Prevention of Sick Building Problems in Offices: The Experience of Indoor Environmental Quality Investigators", Berkeley, California, May 26-27, 2004.

Provide consultation and chemical emission rate testing to the State of California Attorney General's Office in 2013-2015 regarding the chemical emissions from e-cigarettes.

PEER-REVIEWED PUBLICATIONS :

F.J.Offermann, C.D.Hollowell, and G.D.Roseme, "Low-Infiltration Housing in Rochester, New York: A Study of Air Exchange Rates and Indoor Air Quality," *Environment International*, *8*, pp. 435-445, 1982.

W.W.Nazaroff, F.J.Offermann, and A.W.Robb, "Automated System for Measuring Air Exchange Rate and Radon Concentration in Houses," *Health Physics*, *45*, pp. 525-537, 1983.

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F.J.Offermann, R.G.Sextro, W.J.Fisk, D.T.Grimsrud, W.W.Nazaroff, A.V.Nero, and K.L.Revzan, "Control of Respirable Particles with Portable Air Cleaners," *Atmospheric Environment*, Vol. 19, pp.1761-1771, 1985.

R.G.Sextro, F.J.Offermann, W.W.Nazaroff, A.V.Nero, K.L.Revzan, and J.Yater, "Evaluation of Indoor Control Devices and Their Effects on Radon Progeny Concentrations," *Atmospheric Environment*, *12*, pp. 429-438, 1986.

W.J. Fisk, R.K.Spencer, F.J.Offermann, R.K.Spencer, B.Pedersen, R.Sextro, "Indoor Air Quality Control Techniques," *Noyes Data Corporation*, Park Ridge, New Jersey, (1987).

F.J.Offermann, "Ventilation Effectiveness and ADPI Measurements of a Forced Air Heating System," *ASHRAE Transactions* , Volume 94, Part 1, pp 694-704, 1988.

F.J.Offermann and D. Int-Hout "Ventilation Effectiveness Measurements of Three Supply/Return Air Configurations," *Environment International* , Volume 15, pp 585-592 1989.

F.J. Offermann, S.A. Loiselle, M.C. Quinlan, and M.S. Rogers, "A Study of Diesel Fume Entrainment in an Office Building," *IAQ '89*, The Human Equation: Health and Comfort, pp 179-183, ASHRAE, Atlanta, GA, 1989.

R.G.Sextro and F.J.Offermann, "Reduction of Residential Indoor Particle and Radon Progeny Concentrations with Ducted Air Cleaning Systems," submitted to *Indoor Air*, 1990.

S.A.Loiselle, A.T.Hodgson, and F.J.Offermann, "Development of An Indoor Air Sampler for Polycyclic Aromatic Compounds", *Indoor Air* , Vol 2, pp 191-210, 1991.

F.J.Offermann, S.A.Loiselle, A.T.Hodgson, L.A. Gundel, and J.M. Daisey, "A Pilot Study to Measure Indoor Concentrations and Emission Rates of Polycyclic Aromatic Compounds", *Indoor Air* , Vol 4, pp 497-512, 1991.

F.J. Offermann, S. A. Loiselle, R.G. Sextro, "Performance Comparisons of Six Different Air Cleaners Installed in a Residential Forced Air Ventilation System," *IAQ'91*, Healthy Buildings, pp 342-350, ASHRAE, Atlanta, GA (1991).

F.J. Offermann, J. Daisey, A. Hodgson, L. Gundell, and S. Loiselle, "Indoor Concentrations and Emission Rates of Polycyclic Aromatic Compounds", *Indoor Air,* Vol 4, pp 497-512 (1992).

F.J. Offermann, S. A. Loiselle, R.G. Sextro, "Performance of Air Cleaners Installed in a Residential Forced Air System," *ASHRAE Journal*, pp 51-57, July, 1992.

F.J. Offermann and S. A. Loiselle, "Performance of an Air-Cleaning System in an Archival Book Storage Facility," *IAQ'92*, ASHRAE, Atlanta, GA, 1992.

S.B. Hayward, K.S. Liu, L.E. Alevantis, K. Shah, S. Loiselle, F.J. Offermann, Y.L. Chang, L. Webber, “Effectiveness of Ventilation and Other Controls in Reducing Exposure to ETS in Office Buildings,” Indoor Air ’93, Helsinki, Finland, July 4-8, 1993.

F.J. Offermann, S. A. Loiselle, G. Ander, H. Lau, "Indoor Contaminant Emission Rates Before and After a Building Bake-out," *IAQ'93*, Operating and Maintaining Buildings for Health, Comfort, and Productivity, pp 157-163, ASHRAE, Atlanta, GA, 1993.

L.E. Alevantis, Hayward, S.B., Shah, S.B., Loiselle, S., and Offermann, F.J. "Tracer Gas Techniques for Determination of the Effectiveness of Pollutant Removal From Local Sources," *IAQ '93*, Operating and Maintaining Buildings for Health, Comfort, and Productivity, pp 119-129, ASHRAE, Atlanta, GA, 1993.

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F.J. Offermann, "Professional Malpractice and the Sick Building Investigator," *IAQ'96*, Paths to Better Building Environments, pp 132-136, ASHRAE, Atlanta, GA, 1996.

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F. J. Offermann, A. T. Hodgson, and J. P. Robertson, "Contaminant Emission Rates from PVC Backed Carpet Tiles on Damp Concrete", Healthy Buildings 2000, Espoo, Finland, August 2000.

K.S. Liu, L.E. Alevantis, and F.J. Offermann, "A Survey of Environmental Tobacco Smoke Controls in California Office Buildings", *Indoor Air*, Vol 11, pp. 26-34, 2001.

F.J. Offermann, R. Colfer, P. Radzinski, and J. Robertson, "Exposure to Environmental Tobacco Smoke in an Automobile", Indoor Air 2002, Monterey, California, July 2002.

F. J. Offermann, J.P. Robertson, and T. Webster, "The Impact of Tracer Gas Mixing on Airflow Rate Measurements in Large Commercial Fan Systems", Indoor Air 2002, Monterey, California, July 2002.

M. J. Mendell, T. Brennan, L. Hathon, J.D. Odom, F.J.Offermann, B.H. Turk, K.M. Wallingford, R.C. Diamond, W.J. Fisk, "Causes and prevention of Symptom Complaints

in Office Buildings: Distilling the Experience of Indoor Environmental Investigators", submitted to Indoor Air 2005, Beijing, China, September 4-9, 2005.

F.J. Offermann, "Ventilation and IAQ in New Homes With and Without Mechanical Outdoor Air Systems", Healthy Buildings 2009, Syracuse, CA, September 14, 2009.

F.J. Offermann, "ASHRAE 62.2 Intermittent Residential Ventilation: What's It Good For, Intermittently Poor IAQ", IAQVEC 2010, Syracuse, CA, April 21, 2010.

F.J. Offermann and A.T. Hodgson, "Emission Rates of Volatile Organic Compounds in New Homes", Indoor Air 2011, Austin, TX, June, 2011.

P. Jenkins, R. Johnson, T. Phillips, and F. Offermann, "Chemical Concentrations in New California Homes and Garages", Indoor Air 2011, Austin, TX, June, 2011.

W. J. Mills, B. J. Grigg, F. J. Offermann, B. E. Gustin, and N. E. Spingarm, "Toluene and Methyl Ethyl Ketone Exposure from a Commercially Available Contact Adhesive", Journal of Occupational and Environmental Hygiene, 9:D95-D102 May, 2012.

F. J. Offermann, R. Maddalena, J. C. Offermann, B. C. Singer, and H, Wilhelm, "The Impact of Ventilation on the Emission Rates of Volatile Organic Compounds in Residences", HB 2012, Brisbane, AU, July, 2012.

F. J. Offermann, A. T. Hodgson, P. L. Jenkins, R. D. Johnson, and T. J. Phillips, "Attached Garages as a Source of Volatile Organic Compounds in New Homes", HB 2012, Brisbane, CA, July, 2012.

R. Maddalena, N. Li, F. Offermann, and B. Singer, "Maximizing Information from Residential Measurements of Volatile Organic Compounds", HB 2012, Brisbane, AU, July, 2012.

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"Designing for Healthy and Comfortable Indoor Environments", Construction Specification Institute, Santa Rosa, CA, November 6, 1997.

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"Identifying Fungal Contamination Problems In Buildings", The City of Oakland Municipal Employees, Oakland, CA, March 26, 1998.

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"Building Air Quality Facts and Myths", The City of Oakland / Alameda County Safety Seminar, Oakland, CA, June 12, 1998.

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"Identifying and Mitigating Mold Contamination in Buildings", Western Construction Consultants Association, Oakland, CA, March 15, 2000; AIG Construction Defect Seminar, Walnut Creek, CA, May 2, 2001; City of Oakland Public Works Agency, Oakland, CA, July 24, 2001; Executive Council of Homeowners, Alamo, CA, August 3, 2001.

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"Mold Contamination: Recognition and What To Do and Not Do", Redwood Empire Remodelers Association; Santa Rosa, CA, April 16, 2002.

"Investigative Tools of the IAQ Trade", Healthy Indoor Environments 2002; Austin, TX; April 22, 2002.

"Finding Hidden Mold: Case Studies in IAQ Investigations", AIHA Northern California Professionals Symposium; Oakland, CA, May 8, 2002.

"Assessing and Mitigating Fungal Contamination in Buildings", Cal/OSHA Training; Oakland, CA, February 14, 2003 and West Covina, CA, February 20-21, 2003.

"Use of External Containments During Fungal Mitigation", Invited Speaker, ACGIH Mold Remediation Symposium, Orlando, FL, November 3-5, 2003.

Building Operator Certification (BOC), 106-IAQ Training Workshops, Northwest Energy Efficiency Council; Stockton, CA, December 3, 2003; San Francisco, CA, December 9, 2003; Irvine, CA, January 13, 2004; San Diego, January 14, 2004; Irwindale, CA, January 27, 2004; Downey, CA, January 28, 2004; Santa Monica, CA, March 16, 2004; Ontario, CA, March 17, 2004; Ontario, CA, November 9, 2004, San Diego, CA, November 10, 2004; San Francisco, CA, November 17, 2004; San Jose, CA, November 18, 2004; Sacramento, CA, March 15, 2005.

"Mold Remediation: The National QUEST for Uniformity Symposium", Invited Speaker, Orlando, Florida, November 3-5, 2003.

"Mold and Moisture Control", Indoor Air Quality workshop for The Collaborative for High Performance Schools (CHPS), San Francisco, December 11, 2003.

"Advanced Perspectives In Mold Prevention & Control Symposium", Invited Speaker, Las Vegas, Nevada, November 7-9, 2004.

"Building Sciences: Understanding and Controlling Moisture in Buildings", American Industrial Hygiene Association, San Francisco, CA, February 14-16, 2005.

"Indoor Air Quality Diagnostics and Healthy Building Design", University of California Berkeley, Berkeley, CA, March 2, 2005.

"Improving IAQ = Reduced Tenant Complaints", Northern California Facilities Exposition, Santa Clara, CA, September 27, 2007.

"Defining Safe Building Air", Criteria for Safe Air and Water in Buildings, ASHRAE Winter Meeting, Chicago, IL, January 27, 2008.

"Update on USGBC LEED and Air Filtration", Invited Speaker, NAFA 2008 Convention, San Francisco, CA, September 19, 2008.

"Ventilation and Indoor air Quality in New California Homes", National Center of Healthy Housing, October 20, 2008.

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"Mechanical Outdoor air Ventilation Systems and IAQ in New Homes", ACI Home Performance Conference, Kansas City, MO, April 29, 2009.

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"Ten Ways to Improve Your Air Quality", Northern California Facilities Exposition, Santa Clara, CA, September 30, 2009.

"New Developments in Ventilation and Indoor Air Quality in Residential Buildings", Westcon meeting, Alameda, CA, March 17, 2010.

"Intermittent Residential Mechanical Outdoor Air Ventilation Systems and IAQ", ASHRAE SSPC 62.2 Meeting, Austin, TX, April 19, 2010.

"Measured IAQ in Homes", ACI Home Performance Conference, Austin, TX, April 21, 2010.

"Respiration: IEQ and Ventilation", AIHce 2010, How IH Can LEED in Green buildings, Denver, CO, May 23, 2010.

"IAQ Considerations for Net Zero Energy Buildings (NZEB)", Northern California Facilities Exposition, Santa Clara, CA, September 22, 2010.

"Energy Conservation and Health in Buildings", Berkeley High SchoolGreen Career Week, Berkeley, CA, April 12, 2011.

"What Pollutants are Really There ?", ACI Home Performance Conference, San Francisco, CA, March 30, 2011.

"Energy Conservation and Health in Residences Workshop", Indoor Air 2011, Austin, TX, June 6, 2011.

"Assessing IAQ and Improving Health in Residences", US EPA Weatherization Plus Health, September 7, 2011.

"Ventilation: What a Long Strange Trip It's Been", Westcon, May 21, 2014.

"Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposures", Indoor Air 2014, Hong Kong, July, 2014.

"Infectious Disease Aerosol Exposures With and Without Surge Control Ventilation System Modifications", Indoor Air 2014, Hong Kong, July, 2014.

"Chemical Emissions from E-Cigarettes", IMF Health and Welfare Fair, Washington, DC, February 18, 2015.

"Chemical Emissions and Health Hazards Associated with E-Cigarettes", Roswell Park Cancer Institute, Buffalo, NY, August 15, 2014.

"Formaldehyde Indoor Concentrations, Material Emission Rates, and the CARB ATCM", Harris Martin's Lumber Liquidators Flooring Litigation Conference, WQ Minneapolis Hotel, May 27, 2015.

"Chemical Emissions from E-Cigarettes: Direct and Indirect Passive Exposure", FDA Public Workshop: Electronic Cigarettes and the Public Health, Hyattsville, MD June 2, 2015.

"Creating Healthy Homes, Schools, and Workplaces", Chautauqua Institution, Athenaeum Hotel, August 24, 2015.

"Diagnosing IAQ Problems and Designing Healthy Buildings", University of California Berkeley, Berkeley, CA, October 6, 2015.

"Diagnosing Ventilation and IAQ Problems in Commercial Buildings", BEST Center Annual Institute, Lawrence Berkeley National Laboratory, January 6, 2016.

"A Review of Studies of Ventilation and Indoor Air Quality in New Homes and Impacts of Environmental Factors on Formaldehyde Emission Rates From Composite Wood Products", AIHce2016, May, 21-26, 2016.

"Admissibility of Scientific Testimony", Science in the Court, Proposition 65 Clearinghouse Annual Conference, Oakland, CA, September 15, 2016.

"Indoor Air Quality and Ventilation", ASHRAE Redwood Empire, Napa, CA, December 1, 2016.

Exhibit B

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Attn: Sean Reilly, Principal Planner
City of Redlands
35 Cajon St., Ste. 20/P.O. Box 3005
Redlands, CA 92373

22 May 2024

RE: Tennessee Village Project

Dear Mr. Reilly,

I write to comment on potential impacts to biological resources that could result from the proposed Tennessee Village Project, which I understand would add 460 apartment units and 18,000 square feet of commercial space on 13.48 acres located on Tennessee Street between San Bernardino Avenue and West Lugonia Ave in Redlands, California. I comment on the analyses of impacts to biological resources in MIG (2023) and the IS/MND.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master's Degree from California State University Los Angeles, visited the site of the proposed project for 4.9 hours from 06:15 to 11:09 hours on 9 May 2024. She walked the site's perimeter, stopping to scan for wildlife with use of binoculars. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were cloudy in the early morning then sunny with no wind and temperatures of 53-72° F. The site was covered in annual grass and mustard at the start of the survey, but was disked during the survey resulting in exposed dirt with no vegetation remaining by the end of the survey (Photos 1 and 2).

Photos 1 and 2. *Views of the project site before and after it was disked, 8 April 2024. Photos by Noriko Smallwood.*

Noriko detected 28 species of vertebrate wildlife at or adjacent to the project site, including at least three species with special status (Table 1). Noriko saw deer mouse (Photos 3, 4, 12-17), common raven (Photos 5, 8, 9, 10-17, 19) desert cottontail (Photos 5, 8, 9, 11, 22), coyote and California ground squirrel (Photos 6 and 7, 23), red-tailed hawk (Photos 8, 9, 19, 21), American crow (Photo 18), American kestrel (Photo 20), Lawrence's goldfinch and house finch (Photos 24 and 25), northern mockingbird and Anna's hummingbird (Photos 26 and 27), cliff swallow and white-throated swift (Photos 28 and 29), bushtit and great-tailed grackle (Photos 30 and 31), among the other species listed in Table 1.

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

As depicted in the photos, the disking of the field killed many animals, and it exposed many animals to predators, who exploited the situation as is their nature. Furthermore, the disking was done right in the middle of the avian breeding season, and therefore undoubtedly destroyed many bird nests. Unless there was a compelling reason to disk the field, doing so produced a cruel outcome to both adult and juvenile animals.

Photos 3 and 4. *Deer mice exposed on the project site after disking, 9 May 2024. Photos by Noriko Smallwood.*

Photo 5. *Common ravens harassing a desert cottontail after it was exposed by disking on the project site, 9 May 2024. Photo by Noriko Smallwood.*

Photo 6. *Coyote with a California ground squirrel that was likely displaced by disking on the project site, 9 May 2024. Photo by Noriko Smallwood.*

Photo 7. *Common raven harassing a California ground squirrel that was exposed after disking on the project site, 9 May 2024. Photo by Noriko Smallwood.*

Photos 8 and 9. *Red-tailed hawk attempted to catch a desert cottontail that was exposed after disking (top), but failed, causing common ravens to attempt to catch the cottontail (bottom) on the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photos 10 and 11. *Common raven with a Jerusalem cricket (left), and half of a desert cottontail that likely died from the tractor disking the site (right), 9 May 2024. Photos by Noriko Smallwood.*

Photos 12 and 13. *Common ravens with two different Deer mice on the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photos 14, 15, 16, and 17. *Common ravens with four different deer mice on the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photo 18. *Common ravens and American crows gathered at the project site while disking was occurring to feast on the small mammals that were exposed and displaced by disking, 9 May 2024. Photo by Noriko Smallwood.*

Photos 19 and 20. *Common raven harassed a red-tailed hawk that was entering the project site (left), and an American kestrel hunted over the project site (right), 9 May 2024. Photos by Noriko Smallwood.*

Photos 21, 22, and 23. *Red-tailed hawk with a Deer mouse (top), and a desert cottontail (bottom left) and California ground squirrel (bottom right) that were displaced and exposed due to disking on the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photos 24 and 25. *Lawrence's goldfinch (left), and house finch (right) foraging in mustard on the project site before it was disked, 9 May 2024. Photos by Noriko Smallwood.*

Photos 26 and 27. *Northern mockingbird searching for insects after disking (left), and Anna's hummingbird (right) on the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photos 28 and 29. *Cliff swallow (left), and white-throated swift (right) foraged for insects over the project site, 9 May 2024. Photos by Noriko Smallwood.*

Photos 30 and 31. *Bushtit (left) next to the project site, and great-tailed grackle (right) flying over the project site, 9 May 2024. Photos by Noriko Smallwood.*

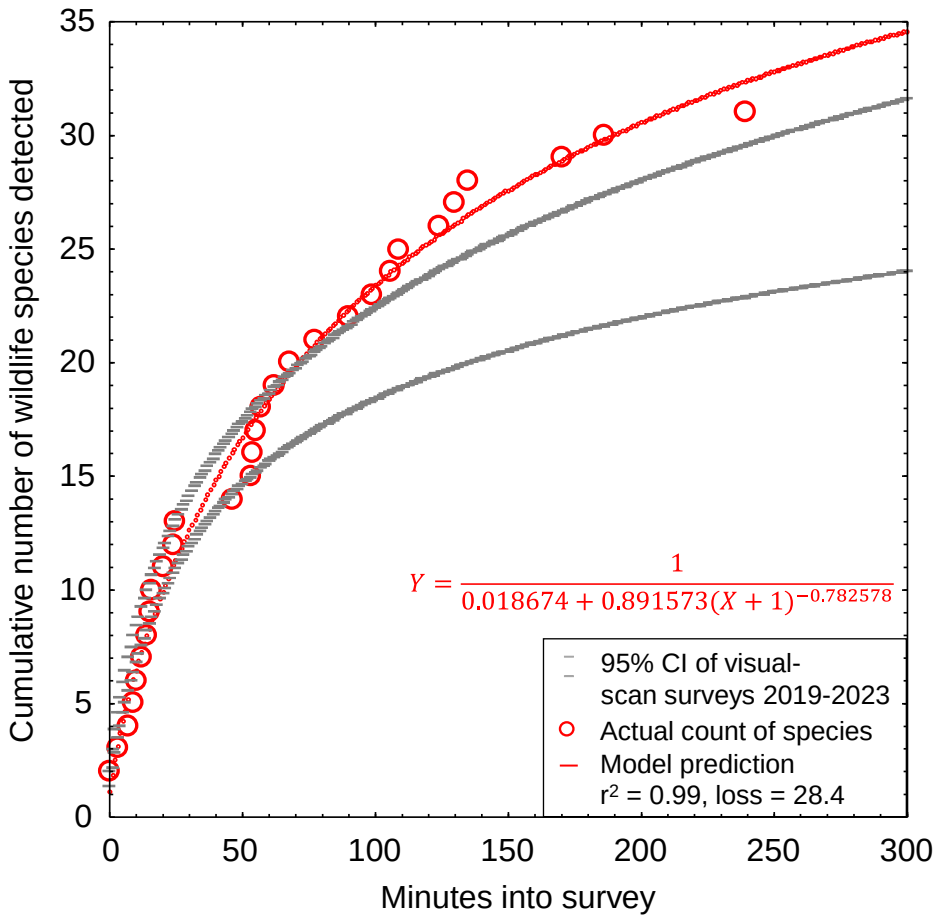
Table 1. *Species of wildlife Noriko observed during 4.9 hours of survey on the project site, 9 May 2024.*

Common name	***Species name***	**Status**[1]	**Notes**
Harvester ant	*Pogonomyrmex sp*		
Rock pigeon	*Columba livia*	Non-native	Flew over
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	
Mourning dove	*Zenaida macroura*		
White-throated swift	*Aeronautes saxatalis*		Flock foraged over site
Anna's hummingbird	*Calypte anna*		
Red-tailed hawk	*Buteo jamaicensis*	BOP	Hunted small mammals displaced by disking
American kestrel	*Falco sparverius*	BOP	Hunted small mammals displaced by disking
Cassin's kingbird	*Tyrannus vociferans*		
Black phoebe	*Sayornis nigricans*		Calling next to site
American crow	*Corvus brachyrhynchos*		Hunted small mammals displaced by disking
Common raven	*Corvus corax*		Hunted small mammals displaced by disking
Barn swallow	*Hirundo rustica*		Foraged over site
Cliff swallow	*Petrochelidon pyrrhonota*		Large flock foraged over site
Bushtit	*Psaltriparus minimus*		Flock in pepper tree next to site
Northern mockingbird	*Mimus polyglottos*		Hunted insects likely displaced by disking on site
European starling	*Sturnus vulgaris*	Non-native	Next to site
House sparrow	*Passer domesticus*	Non-native	
House finch	*Haemorphous mexicanus*		Foraged on mustard before disking
Lesser goldfinch	*Spinus psaltria*		Foraged on mustard before disking
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Calling next to site
California towhee	*Melozone crissalis*		Calling next to site
Great-tailed grackle	*Quiscalus mexicanus*		Flew over
Desert cottontail	*Sylvilagus audubonii*		Many, were being chased, harassed, and hunted
California ground squirrel	*Otospermophilus beecheyi*		At least 4 were on site before disking,
Coyote	*Canis latrans*		Ran onto site after it caught a California ground squirrel that was likely displaced by disking
Deer mouse	*Peromyscus manicularus*		Many hunted by predatory birds
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC	Photo-captured in raven's bill
Botta's pocket gopher	*Thomomys bottae*		Many burrows, destroyed by disking

[1] SSC = California Species of Special Concern, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, and BOP = Birds of Prey (California Fish and Game Code 3503.5).

Although Noriko saw 28 species of vertebrate wildlife during her brief survey, I must point out that the species of wildlife she detected comprised only a sampling of the species that were present during her survey. Reconnaissance surveys, such as the one Noriko completed at the project site, cannot support species' absence determinations, but they can be useful for confirming presence of species. Such surveys can also be useful for estimating the number of species that were not detected, thereby revealing the degree to which the survey sampled the local wildlife community that was available at the time of the survey. One way to do this is to model the pattern in species detections with time into a survey. The cumulative number of species' detections increases with increasing survey time, but eventually with diminishing returns (Figure 1). In the case of Noriko's survey on the project site, the pattern in the data predicts that had she spent more time on the site, or had she help from more biologists, she would have detected 54 species of vertebrate wildlife during the morning of 9 May 2024.

Figure 1. *Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on Noriko Smallwood's survey on morning of 9 May 2024. Note that the relationships would differ if the surveys were based on another method or during another season.*



The pattern in Noriko's data also indicate that her rate of species detections at the project site exceeded the upper bound of the 95% confidence interval I estimated from 53 surveys at other project sites that she and I have surveyed in the Inland Empire region since 2019 (Figure 1). In other words, wildlife species richness at the project site exceeds the species richness she and I have found at other project sites in the region, despite the active disking of the site during Noriko's survey.

The site supports many species of wildlife, including many more than Noriko could detect during a brief reconnaissance survey. However, although this modeling approach is useful for more realistically representing the species richness of the site at the time of a survey, it cannot represent the species richness throughout the year or across multiple years because many species are seasonal or even multi-annual in their movement patterns and in their occupancy of habitat. Noriko surveyed only in May, and therefore was unlikely to see some of the species that would use the site in fall or winter.

By use of an analytical bridge, I can apply a model developed from a much larger, more robust data set at a research site to predict the number of wildlife species that would make use of the project site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, Alameda County, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I used at the project site. At each of the 46 survey stations at my research site, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The models' coefficients of determination, r^2, ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I detected 17.1 species over the first 4.9 hours of surveys in the Altamont Pass (4.9 hours to match the number of hours I surveyed at the project site), which composed 30% of the total predicted species I would detect with a much larger survey effort. Given the example illustrated in Figure 2, the 28 species Noriko detected after her 4.9 hours of survey at the project site likely represented 30% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $28/0.30 = 93$ species of vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 93 predicted species, then continued surveys would eventually detect 13 special-status species of vertebrate wildlife.

Again, however, my prediction of 93 species of vertebrate wildlife, including 13 special-status species, is derived from a visual-scan survey during the daytime, and would not detect nocturnal birds and mammals such as owls and bats. The true number of species composing the wildlife community of the site must be larger. One or two reconnaissance surveys should serve only as a starting point toward characterization of a site's wildlife

community, but this level of effort certainly cannot alone inform of the inventory of species that use the site.

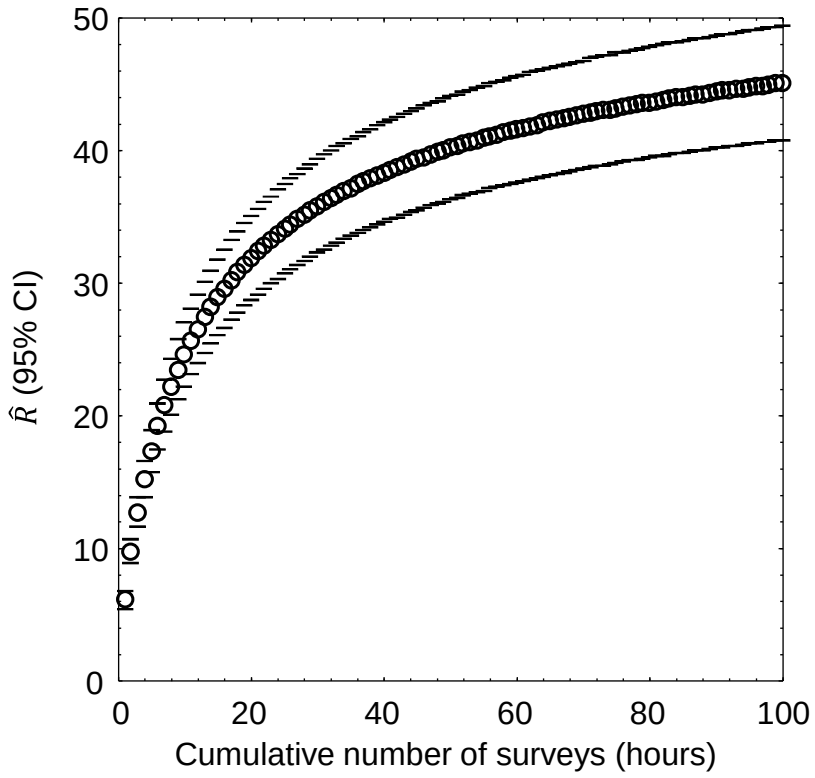


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019.*

EXISTING ENVIRNMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the biological species that use the site, their relative abundances, how they use the site, key ecological relationships, and known and ongoing threats to those species with special status. A reasonably accurate characterization of the environmental setting can provide the basis for determining whether the site holds habitat value to wildlife, as well as a baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these needed steps have not been completed.

Environmental Setting Informed by Field Surveys

To CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the project site or nearby, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to

characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

A biologist performed a 4.5-hour reconnaissance survey on 19 May 2023, beginning at 07:00 hours (MIG 2023a). According to MIG (2023a:7), the survey objectives were "to assess the existing conditions of the project site, including recording observed plant and wildlife species, identifying jurisdictional waters, characterizing the vegetation communities and associated wildlife habitats, and evaluating the potential for these habitats to support special-status species and sensitive communities." Not mentioned in MIG's (2023a) statement of objectives or in its methods was that the same biologist who pursued all of these objectives simultaneously was also performing the first of a series of burrowing owl surveys, which were purportedly consistent with CDFW's (2012) survey guidelines (see below). One biologist pursuing seven objectives in the same survey cannot be expected to achieve any of them satisfactorily.

Perhaps because there were so many objectives pursued simultaneously, the survey, which preceded Noriko's by one year but was otherwise begun at the same time of day and nearly of the same duration, yielded no more than two-thirds the number of vertebrate wildlife species detections as did Noriko's survey. I write "no more than two-thirds" because it is unreported how many of the species were actually detected by MIG (2023a) during its reconnaissance surveys, In MIG (2023b), it is revealed that the species detections reported in MIG (2023a) had been detected across all four of the burrowing owl breeding-season surveys, totaling 9.25 person-hours. Whereas MIG's species detection rate was 2 per hour, Noriko's was nearly three times higher at 5.7 per hour. Noriko also detected twice the number of special-status species, and that was despite the field being disked in her presence.

MIG's biologist detected five species that Noriko did not, whereas Noriko detected 13 species that MIG's biologist did not. Combined, Noriko and MIG's biologist detected 33 species of vertebrate wildlife. More surveys would yield more species detections. The project site has not been sufficiently surveyed to obtain a representative sample of the wildlife community. In fact, the long-tailed weasel that MIG's biologist saw on the project site is not the type of animal that would occur in a wildlife community that has been suppressed by disturbance, as the IS/MND repeatedly claims as a leading reason that the project site should not be expected to support special-status species. Ignoring the domestic dog, which was likely someone's pet, only one of the species seen by MIG's biologist was non-native. Noriko detected three more non-native species, but all these species combined between the two surveys comprise a small portion of the wildlife community, thus indicating a relatively high degree of ecological integrity. More surveys are needed, and without them, the IS/MND lacks support for its characterization of the existing environmental setting.

Based on a protocol-level burrowing owl survey (MIG 2023b), the IS/MND (p. 62) reports "…no burrowing owls or sign thereof were observed on the project site…" However, MIG's (2023b) survey effort did not achieve the minimum standards of CDFW (2012). No habitat assessment was completed prior to the breeding-season surveys, and none of the breeding-season surveys preceded April 15. In fact, the first survey occurred

more than a month later, and doubled as the reconnaissance survey, both performed by the same biologist. That the first of the breeding-season surveys lacked focus should have been clearly reported in either or both MIG (2023a) and MIG (2023b).

The third breeding-season survey was completed in only 40 minutes, which seems too brief to have followed the CDFW (2012) protocol. Assuming a 20-m transect separation, the biologist needed to walk 3,220 m at 3 mph. This pace is achievable on a sidewalk, but it would be more difficult on a wild grassland while also checking all ground squirrel burrow for burrowing owls sign and stopping every 100 m to scan for burrowing owls using binoculars per the CDFW (2012) protocol. In my experience, a survey at this pace would not meet CDFW's (2012) minimum standards.

According to MIG (2023b), "Surveys were conducted under conditions that would be ideal for detecting burrowing owl or sign thereof and were consistent with the requirements of *Staff Report on Burrowing Owl* (CDFG 2012)." However, this claim is not entirely true. The first and second surveys failed to meet the minimum temperature standard, and cloud cover was 100% on both of these dates. What concerns me is that the surveys did not meet the minimum standards until July, which was too late for burrowing owls in southern California. The survey effort does not support the IS/MND's insinuation that burrowing owls are absent from the project site. Nor does the survey effort meet the needs of burrowing owls, which have been rapidly declining throughout California, resulting in a recent listing petition (Miller 2024).

No detection surveys have been performed for any other special-status species that potentially occurs on the project site. Furthermore, I have seen no evidence that protocol-level detection surveys or preconstruction take-avoidance surveys preceded the disking of the project site on 9 May 2024. As noted above, the burrowing owl surveys failed to meet the minimum standards of CDFW (2012), and therefore could not have been relied upon to conclude that burrowing owls were absent from the site prior to the disking.

Environmental Setting Informed by Desktop Review

The purpose of literature and database review, and of consulting with local experts, is to inform the reconnaissance-level survey, to augment it, and to help determine which protocol-level detection surveys should be implemented. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and site conditions. This step is important because the reconnaissance survey is not going to detect all of the species of wildlife that make use of the site. This step can identity those species yet to be detected at the site but which have been documented to occur nearby or whose available habitat associations are consistent with site conditions. Some special-status species can be ruled out of further analysis, but only if compelling evidence is available in support of such determinations (see below).

According to the IS/MND, the initial pool of special-status species considered for inclusion in its analysis of occurrence potential was drawn from queries of CNDDB

occurrence records on the local 7.5-minute Quadrangle and the eight surrounding Quads. This screening step, however, is flawed. CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." MIG (2023) and the IS/MND misuses CNDDB.

CNDDB relies entirely on volunteer or permit reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to CNDDB. Furthermore, CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to CNDDB than were species assigned special status since CNDDB's inception. The lack of CNDDB records for species only recently assigned special status would have been due to insufficient time having elapsed since the assignments. And because negative findings are not reported to CNDDB, CNDDB cannot provide the basis for estimating occurrence likelihoods, either. The IS/MND's analysis of special-status species occurrence likelihoods is fundamentally flawed.

In my assessment based on database reviews and a site visit, 129 special-status species of wildlife are known to occur near enough to the site to be analyzed for occurrence potential at one time or another (Table 2). Of these, 4 were confirmed (1 of these was probable) on the site by Noriko's survey visit, and 34 (26%) have been documented in databases within 1.5 miles of the site ('Very close'), 34 (26%) within 1.5 and 4 miles ('Nearby'), and another 46 (36%) within 4 to 30 miles ('In region'). More than half (72) of the special-status species in Table 2 have been reportedly seen within 4 miles of the project site. Therefore, the site likely supports many special-status species of wildlife. On any given day, one or more yet-to-be documented special-status species likely makes use of the project site, but being there to document that use probably requires multiple surveys (see Figures 1 and 2). Reconnaissance surveys are not designed to support absence determinations of any of these species. Therefore, sufficient survey effort should be directed to the site to either confirm that the species in Table 2 use the site or to support absence determinations.

MIG (2023a) analyzes occurrence likelihoods of only 43 of the special-status species of wildlife in my Table 2. Of these, MIG (2023a) determines 37 are unlikely to occur, 4 have low likelihood to occur, and 2 have moderate likelihood to occur. Of the six species determined to have low to moderate likelihoods of occurrence, five have been documented within 1.5 miles of the site, and one has been documented between 1.5 and 4 miles from the site. However, of the 37 species determined unlikely to occur, one (Lawrence's goldfinch) was observed on site, five have been documented within 1.5 miles of the site, and 14 have been documented between 1.5 and 4 miles from the site.

The evidence does not comport with MIG's (2023a) determinations of occurrence likelihood.

The IS/MND's analyses of special-status species occurrence likelihoods are inaccurate and unreliable. One possible reason for this unfortunate outcome is that for each species analyzed, the species' habitat characterization is unrealistically narrow. For example, MIG (2023a) reports that western pond turtles require aquatic environments, which are not present on the project site. Unreported, however, is that western pond turtles lay their eggs in mammal burrows in upland, often grassland, environments.

In another example, MIG (2023a) claims that tricolored blackbirds occur only in wetlands, which are not present on the project site. I have documented tricolored blackbirds on grasslands many times. Only last week, I again documented tricolored blackbirds on one of my grassland study sites – a regular occurrence. I have even documented tricolored blackbirds nesting on an annual grassland. MIG's (2023a) characterization of tricolored blackbird habitat is inaccurate.

In another example, MIG (2023a) characterizes golden eagle habitat as "secluded cliffs with overhanging ledges and large tree for nesting | Hilly or mountainous with canyons," and concludes "Habitat present at the Project Site would not support this species." It is unclear where or how MIG came up with this characterization, but it does not include all the places where I have recorded golden eagles. In Yolo County, juvenile golden eagles hunt over alfalfa fields for desert cottontails (the survivors of which I have taken to UC Davis Wildlife Hospital) and California ground squirrels. Most of the 42 golden eagles that my colleagues and I have tracked using GPS telemetry have made use of all sorts of environments, but mostly annual grasslands in low foothills. Our telemetered golden eagles have traveled as far away from our study site in Alameda and Contra Costa Counties as Mexico and British Columbia, and all the places they have visited is habitat. Whereas some golden eagles undoubtedly prefer secluded cliffs with overhanging ledges as MIG claims, many nest in trees on open grassland, and all require forage far from where they nest.

Another example is white-tailed kite, which MIG (2023a) confines to "Coastal estuaries | Wetlands | Ponds | Irrigation ditches | Wet fields." Again, I have to wonder where this characterization originated. No source is cited for it. And it is inconsistent with my study of this species. I have found that white-tailed kites forage mostly in grassland environments, as well as over agricultural fields (Erichsen et al. 1996, Smallwood et al. 1996). Based on my experience, the project site looks like white-tailed kite habitat.

Ferruginous hawk is reported to find habitat in "Open grassland & fields| Desert scrub | Pinyon-juniper woodland," but despite this characterization being consistent with the conditions at the project site, MIG (2023a) nevertheless concludes that its occurrence likelihood is unlikely. In my experience, ferruginous hawks forage on fields very much like the project site, even where those fields are disked. MIG's occurrence determination lacks any reasonable justification.

Merlin is said to find its habitat in "Estuary | Great Basin grassland | Valley & foothill grassland | Open forest." Unlike for ferruginous hawk, MIG (2023a) accepts that the site provides habitat to merlin. However, MIG (2023a) reports that the site would not support nesting by merlin. This latter conclusion is accurate, but it fails to be put into context. Merlin do no nest anywhere in southern California; the species nests far to the north. Whether the site supports nesting is not the issue for this species, nor is it the issue for ferruginous hawk, as these species are winter migrants that must find sufficient forage in southern California in order to successfully breed at their nest sites far to the north. Both of these species can find forage in a field such as the project site, but neither will find forage in an apartment complex.

In yet another example, MIG (2023a) concludes that Lawrence's goldfinch is unlikely to occur because its habitat is "Valley foothill hardwood | Desert riparian | Palm oasis | pinyon-juniper | Lower montane | oak woodland." And yet Noriko recorded Lawrence's goldfinch immediately adjacent to the project site (see Photo 24).

The patterns of flawed determinations noted in the examples also apply to most of the rest of the special-status species considered by MIG (2023a). MIG (2023a) pigeon-holes species into unrealistically narrow portions of their habitat, and it does so without citing sources. Furthermore, MIG's determinations do not always follow logically from the habitat characterizations it provides. The analysis is deeply flawed. At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the occurrence likelihoods of special-status species for the purpose of accurately characterizing the wildlife community as part of the existing environmental setting, and as foundation for appropriately analyzing potential project impacts to wildlife.

POTENTIAL BIOLOGICAL IMPACTS

An impacts analysis should consider whether and how the proposed project would affect members of a species, larger demographic units of the species, the whole of a species, and ecological communities. In the following I introduce three types of impacts likely to result from the project, and which need to be analyzed in an EIR.

PRODUCTIVE CAPACITY REDUCED BY HABITAT LOSS

The project would contribute substantially to habitat fragmentation, which poses serious problems to wildlife in the region. Habitat fragmentation and habitat loss have been recognized as the most likely leading causes of a documented 29% decline in overall bird abundance across North America over the last 48 years (Rosenberg et al. 2019). Habitat loss not only results in the immediate numerical decline of wildlife, but it also results in permanent loss of productive capacity. Habitat fragmentation multiplies the negative effects of habitat loss on the productive capacities of biological species (Smallwood 2015). None of these impacts, however, are seriously addressed in the IS/MND.

Table 2. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species Noriko detected.*

Common name	***Species name***	**Status[1]**	**IS/NMD occurrence potentials**	**Data base records, Site visits**
Delhi sands flower-loving fly	*Rhaphiomidas terminatus abdominalis*	FE	Unlikely	In region
Monarch	*Danaus plexippus*	FC		Very close
Quino checkerspot butterfly	*Euphydryas editha quino*	FE	Unlikely	In range
Crotch's bumble bee	*Bombus crotchii*	CCE	Unlikely	Nearby
Western spadefoot	*Spea hammondii*	SSC	Unlikely	Nearby
Arroyo toad	*Anaxyrus californicus*	FE, SSC		In region
Western pond turtle	*Emys marmorata*	SSC	Unlikely	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Unlikely	Nearby
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Unlikely	Nearby
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Unlikely	In region
San Diegan legless lizard	*Anniella stebbinsi*	SSC	Unlikely	Nearby
California glossy snake	*Arizona elegans occidentalis*	SSC	Unlikely	In region
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC		In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC	Unlikely	In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC		In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC	Unlikely	Nearby
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		Nearby
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		Nearby
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE, BCC	Unlikely	In region
Black swift	*Cypseloides niger*	SSC3, BCC		In region
Vaux's swift	*Chaetura vauxi*	SSC2, BCC		Very close
Costa's hummingbird	*Calypte costae*	BCC		Very close

Common name	*Species name*	Status[1]	IS/NMD occurrence potentials	Data base records, Site visits
Rufous hummingbird	*Selasphorus rufus*	BCC		Very close
Allen's hummingbird	*Selasphorus sasin*	BCC		Very close
American avocet[2]	*Recurvirostra americana*	BCC		Very close
Mountain plover	*Charadrius montanus*	SSC2, BCC		In region
Snowy plover	*Charadrius nivosus*	BCC		In region
Whimbrel[2]	*Numenius phaeopus*	BCC		In region
Long-billed curlew	*Numenius americanus*	WL		In region
Marbled godwit	*Limosa fedoa*	BCC		In region
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Willet	*Tringa semipalmata*	BCC		In region
Laughing gull	*Leucophaeus atricilla*	WL		In region
Heermann's gull	*Larus heermanni*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL		Very close
California least tern	*Sternula antillarum browni*	FE, CE, FP		In region
Black tern	*Chlidonias niger*	SSC2, BCC		In region
Elegant tern	*Thalasseus elegans*	BCC, WL		In region
Black skimmer	*Rynchops niger*	BCC, SSC3		In region
Common loon	*Gavia immer*	SSC		Nearby
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1, BCC		Very close
California brown pelican	*Pelecanus occidentalis californicus*	FP		In region
Least bittern	*Ixobrychus exilis*	SSC2		In region
White-faced ibis	*Plegadis chihi*	WL		Nearby
Turkey vulture	*Cathartes aura*	BOP		Very close
Osprey	*Pandion haliaetus*	WL, BOP		Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	Unlikely	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Unlikely	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		Very close

Common name	***Species name***	**Status[1]**	**IS/NMD occurrence potentials**	**Data base records, Site visits**
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP		Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Moderate	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA	Unlikely	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Low	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP		**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP	Unlikely	Very close
Zone-tailed hawk	*Buteo albonotatus*	BOP		In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP		Nearby
Rough-legged hawk	*Buteo lagopus*	BOP		In region
Barn owl	*Tyto alba*	BOP		Very close
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Very close
Burrowing owl	*Athene cunicularia*	BCC, SSC2, BOP	Low to moderate	Nearby
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		In range
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Lewis's woodpecker	*Melanerpes lewis*	BCC		Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Very close
American kestrel	*Falco sparverius*	BOP		**On site**
Merlin	*Falco columbarius*	WL, BOP	Low	Very close
Peregrine falcon	*Falco peregrinus*	BOP		Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP		Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		Nearby
Willow flycatcher	*Empidonax traillii*	CE		Very close
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Unlikely	In range
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Very close
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Unlikely	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Low	Very close
Oak titmouse	*Baeolophus inornatus*	BCC		Very close
California horned lark	*Eremophila alpestris actia*	WL	Low	Very close

Common name	***Species name***	**Status[1]**	**IS/NMD occurrence potentials**	**Data base records, Site visits**
Bank swallow	*Riparia riparia*	CT		Nearby
Purple martin	*Progne subis*	SSC2		Nearby
Wrentit	*Chamaea fasciata*	BCC		Very close
California gnatcatcher	*Polioptila c. californica*	FT, SSC2	Unlikely	Nearby
California thrasher	*Toxostoma redivivum*	BCC		Very close
Cassin's finch	*Haemorhous cassinii*	BCC		Very close
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Unlikely	**On site**
Grasshopper sparrow	*Ammodramus savannarum*	SSC2		Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		Nearby
Bell's sparrow	*Amphispiza b. belli*	WL	Unlikely	Nearby
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	Unlikely	Nearby
Yellow-breasted chat	*Icteria virens*	SSC3	Unlikely	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3		Nearby
Bullock's oriole	*Icterus bullockii*	BCC		Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Unlikely	Nearby
Lucy's warbler	*Leiothlypis luciae*	SSC3, BCC		Nearby
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		In region
Yellow warbler	*Setophaga petechia*	SSC2	Unlikely	Very close
Summer tanager	*Piranga rubra*	SSC1		Nearby
Pallid bat	*Antrozous pallidus*	SSC, WBWG:H	Unlikely	In region
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG:H		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M		In region
Spotted bat	*Euderma maculatum*	SSC, WBWG:H		In range
Hoary bat	*Lasiurus cinereus*	WBWG:M		In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG:H	Unlikely	In region
Western small-footed myotis	*Myotis cililabrum*	WBWG:M		In range
Miller's myotis	*Myotis evotis*	WBWG:M		In region
Little brown myotis	*Myotis lucifugus*	WBWG:M		In range

Common name	*Species name*	Status[1]	IS/NMD occurrence potentials	Data base records, Site visits
Fringed myotis	*Myotis thysanodes*	WBWG:H		In range
Long-legged myotis	*Myotis volans*	WBWG:H		In range
Yuma myotis	*Myotis yumanensis*	WBWG:LM		In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG:H	Unlikely	In range
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG:M	Unlikely	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	Unlikely	Nearby
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC		In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		In region
White-eared pocket mouse	*Perognathus alticola alticola*	SSC	Unlikely	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	Unlikely	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		**Probable**
San Bernardino kangaroo rat	*Dipodomys merriami parvus*	FE, CCE, SSC	Unlikely	In region
Stephens' kangaroo rat	*Dipodomys stephensi*	FE, CT	Unlikely	In region
San Diego desert woodrat	*Neotoma lepida intermedia*	SSC	Unlikely	In region
Ringtail	*Bassariscus astutus*	CFP		In region
American badger	*Taxidea taxus*	SSC	Unlikely	Nearby

[1] Listed as FT or FE = federal threatened or endangered, FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, CT or CE = California threatened or endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (CFG Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).
[2] Uncertain if BCC based on 2021 Bird of Conservation Concern list.

Habitat loss results in diminished productive capacity of affected wildlife species, but MIG (2023a) and the IS/MND make no attempt to estimate this lost capacity for any of the wildlife species potentially affected. In the case of birds, two methods exist for estimating the loss of productive capacity that would be caused by the project. One method would involve surveys to count the number of bird nests and chicks produced. The alternative method is to infer productive capacity from estimates of total nest density elsewhere.

Because the project is located within an area that has undergone severe habitat fragmentation, the habitat that remains in fragmented patches probably no longer supports its original productive capacity of wildlife (Smallwood 2015). However, several studies have estimated total avian nest density at locations that had likewise been highly fragmented. Two study sites in grassland/wetland/woodland complexes within agricultural matrices had total bird nesting densities of 32.8 and 35.8 nests per acre (Young 1948, Yahner 1982) for an average 34.3 nests per acre. To acquire a total nest density closer to conditions in California, Noriko surveyed through the breeding season of 2023 over 4.29 acres of grassland in the San Jacinto Wildlife Area. Noriko tabulated 3.72 bird nests/acre in grassland. Applying her estimated total nest density in grassland to the project site's 13.48 acres of grassland, predicts 50 bird nest sites. Assuming 1.39 broods per nest site based on Noriko's review of 322 North American bird species, which averaged 1.39 broods per year, then I predict the project would cost California 70 nest attempts/year.

The loss of 50 nest sites and 70 nest attempts/year would easily qualify as a significant project impact that has not been quantitatively addressed in the IS/MND. But the impact would not end with the immediate loss of nest sites as nest substrate is removed and foraging grounds graded in preparation for impervious surfaces. The reproductive capacity of the site would be lost. The average number of fledglings per nest in Young's (1948) study was 2.9. Assuming Young's (1948) study site typifies bird productivity, the project would prevent the production of 203 fledglings per year. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 223 birds per year denied to California.

To measure the impacts of habitat loss to wildlife caused by development projects, Noriko Smallwood and I revisited 80 sites of proposed projects that we had originally surveyed in support of comments on CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration in order to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All of the developed sites had included mitigation measures to avoid, minimize or compensate for impacts to wildlife. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number

of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all of the mitigation measures and existing policies and regulations. We also found that impacts to wildlife were most severe at infill project sites, where wildlife lacked habitat on adjacent land areas.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. However, the IS/MND does not seriously address the question of whether the project would interfere with wildlife movement. According to the MIG 1023:12), "…the Project Area is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species diversity, and it is too small of an area to support significant wildlife movement. This Project Area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas." In fact, the most widely applicable definition of wildlife corridor is of corridors that are created by habitat fragmentation such as the urbanization to which MIG (2023a) refers (Smallwood 2015). Moreover, the project site's increasing isolation from other patches of open space only heightens its relative importance to wildlife movement in the region, as wildlife attempting to traverse the region can find fewer and fewer opportunities to stopover and find refuge.

Whether the site includes or is within a wildlife movement corridor is not the only consideration when it comes to the standard CEQA Checklist question of whether the project would interfere with wildlife movement in the region. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. In fact, a site such as the project site is critically important for wildlife movement because it composes an increasingly diminishing area of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site for stopover and staging during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project, due to its elimination of 13.48 acres of open space, would cut wildlife off from one of the last remaining stopover and staging opportunities in the project area, forcing volant wildlife to travel even farther between remaining stopover sites. This impact would be significant, and as the project is currently proposed, it would be unmitigated.

MIG (2023a) did not design a study or perform a program of observation capable of characterizing movement patterns or determining how and to what degrees wildlife use the project site for movement. No methods were described of how MIG might have assessed the site in the field for its role in wildlife movement in the region, and it

appears that nothing was done at all to investigate wildlife movement other than use of speculation about the size, level of disturbance and situation of the site within an urbanizing environment. Other than speculation, there is no analysis. At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the potential of the proposed project to interfere with wildlife movement in the region.

WINDOW COLLISION MORTALITY

The IS/MND fails to consider impacts on wildlife from window collision. The project would add 460 apartment units and 18,000 sf of retail to open space that is currently habitat to many birds. These new buildings would present glass windows to birds attempting to use an essential portion of their habitat – that portion of the gaseous atmosphere that is referred to as the aerosphere (Davy et al. 2017, Diehl et al. 2017). The aerosphere is where birds and bats and other volant animals with wings migrate, disperse, forage, perform courtship and where some of them mate. Birds are some of the many types of animals that evolved wings as a morphological adaptation to thrive by moving through the medium of the aerosphere. The aerosphere is habitat. Indeed, an entire discipline of ecology has emerged to study this essential aspect of habitat – the discipline of aeroecology (Kunz et al. 2008). Many special-status species of birds have been recorded at or near the aerosphere of the project site, and Noriko saw many birds using the aerosphere while she surveyed the site. Bird-window collision mortality is a potentially significant impact that warrants analysis.

Window collisions are often characterized as either the second or third largest source or human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently by Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. The proposed project would impose windows in the airspace normally used by birds.

Glass-façades of buildings intercept and kill many birds, but these façades are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors. At Washington State University, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a three-story glass walkway (no fatality adjustments attempted). Prior to marking the windows to warn birds of the collision hazard, the collision rate was 84.7 per year. At that rate, and not attempting to adjust the fatality estimate for the proportion of fatalities not found, 4,574 birds were likely killed over the 54 years since the start of their study, and that's at a relatively small building façade. Accounting for the proportion of fatalities not found, the number of birds killed by this walkway over the last 54 years would have been about 14,270. And this is just for one 3-story, glass-sided walkway between two college campus buildings.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by

fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were underway. Loss et al. (2014) incorporated many more fatality rates based on scientific monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only 2 of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

Buildings can intercept many nocturnal migrants as well as birds flying in daylight. As mentioned above, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted for undetected fatalities). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager at al. (2008) found 215 bird fatalities of 48 species, or

55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building façades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building façades. From 24 days of survey over a 48-day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird fatalities over 61 days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355 collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities, thereby indicating a wide range in impacts likely influenced by various factors. There is ample evidence available to support my prediction that the proposed Project would result in many collision fatalities of birds within the Tennessee Village project.

Bird-window impact prediction

I have reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m^2 of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m^2 of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a site of a proposed new project.

I found no information on the extent of glass windows on the proposed project buildings. I therefore measured the windows in the IS/MND's renderings of the building facades, which compose 17.36% of the total project façade area. Applying my window measurements and adjusting them for the windows not depicted in the IS/MND's renderings, I calculate a total glass window area of 8,336 m^2. Multiplying the average number of bird deaths per m^2 of glass per year (above) by my calculated window area in the project, **I predict annual bird deaths of 609 (95% CI: 362–857)**. My analysis reveals that the impacts of bird-window collision mortality would be highly significant. This impact is not considered in the IS/MND. A fair argument can be made for the need to revise prepare an EIR to appropriately analyze potential impacts to wildlife due to collisions with windows.

ROAD COLLISION MORTALITY

The IS/MND fails to consider impacts on wildlife from road collision mortality. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project-generated traffic (Photos 32—34), including along roads far from the villages. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 32. *A Gambel's quail dashes across a road* on *3 April 2021. Such road crossings are usually successful, but too often prove fatal to the animal. Photo by Noriko Smallwood.*

Photo 33. *Mourning dove killed by vehicle on a California road. Photo by Noriko Smallwood, 21 June 2020.*

Photo 34. *Raccoon killed on Road 31 just east of Highway 505 in Solano County. Photo taken on 10 November 2018.*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study

found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 12,187 animals killed by traffic on the road. This fatality number over 1.25 years and 2.5 miles of road translates to 3,900 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 243,740 animals killed per 100 km of road per year, or 29 times that of Loss et al.'s (2014) upper bound estimate and 68 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,900 animals killed per mile along a county road in Contra Costa County. Two percent of the estimated number of fatalities were birds, and the balance was composed of 34% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 52.3% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 11.7% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Animal-vehicle collision mortality prediction

The IS/MND predicts 7,131,868 annual VMT. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 12,187 wildlife fatalities, or 1,825 vehicle miles per fatality. This rate divided into the above-predicted annual VMT would **predict 3,908 vertebrate wildlife fatalities per year**. Even if the mortality is half this rate, it would be highly significant. Even if the mortality is a tenth of this rate, it would be highly significant.

Based on my analysis, the project-generated traffic from and within the Tennessee Village project area would cause substantial, significant impacts to wildlife. Given the

predicted level of traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts. However, these impacts are not considered in the IS/MND. A fair argument can be made for the need to revise prepare an EIR to appropriately analyze potential impacts to wildlife due to collision mortality caused by increased road traffic.

CUMULATIVE IMPACTS

The IS/MND's cumulative effects analysis is fundamentally flawed. The IS/MND reports, "The analysis provided in Section 4.4 found that no individual impacts to sensitive species or migratory birds would occur with implementation of **Mitigation Measures BIO-**1 and **BIO-2**; therefore, the project would not contribute considerably to regional impacts on such species, and impacts would be less than significant. …" However, the IS/MND contrives the false standard that a given impact is cumulatively considerable only when it is a significant project-level direct impact that has not been fully mitigated, hence leaving no residual impact. The IS/MND implies that cumulative impacts are really residual impacts left over by inadequate mitigation of project impacts. This notion of residual impacts being the source of cumulative impacts is inconsistent with CEQA's definition of cumulative effects. Individually mitigated projects do not negate the significance of cumulative impacts. If they did, then CEQA would not require a cumulative effects analysis. To summarize, the IS/MND presents no cumulative effects analysis as defined in two ways by CEQA.

Considering the size of the project, the degree of habitat fragmentation that has already occurred in the area, and the magnitudes of predicted perpetual wildlife mortality that would be caused by the development of the project, an analysis of the project's contributions to cumulative impacts was required in the IS/MND. I predict the habitat loss caused the development of the project would deny California of 223 birds per year, which combined with the loss of bird productivity caused by existing, approved and planned development in the region would be highly significant. I predict the development of the project would contribute cumulatively to interference with wildlife movement in the region. I predict the development of the project would contribute annual mortality of 609 (95% CI: 362–857) birds due to collisions with windows, and 3,908 wild animals due to collisions with project-generated road traffic. These are devastatingly large numbers of direct impacts to wildlife just at the project site alone, but these numbers would add to the tolls at the other projects recently completed, underway or foreseeable in the near future.

A serious analysis of cumulative impacts is warranted. At least a fair argument can be made for the need to prepare an EIR to appropriately analyze potential cumulative impacts.

INADEQUATE MITIGATION

BIO-1 Pre-construction Survey for Nesting Birds. *To the extent feasible, construction activities should be scheduled to avoid the nesting season. … If it is not possible to schedule construction activities between September 1 and January 31, then*

pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. …If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation…

Whereas I concur that a preconstruction survey should be performed, it should be understood that a preconstruction survey, although warranted as a follow-up to protocol-level detection surveys, actually achieves very little. Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. These types of observations typically require many surveys on many dates spread throughout the breeding season, and these observations are to find the nest sites of single targeted species such as burrowing owl (Smallwood et al. 2013) or loggerhead shrike (Smallwood and Smallwood 2021). To identify the birds of all species nesting on a site requires a much greater survey effort than a single survey only days prior to the start of construction. The biologists conducting the preconstruction survey would be very lucky to find any of the bird nests that are available to be found at the time of the survey.

One reason why preconstruction surveys achieve very little is because species of bird vary in their nest phenology within what is generally understand as the avian breeding season. Whereas killdeer begin nesting in mid-March, western meadowlarks begin in late April, burrowing owls usually begin in May in northern California but in April in southern California, and American goldfinches do not nest until July-August. Whenever the preconstruction survey is conducted, its biologists would be searching only for the nests of the birds that happen to be breeding at the time, and would miss the nests begun between the survey and the start of construction.

Another reason why preconstruction surveys achieve very little is because the nests they might salvage are only the nests of the year. Preconstruction surveys can do nothing to mitigate the loss of productive capacity that follows construction. All subsequent years of productivity would be destroyed by the project regardless of the success of a preconstruction survey.

Lastly, the mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area within stated maxima for any given species. This measure lacks objective criteria, and is unenforceable.

BIO-2: Pre-construction Survey for Burrowing Owl. *No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. … Pre-construction surveys shall be conducted in accordance*

with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. …

A preconstruction survey is only intended as a follow-up survey to breeding-season detection surveys to ensure that no burrowing owls have repopulated the site since a negative finding from the detection survey or since the passive or active relocations of burrowing owls as a mitigation measure. What is needed prior to the preconstruction survey, and prior to the circulation of an EIR, are breeding-season detection surveys that meet the standards of CDFW (2012). These surveys have yet to be completed.

RECOMMENDED MEASURES

Guidelines on Building Design to Minimize Bird-Window Collisions: If the Project goes forward, it should adhere to available Bird-Safe Guidelines, such as those prepared by American Bird Conservancy and New York and San Francisco. The American Bird Conservancy (ABC) produced an excellent set of guidelines to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples.

New research results inform of the efficacy of marking windows. Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 69% after placing decals on windows. In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6 buildings – the only building with windows treated with a bird deterrent film. At the building with fritted glass, bird collisions were 82% lower than at other buildings with untreated windows. Kahle et al. (2016) added external window shades to some windowed façades to reduce fatalities 82% and 95%. Brown et al. (2020) reported an 84% lower collision probability among fritted glass windows and windows treated with ORNILUX R UV. City of Portland Bureau of Environmental Services and Portland Audubon (2020) reduced bird collision fatalities 94% by affixing marked Solyx window film to existing glass panels of Portland's Columbia Building. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015). For example, Feather Friendly® circular adhesive markers applied in a grid pattern across all windows reduced bird-window collision mortality by 95% in one study (Riggs et al. 2023) and by 95% in another (de Groot et al. 2021). Another study tested the efficacy of two filmshades to be applied exteriorly to windows prior to installations: BirdShades increased bird-window avoidance by 47% and Haverkamp increased avoidance by 39% (Swaddle et al. 2023).

Monitoring and the use of compensatory mitigation should be incorporated at any new building project because the measures recommended in the available guidelines remain of uncertain efficacy, and even if these measures are effective, they will not reduce collision fatalities to zero. The only way to assess mitigation efficacy and to quantify post-construction fatalities is to monitor newly constructed buildings or homes for fatalities.

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by project-generated road traffic in the region. I suggest that this mitigation be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles and windows and by depredation attempts by house cats and dogs.

Landscaping: If the Project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as importance sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threated insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

Thank you for your consideration,

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Shawn Smallwood, Ph.D.

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Photo by Noriko Smallwood: Common ravens harassing a desert cottontail that was exposed after the site was disked on 9 May 2024.

Kenneth Shawn Smallwood
Curriculum Vitae

3108 Finch Street
Davis, CA 95616
Phone (530) 756-4598
Cell (530) 601-6857
puma@dcn.org

Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 668 professional publications, including:
- 88 peer reviewed publications
- 24 in non-reviewed proceedings
- 554 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 87 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science*, U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al*. v. Rockwell International *et al*., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

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- 14 Charles Hill Circle Design Review (2021; 11);
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- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);

- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
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- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
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- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);
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- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);

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- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
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- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);
- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
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- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);

- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
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- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
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- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
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- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
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- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
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- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
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- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);
- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
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- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
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- The Villages of Lakeview EIR, Riverside (2017; 28);
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- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);

- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
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- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
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- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
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- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);
- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
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- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Willow Springs Solar Photovoltaic Project DEIR, Rosamond (2015; 28);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
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- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
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- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
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- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);
- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
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- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects Ism Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);

- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);

- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);
- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);

- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No.

103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-

2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife

Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion;

Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm, Sweden, February 2013.

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Reviews of Journal Papers (Scientific journals for whom I've provided peer review)

Journal	**Journal**
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology

Journal	Journal
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Wildlife Society Bulletin	Peer J
Biological Control	The Condor

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

Representative Clients/Funders

Law Offices of Stephan C. Volker
Blum Collins, LLP
Eric K. Gillespie Professional Corporation
Law Offices of Berger & Montague
Lozeau | Drury LLP
Law Offices of Roy Haber
Law Offices of Edward MacDonald
Law Office of John Gabrielli
Law Office of Bill Kopper
Law Office of Donald B. Mooney
Law Office of Veneruso & Moncharsh
Law Office of Steven Thompson
Law Office of Brian Gaffney
California Wildlife Federation
Defenders of Wildlife
Sierra Club
National Endangered Species Network
Spirit of the Sage Council
The Humane Society
Hagens Berman LLP
Environmental Protection Information Center
Goldberg, Kamin & Garvin, Attorneys at Law
Californians for Renewable Energy (CARE)
Seatuck Environmental Association
Friends of the Columbia Gorge, Inc.
Save Our Scenic Area
Alliance to Protect Nantucket Sound
Friends of the Swainson's Hawk
Alameda Creek Alliance
Center for Biological Diversity
California Native Plant Society
Endangered Wildlife Trust
and BirdLife South Africa
AquAlliance
Oregon Natural Desert Association
Save Our Sound
G3 Energy and Pattern Energy
Emerald Farms
Pacific Gas & Electric Co.
Southern California Edison Co.
Georgia-Pacific Timber Co.
Northern Territories Inc.
David Magney Environmental Consulting
Wildlife History Foundation
NextEra Energy Resources, LLC
Ogin, Inc.
EDF Renewables
National Renewable Energy Lab
Altamont Winds LLC
Salka Energy
Comstocks Business (magazine)
BioResource Consultants
Tierra Data
Black and Veatch
Terry Preston, Wildlife Ecology Research Center
EcoStat, Inc.
US Navy
US Department of Agriculture
US Forest Service
US Fish & Wildlife Service
US Department of Justice
California Energy Commission
California Office of the Attorney General
California Department of Fish & Wildlife
California Department of Transportation
California Department of Forestry
California Department of Food & Agriculture
Ventura County Counsel
County of Yolo
Tahoe Regional Planning Agency
Sustainable Agriculture Research & Education Program
Sacramento-Yolo Mosquito and Vector Control District
East Bay Regional Park District
County of Alameda
Don & LaNelle Silverstien
Seventh Day Adventist Church
Escuela de la Raza Unida
Susan Pelican and Howard Beeman
Residents Against Inconsistent Development, Inc.
Bob Sarvey
Mike Boyd
Hillcroft Neighborhood Fund
Joint Labor Management Committee, Retail Food Industry
Lisa Rocca
Kevin Jackson
Dawn Stover and Jay Letto
Nancy Havassy
Catherine Portman (for Brenda Cedarblade)
Ventus Environmental Solutions, Inc.
Panorama Environmental, Inc.
Adams Broadwell Professional Corporation

Representative special-status species experience

Common name	Species name	Description
Field experience		
California red-legged frog	*Rana aurora draytonii*	Protocol searches; Many detections
Foothill yellow-legged frog	*Rana boylii*	Presence surveys; Many detections
Western spadefoot	*Spea hammondii*	Presence surveys; Few detections
California tiger salamander	*Ambystoma californiense*	Protocol searches; Many detections
Coast range newt	*Taricha torosa torosa*	Searches and multiple detections
Blunt-nosed leopard lizard	*Gambelia sila*	Detected in San Luis Obispo County
California horned lizard	*Phrynosoma coronatum frontale*	Searches; Many detections
Western pond turtle	*Clemmys marmorata*	Searches; Many detections
San Joaquin kit fox	*Vulpes macrotis mutica*	Protocol searches; detections
Sumatran tiger	*Panthera tigris*	Track surveys in Sumatra
Mountain lion	*Puma concolor californicus*	Research and publications
Point Arena mountain beaver	*Aplodontia rufa nigra*	Remote camera operation
Giant kangaroo rat	*Dipodomys ingens*	Detected in Cholame Valley
San Joaquin kangaroo rat	*Dipodomys nitratoides*	Monitoring & habitat restoration
Monterey dusky-footed woodrat	*Neotoma fuscipes luciana*	Non-target captures and mapping of dens
Salt marsh harvest mouse	*Reithrodontomys raviventris*	Habitat assessment, monitoring
Salinas harvest mouse	*Reithrodontomys megalotus distichlus*	Captures; habitat assessment
Bats		Thermal imaging surveys
California clapper rail	*Rallus longirostris*	Surveys and detections
Golden eagle	*Aquila chrysaetos*	Numerical & behavioral surveys
Swainson's hawk	*Buteo swainsoni*	Numerical & behavioral surveys
Northern harrier	*Circus cyaeneus*	Numerical & behavioral surveys
White-tailed kite	*Elanus leucurus*	Numerical & behavioral surveys
Loggerhead shrike	*Lanius ludovicianus*	Large area surveys
Least Bell's vireo	*Vireo bellii pusillus*	Detected in Monterey County
Willow flycatcher	*Empidonax traillii extimus*	Research at Sierra Nevada breeding sites
Burrowing owl	*Athene cunicularia hypugia*	Numerical & behavioral surveys
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	Monitored success of relocation and habitat restoration
Analytical		
Arroyo southwestern toad	*Bufo microscaphus californicus*	Research and report.
Giant garter snake	*Thamnophis gigas*	Research and publication
Northern goshawk	*Accipiter gentilis*	Research and publication
Northern spotted owl	*Strix occidentalis*	Research and reports
Alameda whipsnake	*Masticophis lateralis euryxanthus*	Expert testimony

Noriko Lena Smallwood

530-601-6852 | norikosmallwood@yahoo.com | Temecula, CA

Education

M.S., Environmental Sciences **Aug 2019 – Aug 2021**

California State University Los Angeles, *Advisor: Dr. Eric Wood*

Thesis: The influence of native plants on urban wildlife in Southern California residential yards

- *GIS certificate*
- *Special Recognition in Graduate Studies award, 2020*

B.S., Environmental and Ecosystem Sciences **Aug 2015 – Dec 2018**

Washington State University, Pullman, Washington

- *Minors: Biology, Geology*

Professional Experience

Wildlife Ecologist, Dr. Shawn Smallwood, Environmental Consultant **June 1, 2016 – Present**

- Independently conduct biological resource surveys at proposed project sites for CEQA review throughout California
  - Survey for species presence and habitat suitability of birds, mammals, herpetofauna, insects, and plants, especially special status species
- Assist with the writing of comment letters for proposed project sites undergoing CEQA review
- Conduct biological resource surveys for various research projects on wildlife conservation
- Manage and analyze large datasets
- Assisted with nest surveys of burrowing owl and loggerhead shrike, and raptor behavior surveys as a part of a research study on 46 plots in the Altamont Pass Wind Resource Area
- Processed documents and data relating to human structure impacts on wildlife

Biologist, Bargas Environmental Consulting **June 9, 2020 – June 2022**

- Supported various utility-sector projects in Southern and Central California including Southern California Edison, SoCal Gas, and Spectrum
- Conducted pre-construction surveys and construction monitoring for nesting birds and plant and wildlife species of special concern, including woodpeckers, raptors, burrowing owl, golden eagle, bald eagle, peregrine falcon, California gnatcatcher, least Bell's vireo, San Bernardino kangaroo rat, Southern rubber boa, monarch butterfly, California red-legged frog, coast horned lizard, Joshua tree, Santa Susana tarplant, and many others. Surveys and monitoring intended to limit or eliminate disturbance to species and habitat
- Pre-construction surveys and construction monitoring for water resources (streams and washes)
- Delineated and mapped water features in the Mojave desert
- Mapped and classified vegetation using the Manual of California Vegetation (MCV)
- Used ESRI Survey 123, Collector, and Field Maps, Gaia GPS, and Solocator to collect data and prepare reports
- Worked alone and in groups, and often communicated with other biologists as well as construction crew members, including conducting tailboard meetings before construction

- Trained new biologists in the field by teaching species identification, habitat assessments, ESRI software, and explained job duties
- Served as a Field Lead on large SCE projects to provide full-time support and maintain communication between Field Biologists, Project Managers, and Contractors
- Conducted desktop reviews to assess landscape and potential suitable habitat for special status species

Graduate Researcher, California State University Los Angeles **Aug 1, 2019 – Aug 6, 2021**

- Thesis: "The influence of native plants on urban wildlife in Southern California residential yards"
- Preparation of research project: conducted literature review, public outreach to obtain volunteers, and wrote grant proposals to obtain research funding
- Planned, scheduled, and conducted field surveys for birds, pollinating insects, and vegetation in residential yards
- Managed a large dataset and conducted statistical analysis in the software,"R"
- Conducted remote sensing analyses and created maps using ArcMap and ArcGIS Pro
- Gave presentations on my research to a conference and non-profit organizations

Research Assistant, University of Idaho **Feb 15, 2019 – Aug 31, 2019**

- Processed images using the software, "ImageJ," for research relating to the effects of cattle grazing on greater sage-grouse nests

Lab Assistant, University of Idaho **Sep 15, 2017 – May 15, 2019**

- Set up and maintained lab experiments with nematodes including a research project relating to heat stress on the entomopathogenic nematode, *S. feltiae*

Teaching Experience

Graduate Assistant, California State University **Jan 20, 2020 – Dec 23, 2020**

- Graded and provided feedback on assignments and exams for 150 and 90 undergraduate students in BIOL 3600: Integrative Organismal Biology and 80 students in MICR 1010: Intro to Microbiology

Tutor, Hayutin & Associates **July 25, 2019 – May 31, 2020**

- Independently tutored K-12 student in test prep (ISEE test), executive function coaching, and subject tutoring (science and mathematics)

Volunteer Experience

Restoration Volunteer, Washington State University **Dec 5, 2018**

- Participated in a restoration project by planting native willows in an eroded and degraded stream bed in the South Fork of the Palouse River near Moscow, Idaho

Field Surveyor, Washington State University **Oct 27-29, 2018**

- Participated in a research project on deer vehicle strikes by surveying locations of local radio collared mule and white-tailed deer in Winthrop, Washington using VHF radiotelemetry

Field Surveyor, University of Idaho **Sep 22-23, 2018**

- Participated in a research project on the declining populations of pygmy rabbit by surveying pygmy rabbit burrows in the sagebrush ecosystem near Leadore, Idaho using Garmin GPS devices

Restoration Volunteer, Washington State University **April 2016**

- Participated in a restoration project by removing invasive reed canary grass and planting native plants in Missouri Flat Creek in Pullman, Washington

Publications

Smallwood, K.S. and **N.L. Smallwood.** 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. *Diversity* 15(10):1037.

Smallwood, N.L. and E.M. Wood. 2023. The ecological role of native-plant landscaping in residential yards to birds during the nonbreeding period. *Ecosphere* 14(1): e4360.

Smallwood, N.L. and E.M. Wood. 2022 Native-plant landscaping in residential yards provides habitat and refuge for birds in Southern California. *Los Angeles Audubon Society Western Tanager* 89(2).

Smallwood, K.S. and **N.L. Smallwood.** 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. *Diversity* 13(11):540.

Presentations

Smallwood, N.L. The ecological role of native-plant landscaping in residential yards to birds during the nonbreeding period. American Ornithological Society/Society of Canadian Ornithologists Conference. August 8 2023, London, Ontario, Canada.

Smallwood, N.L. The ecological role of native-plant landscaping in residential yards to birds during the nonbreeding period. University of California Riverside Palm Desert Center. March 2, 2023, Palm Desert, California.

Smallwood, N.L. The ecological role of native-plant landscaping in residential yards to urban wildlife. *Southern California Academy of Sciences Annual Meeting*, May 6, 2022, Fullerton, CA.

Smallwood, N.L. Gardening for Biodiversity, a guided tour. *Arlington Garden*, December 11, 2021, Pasadena, CA.

Smallwood, N.L. The influence of native plant landscaping on urban wildlife in Southern California residential yards. *California Native Plant Society Los Angeles/Santa Monica Mountains Chapter*, October 12, 2021, virtual.

Smallwood, N.L. and E.M. Wood. The influence of native plants on urban wildlife in Southern California residential yards. *International Urban Wildlife Conference*, May 25-27, 2021, virtual.

Smallwood, N.L. The influence of native plants on urban wildlife in Southern California residential yards. *Theodore Payne Foundation Poppy Hour*, March 18, 2021, virtual.

Grants

	Total	Year(s)
Travel award, *American Ornithological Society meeting 2023*	$936	2023
Graduate Equity Fellowship, *California State University Los Angeles*	$2,000	2020 – 2021
Pasadena Audubon Society Grant	$3,000	2020
State University Grant, *California State University Los Angeles*	$14,352	2019 – 2021
Cougar Academic Award, *Washington State University*	$45,500	2015 – 2018

Workshops

Level 1 Venomous Handling Certification Course, Save the Snakes , 29-30 April 2023. 16 hours, Sacramento, California

Rare Pond Species Workshop, The Laguna de Santa Rosa Foundation/The Wildlife Project, 11-12 March 2023, 14 hours, Santa Rosa, California.

Burrowing Owl Training. The Western Section of The Wildlife Society Meeting, 6 February 2023, 2 hours, Riverside, California.

Introduction to the Mojave Desert Tortoise. Desert Tortoise Council. October/November 2022, 17 hours, online lectures and field training in Ridgecrest, California.

Association of Environmental Professionals' 2021 Intermediate CEQA Workshop, February 2021, 4 hours, online.

Memberships

The Western Section of The Wildlife Society

Association of Environmental Professionals

Skills and Coursework

Research Interests	Ecology, Conservation Biology, Urban Ecology, Ornithology, Mammalogy, Habitat Conservation, Habitat Restoration, Wildlife-Human Interactions
Species (T&E)	Swainson's hawk, California gnatcatcher, least Bell's vireo, Tricolored blackbird, Mojave desert tortoise, California red-legged frog, California tiger salamander, San Bernardino kangaroo rat, Stephens' kangaroo rat
Field Techniques	Biological resource surveys, habitat assessment, water resource surveys, construction monitoring, bird point counting, bird behavior surveys, nest searching, nest and resource mapping, small mammal burrow surveys, insect transect surveys, vegetation cover surveys, locating wildlife using radio telemetry Experience hiking, backpacking, and operating four-wheel drive vehicles off road
Software	R, ArcMap, ArcGIS Pro, QGIS, ImageJ, Digital Photo Professional 4, GPS operation
Related Coursework	**Wildlife and Ecology:** Wildlife Habitat Ecology (3 semester units), Methods in Wildlife Ecology (4), Restoration Ecology (3), General Ecology (4), Natural Resource Ecology (3), Community Ecology (3), Animal Behavior (3), Ornithology (4), Marine Ecology (3), Rivers: Form, Function, and Management (3), Natural Resource and Environmental Policy and Law (3), Natural Resources: Society and the Environment (3), Environment, Human Life, Sustainability (4) **Botany:** Plant Systematics (3), Plant Ecology (4), Hot Topics Seminar: "What Kills Trees?" (3) **Statistics and GIS:** Data Analysis in Biological Sciences (3), Statistical Methods in Research (3), Intro to Statistical Methods (4), Intro to GIS (3), GIS Applications (3), Remote Sensing (3), Digital Cartography (3) **Other:** Professional Writing in Life Sciences (2), Environmental Geology (3), Water and the Earth (3), Oceanography, General Genetics (4)

Tennessee Village Mixed-Use Project

Mitigation Monitoring and Reporting Program

Lead Agency:

City of Redlands
35 Cajon St., Ste. 20/P.O. Box 3005
Redlands, CA 92373
Office 909.798.7555 ext. 7344

Prepared by:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507

MMRP
April 22, 2024

- This document is designed for double-sided printing -

This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Public Review Draft IS/MND prepared for the Tennessee Village Mixed-Use Project in the City of Redlands, California. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
BIOLOGICAL RESOURCES							
BIO-1	**Pre-construction Survey for Nesting Birds.** To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1. If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the	Prior to Issuance of Grading Permits	Complete and Submit Surveys to City of Redlands DSD	Project Proponent, City of Redlands DSD			

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	surveys will be documented. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged. A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.						

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
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BIO-2	**Pre-construction Survey for Burrowing Owl.** No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.	Prior to Issuance of Grading Permits	Complete Surveys and Submit to City of Redlands DSD	Project Proponent, City of Redlands DSD			
CULTURAL RESOURCES (ARCAHEOLOGICAL RESOURCES)							
CUL-1	If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to	Prior to and During Construction	Complete and Submit Agreement to City of Redlands DSD	City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.						

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as						

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
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	appropriate, determine that the treatment measures have been completed to their satisfaction.						
GEOLOGY AND SOILS (PALEONTOLOGICAL RESOURCES)							
GEO-1	**Inadvertent Discovery of Paleontological Resources.** If paleontological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if determined feasible by the project paleontologist. Otherwise, the paleontologist shall fully recover the scientifically consequential information. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Development Services Director. The applicant shall bear the cost of implementing this mitigation.	During Grading and Site Preparation	Report Submission to City of Redlands DSD	Project Proponent, City of Redlands			
NOISE							
NOI-1	**Reduce Potential Building 3 HVAC Noise Levels.** To reduce potential noise levels from Building 3 heating, ventilation, and air conditioning (HVAC) equipment: 1. The installation of HVAC units or systems that generate a noise level greater than 75	Prior to Issuance of Building Permits	Building Plan Submission	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
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					Initials	**Date**	**Remarks**
	dBA (at 3 feet) for units located within 90 lateral feet of the project's eastern property line shall be prohibited; or 2. Parapet walls for any building with an HVAC unit or system within 90 feet of the project's eastern property line shall be at least 1 foot taller than the top of the tallest installed HVAC unit.						
TRIBAL CULTURAL RESOURCES							
TCR-1	**Native American Treatment Agreement.** Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Agreement with the Consulting Tribe(s) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.	Prior to Issuance of a Grading Permit	Submittal Executed of Agreement to the City of Redlands DSD	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
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TCR-2	**Retention of Archaeologist.** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist shall conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.	Prior to issuance of a Grading Permit	Submit Evidence of Retention of Archaeologist to City of Redlands DSD	Project Proponent, City of Redlands DSD			
TCR-3	**Cultural Resource Management Plan.** Prior to any ground-disturbing activities the Project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. This Plan shall be written in consultation	Prior to Issuance of a Grading Permit	Submit Completed Plan to the City of Redlands DSD	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
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	with the Consulting Tribe(s) and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.						
TCR-4	**Pre-Grade Meeting.** The retained qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.	Prior to Ground-Disturbing Activities	Submit Evidence of Completion of Meeting to City of Redlands DSD	Project Proponent, City of Redlands DSD			
TCR-5	**On-Site Monitoring.** During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
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TCR-6	**Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe(s) of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
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	are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: A. Full avoidance. B. If avoidance is not feasible, Preservation in place. C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)						
TCR-7	**Inadvertent Discovery of Human Remains.** The Consulting Tribe(s) requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe(s). A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical,	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5. C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98. D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and						

Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program							
Mitigation Measures		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
	sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.						
TCR-8	**Final Report.** The final report[s] created as a part of the Project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the City and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the Eastern Information Center, and the Consulting Tribe(s).	Prior to Issuance of Occupancy Permits	Provide Evidence of Report Submittal to All Listed Parties	Project Proponent, City of Redlands DSD			

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RESOLUTION NO. 8641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS APPROVING LAND USE ENTITLEMENTS FOR A MIXED-USE DEVELOPMENT WITH 460 APARTMENTS AND APPROXIMATELY 18,000 SQUARE FEET OF COMMERCIAL SPACE LOCATED ON THE EAST SIDE OF TENNESSEE STREET AND APPROXIMATELY 600 FEET NORTH OF LUGONIA AVENUE.

WHEREAS, Diversified Pacific Development Group, LLC., (the "Applicant"), has submitted an application for Specific Plan Amendment No. 50 to the East Valley Corridor Specific Plan (Specific Plan No. 40) to amend Specific Plan 40 and its associated land use map to remove a total of 13.48 acres from the Specific Plan area, located on the east side of Tennessee Street, approximately 600 feet north of Lugonia Avenue, and the south side of a proposed extension of Pennsylvania Avenue (APN: 0167-171-15-0000) (the "subject property"); and

WHEREAS, the Applicant has submitted an application for Zone Change No. 477 to rezone the subject property totaling approximately 13.48 acres as "General Commercial (C-3)" district pursuant to RMC Title 18 to be consistent with the existing General Plan land use designation for Commercial land uses including mixed-use developments; and

WHEREAS, the Applicant has submitted an application for Tentative Parcel Map No. 20688 to subdivide the subject property into four parcels with the following acreages for development purposes: 1.37 net acres, 1.49 net acres, 5.02 net acres, and 4.88 net acres; and

WHEREAS, the Applicant has submitted an application for Conditional Use Permit No. 1173 to construct and operate a mixed-use project consisting of 460 apartments and 18,000 square-feet of commercial space on the subject property; and

WHEREAS, the Applicant has submitted an application for Commission Review & Approval No. 956 for site plan and architectural review of the proposed mixed-use project including on-site parking, landscaping, recreation areas, and related site improvements; and

WHEREAS, the Applicant has submitted an Inclusionary Housing Plan in accordance with Redlands Municipal Code Chapter 18.230 (Inclusionary Housing) and proposes to fulfill the inclusionary housing requirement by providing twenty (20) units for Very Low-income households within the project (calculated from a base density of four hundred dwelling units); and

WHEREAS, the Planning Commission has reviewed the proposed project, found the proposal to be consistent with the City's *2021-2029 Housing Element*, and the proposed residential project will provide up to 460 dwelling units that will result in more housing opportunities in Redlands; and

WHEREAS, on September 24, 2024, the Planning Commission held a public hearing and considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, on September 24, 2024, the Planning Commission recommended approval of the Project to the City Council; and

WHEREAS, the Project is subject to the California Environmental Quality Act (CEQA), the City has prepared an Initial Study for the Project in accordance with the State CEQA Guidelines, exercised its own independent judgment and analysis and there is no substantial evidence that the proposed project may have a significant effect on the environment, the custodian of records is the Planning Division of the Development Services Department, and a Mitigated Negative Declaration has been prepared in accordance with the State CEQA Guidelines; and

WHEREAS, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the Project and circulated for public review for a period of thirty days beginning on April 24, 2024, and ending on May 27, 2024; and

WHEREAS, on or about November 7, 2024, notice of the City Council's public hearing for the Project was published in the Redlands Daily Facts by the City Clerk; and

WHEREAS, on December 3, 2024, the City Council held a public hearing and considered the staff written and oral reports, the recommendation of the Planning Commission, the testimony and written evidence submitted by and on behalf of the applicant, and testimony by members of the public; and

WHEREAS, following the public hearing on December 3, 2024, the City Council determined that approval of the proposal is in the best interests of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DETERMINATION. The City Council herby adopts the Mitigated Negative Declaration for the Project in accordance with the California Environmental Quality Act (CEQA). The City as the Lead Agency has prepared an Initial Study in accordance with the State CEQA Guidelines, there is no substantial evidence that the proposed project may have a significant effect on the environment, and a Mitigated Negative Declaration with Mitigation Monitoring/Reporting Program is the appropriate environmental determination pursuant to CEQA Guidelines §15074.

SECTION 2. SOCIO-ECONOMIC COST/BENEFIT STUDY. The Socio-Economic Cost/Benefit Study prepared by City staff found that the proposed project would not create any significant unmitigable physical blight or overburden public services in the community, and is hereby adopted based upon the following findings:

1. *The Project will not create unmitigated physical blight within the City or overburden public services including, without limitation, the sufficiency of Police and Fire Protection services.*

The Project will not create significant unmitigable physical blight in the City of Redlands or overburden public services, including without limitation police and fire protection services. The Project developer will make improvements to facilitate implementation of the Project, including the construction of necessary adjacent roadway improvements along the project frontage (Tennessee Street and Pennsylvania Avenue) and the Project would fund and provide connections to existing City infrastructure. Conditions of approval for the project require the Project developer to fund the project's fair share allocation of any necessary public infrastructure associated with development of the Project.

2. *The benefits to the City resulting from development of the Project outweigh any direct cost to the City that may result.*

The Socio-Economic Cost/Benefit Study demonstrates that the Project will generate "new net" annual revenues of approximately $564,399 and have costs of approximately $322,042 and therefore will result in a positive balance of $242,357 (or positive cost/benefit ratio of +1.87). For every dollar the City spends in providing services to the Project, the City will receive $1.87 in "new net" revenue. The Project would provide for the development of 460 new residential units and 18,000 square feet of neighborhood serving commercial space. The project also provides 20 very-low-income affordable housing units. Schools will be enhanced with the payment of school fees. Further, with the additional revenue provided to the City through increased property tax assessment, indirect funding will be provided for cultural enhancements, downtown district enhancements, public safety (Police and Fire) enhancements, and traffic enhancements.

SECTION 3. APPROVAL OF SPECIFIC PLAN AMENDMENT.

The proposed Specific Plan Amendment No. 50 to the East Valley Corridor Specific Plan (Specific Plan No. 40) will be consistent with the General Plan and is hereby approved. Specific Plan Amendment 50 will become effective for the subject property consisting of 13.48 acres upon adoption of an applicable resolution.

SECTION 4. FINDINGS FOR ZONE CHANGE. The proposed Zone Change No. 477 is hereby approved based upon the following findings.

1. *The proposed change of zone is in conformance with the General Plan.*

The existing General Plan designation of the site is Commercial. The Commercial land use category designates areas for the development of a wide range of commercial uses, including neighborhood-serving stores and convenience centers, regional commercial centers, and commercial recreation. Sites with this designation may be developed with a stand-alone commercial use, two or more commercial uses, or mixed uses. The Commercial land use category may permit residential and mixed uses consistent with the underlying zoning district. The proposed zone change to General Commercial (C-3) is consistent with the General Plan designation of Commercial. The General Commercial District allows a wide variety of commercial retail and service uses. It also allows residential uses subject to approval of a conditional use permit either as a mixed-use development, or as a multifamily-

attached residential project. The proposed zone change to Commercial will allow the future development of a mixed use project that is consistent with the intent of the General Plan designation of Commercial.

2. The proposed change of zone is related to the public health, safety or general welfare.

The City's 2035 General Plan represents the most cohesively expressed goals related to the public health, safety, and general welfare within the City of Redlands. As the proposed change of zone directly implements the 2035 General Plan including the 2021-2029 Housing Element, the project will directly further the goals and objectives the City has set forth to protect and preserve the public health, safety, and general welfare.

SECTION 5. FINDINGS FOR TENTATIVE PARCEL MAP NO. 20688. The proposed Tentative Parcel Map No. 20688 is hereby approved based upon the following findings, and subject to the Conditions of Approval attached hereto as Exhibit "A" and Exhibit "B":

1. *The proposed map is consistent with the General Plan or any applicable specific plan, or other applicable provisions of the Redlands Municipal Code.*

The proposed map will be consistent with the Redlands General Plan and the Redlands Municipal Code. The proposed subdivision is within the Commercial land use designation of the General Plan. The subdivision is consistent with the development standards of the underlying zoning district in terms require lot size, width and depth and is supported by the General Plan policies outlined in the staff report.

2. *The site is physically suitable for the proposed type of development.*

The project site is physically suitable for the proposed developments. The existing site is approximately 13.48 gross acres. The site is generally flat and rectangular. All on-site and off-site improvements proposed as part of the project's design will meet all City standards with the approval of a Density Bonus Agreement with Declaration of Affordable Housing Covenants and Restrictions and will provide a safe and efficient environment for the future residents after development.

3. *The site is physically suitable for the density of the development.*

The property is located within the Commercial land use designation of the General Plan, which allows commercial development and residential development consistent with the project site's proposed C-3 zoning. The C-3 District allows mixed-use and apartment residential development consistent with the density standards of the Multiple Family Residential (R-3) District. The project exceeds this density; however, it is consistent with the allowable density allowed based upon the State Density Bonus Law, while still providing outdoor recreation areas, on-site amenities, required parking, and appropriate access.

4. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

   The design of the subdivision and proposed improvements is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. The project site does not contain any suitable habitat areas and is largely surrounded by existing urbanized development. The design of the subdivision and proposed improvements is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. The developable portions of the site do not contain any biological resources including fish or wildlife, and based on the Initial Study that has been prepared for the project, there are no environmental factors that cannot be mitigated to a level of less than significant.

5. *The design of the subdivision or the type of improvements are not likely to cause serious public health problems.*

   The design of the subdivision or the type of improvements are not likely to cause serious public health problems. The project is located in an area that is adjacent to approved residential uses and potential future commercial development. The project is designed with improvements that meet all City and State building and fire codes, and no offensive emissions or odors will be associated with the residential development.

6. *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.*

   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 the property within the proposed subdivision. The Parcel Map provides the necessary easements for utilities and access, and is responsible for installing or repairing associated street improvements such as curb, gutter, and sidewalk consistent with the City requirements, if necessary, at the time of construction.

7. *That pursuant to Section 66474.4 of the Subdivision Map Act, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.*

   The subject property is not under a Williamson Act Contract pursuant to the California Land Conservation Act of 1965 and will not be detrimental or otherwise affect lands in agricultural use.

SECTION 6. FINDING FOR CONDITIONAL USE PERMIT NO. 1173. The proposed Conditional Use Permit No. 1173 is hereby approved based upon the following findings, and subject to the Conditions of Approval from the Development Services Department (Exhibit "A") and Development Services Land Use Engineering Division (Exhibit "B") attached hereto:

1. That the proposed development will not adversely affect the applicable land use plans of the city.

The property is located within the Commercial land use designation of the General Plan, which allows commercial development and residential development consistent with the project's proposed General Commercial (C-3) zoning. The C-3 District allows mixed-use and apartment residential development consistent with the density standards of the Multiple Family Residential (R-3) District. The project exceeds this density; however, it is consistent with the allowable density allowed based upon the State Density Bonus Law, while still providing outdoor recreation areas amenities, required parking and appropriate access.

2. That the proposed development will not be detrimental to the public health, safety and welfare.

The proposed project will not be detrimental to the public health, safety and welfare. The proposed project will be constructed in compliance with all applicable design and engineering requirements, including the California Building Code, California Fire Code, applicable provisions of the Redlands Municipal Code, and all applicable site design and engineering standards. There will be no anticipated conflicts or hazards in terms of vehicle traffic or pedestrians, or nearby intersections.

3. That the proposed development will comply to the maximum extent feasible with the regulations of the city's general plan, the applicable zoning district and the city's development standards.

The proposed development will comply to the maximum extent feasible with the regulations of the City's 2035 General Plan, the applicable zoning district, and the City's development standards. The existing General Plan designation for the project site is Commercial, and the C-3 zoning permits mixed uses (residential combined with commercial uses) subject to a Conditional Use Permit. The conceptual site plan indicates the proposed development will be in conformance with the applicable development standards of the C-3, General Commercial zone and applicable design and development standards.

4. That the proposed development is appropriate at the proposed location.

The proposed project is in a location that is adjacent to a recently approved high-density multifamily residential development as well as commercial developments. The proposed project includes a mix of high-density residential and commercial uses, which create a transition from lower density residential uses (located to the north and east of the project site) to this proposed higher-density mixed use development nearer the freeway. Similarly, the project's commercial uses will create a transition from the existing and potential future commercial uses with higher intensity of use to the south along Lugonia Avenue. The project is located adjacent to roadways which have been designed to facilitate the type and quantity of traffic anticipated to be generated by this project. Due to the project site's proximity to freeway on-ramps and off-ramps, vehicles traveling to and from the site would not be routed significant distances through other portions of the City where traffic impacts may occur.

SECTION 7. FINDINGS FOR COMMISSION REVIEW & APPROVAL NO. 956. Commission Review & Approval No. 956 is hereby approved based upon the following findings, and subject to the Conditions of Approval attached hereto as Exhibit "A" and Exhibit "B":

1. *The site for the intended use is adequate in size and shape to accommodate the use, and all of the required yards, setbacks, walls or fences, landscaping and other features will adjust the use to those existing or permitted future uses of land in the neighborhood.*

   The proposed project includes the construction of ten multifamily residential buildings (eight buildings with 4 stories and two buildings with 3 stories) with a total of 460 dwelling units, outdoor recreation areas, retail/commercial/office floor area, and related site improvements on approximately 13.48 acres. The subject property is adequate in size and shape to accommodate the proposed use, including setbacks, landscaping, private and common open space, recreation amenities, driveways, on-site parking, lighting, utilities, and other required improvements necessary to serve the proposed use and structures. The proposed project complies with the development standards for the C-3 District to the maximum extent utilizing waivers as allowed by State Density Bonus Law, and will be compatible with the anticipated residential and commercial uses adjacent to the project site.

2. *The site for the proposed use relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

   The subject property will be accessed from City streets (Tennessee Street and Pennsylvania Avenue), which have been designed and will be constructed to accommodate the expected type and quantity of motor vehicle traffic to and from the proposed project. The roadways are designed to carry the type and quantity of residential traffic to be generated by the proposed use, including existing traffic from the existing portions of the project. The site for the proposed use relates to streets that are properly designed and improved to carry the type and quantity of traffic that will be generated by the proposed residential structures without creating a reduction in the traffic level of service at surrounding intersections.

3. *The conditions set forth in the approval and those shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.*

   The conditions of approval for the project will protect the public health, safety, and general welfare. Conditions are provided from the Planning Division, Building & Safety Division, and Land Use Engineering Division. The project has been conditioned to comply with the applicable provisions of the Redlands Municipal Code as well as the applicable California Building Code, California Fire Code, and any other applicable regulations.

SECTION 8. APPROVAL OF DENSITY BONUS AGREEMENT. The proposed Density Bonus Agreement for the proposed project is hereby approved based upon the following findings:

1. *The development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the city's general plan.*

Including the 76 density bonus units, the completed project will include 460 dwelling units, which will not be a hazard or nuisance to the City of Redlands at large. The proposed project and land use will be consistent with several policies and actions contained in the General Plan. The proposed project will also implement several goals and policies contained in the 2021-2029 Housing Element. The proposed project will help the City achieve its housing goal numbers as determined by the Regional Housing Needs Assessment as further explained in the Housing Element.

2. *The number of dwellings can be accommodated by existing and planned infrastructure capacities.*

Including the 76 density bonus units, the proposed project will include 460 apartment units which can be accommodated by existing and planned infrastructure. The City's Development Review Committee (including Land Use Engineering staff and Municipal Utilities & Engineering Department) have reviewed the proposed project plans, and all necessary infrastructure, public and private utilities, and public services will be able to adequately serve the project site and vicinity.

3. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;

The proposed project is consistent with the applicable provisions of State density bonus law (Calif. Gov. Code Sections 65915 – 65918) and the project is subject to a Density Bonus Agreement that is included in the project entitlements. The development of the property will result in the provision of 20 affordable housing units for very-low-income households in a manner consistent with the purpose and intent of the Redlands Municipal Code as well as applicable State law.

4. In the event that the city does not grant at least one financial concession or incentive as defined in state law in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs; and

Provisions for any requested density bonus are detailed in State law. A developer who meets the requirement of State Density Bonus Law is entitled to a density bonus as a matter of right. In addition to the density bonus, the City is also required to provide incentives/concessions. The City is required to grant concessions which reduce development standards, or remove other regulatory constraints which result in increased costs to the developer. These concessions must be granted unless the City finds that the proposed concessions do not result in identifiable cost reductions, would cause a public health or safety problem, cause an environmental problem, harm a historical property or would be contrary to law.

The applicant is not requesting any specific financial concessions. However, the applicant is requesting a reduction in parking stall depth as their only concession. Waiving development standards necessary for the construction of compliant density bonus projects is mandatory. Generally, because granting of concessions, incentives and waivers to density bonus projects is mandatory, the City does not have discretion over their approval, except to the extent specific findings are authorized.

5. There are sufficient provisions to guarantee that the lower and very low-income units would remain affordable in the future.

The proposed project includes a Density Bonus Agreement that will ensure the project provides housing for very-low-income households in accordance with the granted density bonus and applicable State law for 55 years. The Density Bonus Agreement includes terms and provisions to ensure that only eligible very-low-income residents may reside in the affordable housing units within the development and have the benefit of affordable rents.

SECTION 9. APPROVAL. The City Council approves of the project entitlements including Amendment No. 50 the Specific Plan No. 40, Zone Change No. 477, Parcel Map No. 20688, Conditional Use Permit No. 1173, Commission Review & Approval No. 956, and the related Density Bonus Agreement and Inclusionary Housing Plan, subject to the attached Conditions of Approval.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

ADOPTED, SIGNED AND APPROVED this 3rd day of December, 2024.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 3rd day of December, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

_____
Jeanne Donaldson, City Clerk

EXHIBIT A
DEVELOPMENT SERVICES DEPARTMENT
CONDITIONS OF APPROVAL
TENNESSEE VILLAGE MIXED-USE PROJECT
(CRA No. 956, CUP No. 1173, and Tentative Parcel Map No. 20688)

Planning Division

1. This permit/approval is for Parcel Map No. 20688, Conditional Use Permit No. 1173 and Commission Review and Approval No. 956 to subdivide a 13.48-acre (gross) site into four parcels for the construction of a mixed-use project comprised of 460-unit multi-family apartments and 18,000 square feet of commercial space located on the east side of Tennessee Street and approximately 600 feet north of Lugonia Avenue (APN: 0167-171-15-0000).

2. This permit/approval shall expire two (2) years from the date of project approval (will expire on September 10, 2026), unless construction has commenced pursuant to a building or engineering permit(s), or a time extension is granted in accordance with the Redlands Municipal Code (RMC Section 18.12.090 for Commission Review & Approval; RMC Section 18.192.090 for Conditional Use Permit; and RMC Sections 17.07.110 and 17.07.120 for Subdivision Regulations).

3. Pursuant to Government Code Section 66020(d), certain fees, dedications, reservations or exactions imposed by the City as a condition of approval of this project are subject to a statutory ninety (90) day protest period. Please be advised that the ninety (90) day protest period for those fees, dedications, reservations and exactions which are subject to Government Code Section 66020(a) has commenced to run on the date this project was approved by the City.

4. The applicant for this permit, and its successors and assigns, shall defend, indemnify and hold harmless the City of Redlands, and its elected officials, officers, agents and employees, from and against any and all claims, actions, and proceedings to attack, set aside, void or annul the approval of this permit by the City, or brought against the City due to acts or omissions in any way connected to the applicant's project that is the subject of this permit. This indemnification shall include, but not be limited to, damages, fees, costs, liabilities, and expenses incurred in such actions or proceedings, including damages for the injury to property or persons, including death of a person, and any award of attorneys' fees. In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of this permit, or is commenced for any other reason against the City for acts or omissions relating to the applicant's project, within fourteen (14) City business days of the same, the applicant shall file with the City a performance bond or irrevocable letter of credit (together, the "Security") in a form satisfactory to the City and in the amount of Three Hundred Thousand Dollars ($300,000), to ensure applicant's performance of its defense and indemnity obligations under this condition. The failure of the applicant to provide the Security shall be deemed an express acknowledgement and agreement by the applicant that the City shall have the authority and right, without objection by the applicant, to revoke all entitlements granted for the project pursuant to this permit. The City shall have no liability to the applicant for the exercise of City's right to revoke this permit.

5. By signing and/or using this permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the applicable provisions of the Redlands Municipal Code including Title 15 (Buildings and Construction), Title 16 (General Plan), Title 17 (Subdivision Regulations), and Title 18 (Zoning Regulations). Failure of the permittee to sign these conditions does not affect their enforceability by the City or other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.

6. This permit/approval is granted for the project plans on file with the Development Services Department.

7. Prior to the issuance of building permits for the project, an Affordable Housing Agreement and Density Bonus Agreement, in a form approved by the City, shall be recorded against the Inclusionary Units or the Residential Development in its entirety, as deemed appropriate by the City Manager in consultation with the City Attorney. The Affordable Housing and Density Bonus Agreement(s) shall ensure that the applicant and/or developer develops the required Inclusionary Housing Units and satisfies all other terms of the Inclusionary Housing Plan, State Density Bonus Law, and the Redlands Municipal Code.

8. The issuance of any permits shall comply with all applicable provisions of the Redlands Municipal Code

9. All plans submitted to the City shall reflect all Planning Commission and/or City Council approvals and any other changes required by the Commission, Council and/or staff. This condition applies to site plans, landscape plans, elevations, grading, and all other illustrations, text, or plans submitted to the City in connection with the project. The Development Services Director is authorized to approve minor modifications to the approval project plans or any of the conditions of approval if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.

10. No Certificate of Occupancy shall be granted for a building or phase, or building permit shall receive final approval and signature, until all applicable Conditions of Approval have been satisfied for that building or phase.

11. A pro rata share of the rental Inclusionary Units obligation (10 units) must be constructed prior to or concurrently with each phase of the market rate Residential Development. The developer shall not be able to obtain, and the City will not grant, a certificate of occupancy for any units on the subsequent phase of the Residential Development until the required rental Inclusionary Units are completed for the first phase.

12. The final map shall substantially conform to the tentative map as approved by City Council.

13. A copy of the approved Conditions of Approval shall be included on the cover page of the construction plans submitted to the Building Division

14. The applicant shall comply with all applicable federal, state, and local laws. Violations or convictions of any of those laws in connection with the use may be cause for revocation of this approval/permit.

15. All off-site and on-site utilities shall be placed underground. Prior to approval of the final map the applicant shall submit plans to be approved by the Municipal Utilities & Engineering Director and the Development Services Director, that detail undergrounding of all utilities for the project.

16. Transformer cabinets and gas meters shall not be located within required setbacks and/or adjacent to public streets, and shall be screened from public view either by architectural treatment or with landscaping. Multiple electrical meters and panels shall be fully enclosed and incorporated into the overall architectural design of the building(s). Backflow preventers shall be enclosed with landscaping that will provide complete screening upon maturity. The location and method of enclosure or screening of this equipment shall be shown on the construction plans and landscape plans prior to building permit issuance. Location of said equipment shall be coordinated with appropriate utility company (i.e., Southern California Gas Company or Southern California Edison Company). The applicant shall submit plans showing details of screening subject to review and approval by the Development Services Director, prior to issuance of building permits

17. The applicant shall be required to submit a lighting plan to the Development Services Director for review and approval prior to the issuance of any building permits. The plan must include details such as beam spreads and/or photometric calculations that do not exceed the value one-half (0.5) foot candle of illumination at the property lines abutting residential development, location and type of fixtures, exterior colors, details on the foundation, and arrangement of exterior lighting.

18. Prior to issuance of building permits, Developer shall demonstrate that light poles will not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet. Fixtures on exterior light poles shall direct lighting downward (e.g., contain a flat lens and/or have shielding that directs light downward and contains glare).

19. Prior to the issuance of building permits, the applicant shall submit plans detailing that roof screening is of adequate height to screen any roof-top equipment from public view on all sides, subject to review and approval by the Development Services Director. Screening of air conditioning units and other equipment on the buildings shall be incorporated into or compatible with the architectural design of the buildings. All equipment shall be screened from public view of adjacent roadways and freeways. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color.

20. Any gutters, downspouts, pipes, and other drainage appurtenances shall be designed and shall be placed (e.g., internal to the building or inside the exterior walls) so that they will not be

visible from the front of the property (i.e., from public right-of-way) or other major public vantage points.

21. Utility meters shall be fully screened and incorporated into the overall architectural design of the building (e.g., interior room, cabinet with wing wall, or equivalent complete screening). Any enclosures or screening shall be architecturally treated to match the exterior of the attached structure.

22. Telecommunications and television equipment or satellite dishes shall not be located on the exterior of any building (including but not limited to balconies, patios, exterior railings, rooflines, etc.). Dwelling units shall be internally wired for all available utility and telecommunications services, with service devices, panels, or meters located within a centralized equipment room. The equipment room(s) in each building shall be fully enclosed and incorporated into the overall architectural design of the building(s). Any satellite dishes/receivers shall only be located on the roof and shall be completely screened from public view on all sides.

23. Prior to issuance of any building or engineering permit for any building or phase of the project, the Developer shall prepare and submit a Construction Parking Management Plan for all contractors, workers, and deliveries related to the project site. The Construction Parking Management Plan shall identify areas of the project site, surrounding private properties (with property owner's authorization), and surrounding public streets that construction personnel may utilize. Deliveries of construction materials, equipment, trailers, vehicles, etc., shall be performed on the project site to the extent practicable, and avoid the use of public streets and rights-of-way if possible. The Developer and/or on-site primary general contractor (superintendent) shall have responsibility for monitoring and enforcing the approved parking management plan. The plan shall be subject to review and approval by the City Planner or designee, and may be modified by the City after approval to mitigate any unanticipated impacts or public nuisance conditions.

24. Prior to any use of any public street or right-of-way for construction-related activities, the Developer shall submit and receive approval for a Traffic Control Plan. Developer shall be responsible for repairing, replacing, or financially compensating any damages to public rights-of-way (including but not limited to paving, sidewalks, driveways, curbs and gutters, storm drain facilities, parkway landscape, street trees, public utilities, etc.) to the satisfaction of the Director(s) of the Municipal Utilities & Engineering Department and/or the Facilities & Community Services Department, or their designee(s), as applicable.

25. Prior to issuance of a Certificate of Occupancy for a building or phase, Developer shall remove all construction materials and vehicles from the subject property or portion thereof being completed.

26. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Solid Waste Division, or Developer shall arrange for self-hauling to an authorized facility.

27. Prior to placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Sign locations and illumination are subject to review and approval by the Planning Division under separate permit.

28. Bicycle Facilities: The Developer shall install bicycle racks or secured lockers at a rate of one per thirty (30) parking spaces with a minimum of a three (3) space bicycle rack in accordance with RMC Section 18.224.020(A). Plans submitted to Plan Check shall include information and specifications to verify this requirement has been met.

29. The applicant shall not make any modifications or changes during construction that are in conflict or contrary to the project's approved site design, or building elevations without first consulting with the Development Services Director or designee.

30. Any graded slopes greater in height than three feet (3') shall be provided with irrigation systems and planted with groundcover, shrubs, and trees as approved by the Development Services Department.

31. Project that glazing or reflective surfaces (specular reflectance) shall be limited to a maximum reflectance of 25%.

32. Landscape and Irrigation Plans shall be approved prior to the issuance of building permits. Landscape and Irrigation shall be submitted for plan check to the Development Services Department, Building & Safety Division, for distribution to other departments and for review and approval by the Development Services Director. Plans shall be in compliance with the Water Efficient Landscape Ordinance No. 2724 (Also known as Chapter 15.54 of the RMC).

33. All construction activities shall be limited to the hours between 7:00 a.m. to 6:00 p.m., and no construction activities permitted on Sundays and Federal Holidays.

34. The project site shall be kept in a weed and dust free condition throughout all phases of development.

35. Two loading spaces shall be provided and clearly indicated on the building plans as required by Section 18.164.330 prior to building permit issuance.

36. The applicant shall provide shared access and parking agreements or easements prior to issuance of a building permit.

37. A Minor Exception Permit shall be required for all wall, fences or combinations thereof exceeding 6 feet tall.

38. All (178) garage parking spaces shall be electric vehicle charging ready (EV Ready).

39. **BIO-1: Pre-construction Survey for Nesting Birds.** To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season

for most birds in San Bernardino County extends from February 1 through September 1.

If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged.

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

40. **BIO-2: Pre-construction Survey for Burrowing Owl.** No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.

41. **CUL-1:** If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the

significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

42. **GEO-1 Inadvertent Discovery of Paleontological Resources.** If paleontological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if determined feasible by the project paleontologist. Otherwise, the paleontologist shall fully recover the scientifically consequential information. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Development Services Director. The applicant shall bear the cost of implementing this mitigation.

43. **NOI-1 Reduce Potential Building 3 HVAC Noise Levels.** To reduce potential noise levels from Building 3 heating, ventilation, and air conditioning (HVAC) equipment:

    1. The installation of HVAC units or systems that generate a noise level greater than 75 dBA (at 3 feet) for units located within 90 lateral feet of the project's eastern property line shall be prohibited; or

    2. Parapet walls for any building with an HVAC unit or system within 90 feet of the project's eastern property line shall be at least 1 foot taller than the top of the tallest installed HVAC unit.

44. **TCR-1 Native American Treatment Agreement.** Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Agreement with the Consulting Tribe(s) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.

45. **TCR-2 Retention of Archaeologist.** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist shall conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session shall focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

46. **TCR-3 Cultural Resource Management Plan.** Prior to any ground-disturbing activities the Project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. This Plan shall be written in consultation with the Consulting Tribe(s) and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.

47. **TCR-4 Pre-Grade Meeting.** The retained qualified archeologist and Consulting Tribe(s) representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

48. **TCR-5 On-Site Monitoring.** During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

49. **TCR-6 Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe(s) of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- Full avoidance.
- If avoidance is not feasible, Preservation in place.
- If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

50. **TCR-7 Inadvertent Discovery of Human Remains.** The Consulting Tribe(s) requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe(s).

    A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery

shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98.
D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

44. TCR-8Final Report. The final report[s] created as a part of the Project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the City and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the Eastern Information Center, and the Consulting Tribe(s).

Subdivision Conditions (Tentative Parcel Map No. 20688):

51. Tentative Parcel Map No. 20688 authorizes the subdivision of a 13.48-acre (12.76-acre net) site into four parcels 1.37 net acres, 1.49 net acres, 5.02 net acres, and 4.88 net acres, for development purposes located on the east side of Tennessee Street, approximately 600 feet north of Lugonia Avenue (APN: 0167-171-15-0000)

52. This Tentative Parcel Map shall expire two (2) years or 24 months from the date of project approval, unless the Final Map has been recorded or a time extension is granted in accordance with the Redlands Municipal Code pursuant to RMC Sections 17.07.110 and 17.07.120 (Subdivision Regulations).

53. Any application(s) for an extension of time of the above expiration date shall be filed with the Planning Division not less than 90 days prior to the expiration date and shall comply with Title 17 (Subdivision Regulations) of the Redlands Municipal Code. Upon application by the subdivider prior to the expiration of the approved or conditionally approved map, the tentative map shall be automatically extended in accordance with the Subdivision Map Act.

54. The applicant shall record the subdivision by a Final Parcel Map. The Final Parcel Map(s) shall comply with the Subdivision Map Act and the Redlands Municipal Code (RMC).

55. Any conditions of approval determined by the City to not be completed prior to Final Map approval shall be included within the Subdivision Improvement Agreement entered into by the developer with the City.

56. The Final Parcel Map(s) shall be in substantial conformance with the Tentative Parcel Map and plans submitted by the applicant and placed on file in the office of the Planning Division.

Building Division

57. When the Entitlement Review is approved submit complete construction drawings including structural calculations, energy calculations and a soils report to Building and Safety for plan review in accordance with the current edition of the California Building and Fire Codes including all local ordinances and standards which are effective at the time of Plan Check Submittal.

58. Disabled access for the site and building must be in accordance with the State of California and ADA regulations.

59. Accessible EVC parking spaces for future and required EVCS as per the California Green Code is required.

Facilities and Community Services Department

60. The City maintains a list of acceptable street trees by species, by street name, and by tree district, pursuant to RMC 12.52.050. Street trees for public streets adjacent to the project must be selected from this approved list.

61. Prior to issuance of any buildings permits for any building, the Developer shall prepare and submit a Trash Management Plan development. The plan shall provide estimates of trash generation, estimates for the numbers and sizes of containers and facilities, schedule for City services, pertinent instructions for on-site maintenance staff (e.g., bins and containers shall not be placed on public streets and left unattended outdoors for more than two hours before or after trash service pick-up, bins and containers shall not be placed or staged in a manner that obstructs any vehicle travel lanes, etc.), and other necessary information as required by the City. The plan shall be subject to review and approval by the Facilities & Community Services Department and the Development Services Department, and may be modified by the City after approval to mitigate any unanticipated impacts or public nuisance conditions.

    a. Each building and building pad shall be designed to accommodate all necessary refuse storage rooms, bins and containers, hallways, access paths, and other structural elements to be completely screened or enclosed. Refuse and recycling storage rooms and all bins or containers shall be completely screened from view from any streets (when not placed outdoors for scheduled pick-up and hauling).

Fire Department

62. Fire Department Access & Water Supply (Fire Master Plan):

    a. Fire Department Access & Water Supply plan is required to be formally submitted to Redlands Fire Department as a separate permit application prior to grading & building permits.

Review Note: Preliminary Site Fire Master included in project packet accounts for major aspects of the Fire Department Access & Water Supply plan. Details and specifics to be reviewed in the separate permit identified above.

63. Project to coordinate City Staff and adjacent parcel owners to provide emergency personnel access gate(s) along the site's perimeter walls/fences.

    a. Due to the considerable distance from public streets this condition of approval is requests additional emergency pedestrian access for fire, emergency medical, and law enforcement personnel, mutually benefitting all parcels.

    b. Gates are to be secured 24/7 with Knox Box emergency access key box provided on both sides of the gate.

    c. Gate locations are to be selected to provide emergency personnel access without decreasing site parking, landscaping, or similar site designs.

64. Fuels Management and Weed Abatement: From the present time until project construction phase, property owner is responsible to maintain compliance with Redlands Municipal Code Chapter 8.40 regarding Weed Abatement and Fuels Management.

    a. Weeds and annual grasses shall be maintained at a 4 inches of growth or less.

    b. Tumbleweeds and similar uncultivated vegetation shall be removed.

Other City Departments/Divisions:

65. Conditions of Approval from the following City Departments/Divisions are applicable to the project, and are hereby incorporated by reference:

a. Land Use Engineering Division (Exhibit B)

Brian Desatnik
Development Services Director

EXHIBIT B
LAND USE ENGINEERING DIVISION
CONDITIONS OF APPROVAL

[Attached]

REDLANDS DEVELOPMENT SERVICES DEPARTMENT
LAND USE ENGINEERING
DEVELOPMENT REQUIREMENTS
TENTATIVE PARCEL MAP NO. 20688, COMMISSION REVIEW AND APPROVAL NO. 956, AND CONDITIONAL USE PERMIT NO. 1173

Date of P.C. Meeting:	**September 10, 2024**
Applicant:	**Diversified Pacific Development Group, LLC**
Location:	**East Side of Tennessee Street Approximately 550 Feet North of Lugonia Avenue**
Project Description:	**Construct a Mixed-Use Project with 460 Apartments and Approximately 18,000 square Feet of Commercial Space**

The applicant shall comply with the following engineering requirements to allow for the orderly development of the surrounding area and for public health and safety.

All requirements for development shall be consistent with requirements set forth in the General Plan; applicable sections of Redlands Municipal Code; latest edition of "Redlands Standard Specifications and Detail Drawings for Design and Construction of Public Improvements"; latest edition of American Public Works Association "Standard Plans for Public Works" and "Standard Specifications for Public Works Construction – Greenbook"; latest edition of "Redlands Water Systems Standard Specifications"; latest edition of "Redlands Sanitary Sewer Systems Standard Specifications"; and current Redlands policies and guidelines relative to development projects.

A. The following items are required prior to issuance of the GRADING PERMIT.

1. Pay plan check fee as established per resolution. The amount will be determined at plan check submittal.

2. Plans required to be submitted include:
   a. Precise Grading Plan. Grading plans shall be coordinated with the existing and proposed off-site improvements. (RMC 15.04)
   b. SWPPP/Erosion Control Plan. Erosion/Sediment Control Plan shall be submitted for review and approval. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review. SWPPP Best Management Practices (BMPs) to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in effect for the entire duration of project construction to its completion and acceptance by the City. (RMC 13.54)
   c. Water Quality Management Plan. Submit final Water Quality Management Plan (WQMP) for review and approval. WQMP shall consist of post construction Best Management Practices (BMPs) prepared in accordance with the requirements and guidelines of the San Bernardino County Stormwater Program. The requirements of the WQMP shall remain in effect throughout the life of the project. (California State Order No. R8-2010-0036)

All plans used as reference for design shall be listed on title sheet of all plans with reference numbers. All plans shall be submitted on 24" x 36" size sheets. Six (6) copies of each are required. After final review, grading and SWPPP plans shall be submitted on 24" x 36" size, min. 4 mil, mylar sheets for City's approval.

3. Submission of plan sets shall be complete and include all required engineering designs and drawings listed in No. 2 above. All plans submitted shall be substantially complete, and no plan check queue place-holder plans will be accepted. An incomplete plan submittal will not be accepted for plan check.

4. All support documentation shall be submitted with the plans to be checked. Submission shall include:
   a. Hydrology Report and Hydrologic Calculations; (RMC 17.11.020)
   b. Geotechnical Report; (RMC 17.07.040)
   c. Easement Documents. (RMC 17.11.090)

5. The post-construction stormwater discharge rate (Q) from a 100 year storm event shall not be greater than the pre-construction stormwater discharge rate (Q).

6. A final WQMP that is in substantial conformance with the preliminary WQMP and in full conformance with the WQMP Guidance Document shall be submitted and approved prior to the approval of precise grading plans.

7. Cash cleanup deposit shall be submitted ($3,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request. (RMC 12.16.290)

8. For all development requiring coverage under the state of California General Storm Water Permit, in effect at the time of permit issuance, and whom have filed with the State Board a Notice of Intent (NOI), a copy of the Waste Discharge Identification Number (WDID) and NOI shall be submitted for review and file. Call (866) 563-3107. (RMC 13.54)

9. The Final WQMP shall also include a site trash plan detailing the installation, operation, and maintenance of a Full Capture System (FCS) for loose trash. The intent of the FCS is to capture loose trash preventing the trash from entering the site storm drains and basins. BMPs or devices used as FCS devices shall require acceptance by the City Engineer. Full Capture Systems are defined as treatment controls (either a single device or a series of devices) capable of trapping all particles 5 mm or greater. In addition, the FCS shall trap trash from the greater of:

   a. A flow not less than the peak flow rate, Q, resulting from a one-year, one-hour, storm. Precipitation intensity shall be determined using the NOAA ATLAS 14 Point Precipitation Frequency Estimates web site; or
   b. A flow rate equal to the on-site storm water conveyance system including pipes, channels, and swales.

B. The following items are required prior to RECORDATION OF TRACT/PARCEL MAP.

1. Pay plan check fee as established per resolution. The amount will be determined at plan check submittal.

2. Plans required to be submitted shall include (RMC 17.17.060):
   a. Parcel Map;
   b. Street Improvement;
   c. Storm Drain Construction;
   d. Pavement Striping and Signage Plans (including reflectorized pavement markers);
   e. Street Tree Installation – Street trees shall be provided as per the approved Street Tree List;
   f. Street Light Installation – Provide street lighting plan which show approved locations of service pedestal(s), conduits, street lights, appurtenances, and any necessary detail by Southern California Edison Company;
   g. Potable Water Main Installation;
   h. Recycled Water Main Installation;
   i. Sewer Main Installation; and
   j. Approved Onsite Potable and Irrigation Water Line Installation.

   All plans used as reference for design shall be listed on title sheet of all plans with reference numbers. All plans shall be submitted on 24" x 36" size sheets. Three (3) copies of each are required. After final review, plans shall be submitted on 24" x 36" size, min. 4 mil, mylar sheets for City's approval.

3. Submission of plan sets shall be complete and include all required engineering designs and drawings listed in No. 2 above. All plans submitted shall be substantially complete, and no plan check queue place-holder plans will be accepted. An incomplete plan submittal will not be accepted for plan check.

4. All support documentation shall be submitted with the plans to be checked. Submission shall include (RMC 17.11.020 and RMC 17.11.090):
   a. Title Reports and backup documents for the property;
   b. All record maps and deeds referenced on the Tract/Parcel Map;
   c. Easement Documents;
   d. Boundary and Lot Closure Calculations; and
   e. Record plans, maps and documents.

5. Finalize and obtain all necessary onsite and offsite permissions, permits, easements, right-of-way, and properties in order to satisfy the conditions of approval for this project. Such items shall include:
   a. Encroachment Permits from Caltrans and the County

6. Pay the required development impact fees per ordinance in effect at time of approval of Final Parcel Map. The exact amount will be determined based upon the review of the final building plans and project information. Development Impact Fees shall include;
    - Water Source Acquisition Charge (RMC 13.40);
    - Remaining Development Impact Fees will be due at time of building permit issuance or water meter installation (RMC 13.48.030 and Redlands Ordinance No. 2830).

7. All off-site improvements shall be designed by a Civil Engineer licensed in the State of California. All existing utilities shall be pot-holed to determine the actual depth if no signed plan is available. Field notes will be submitted at time of submitting the plan for review and plan checking (RMC 17.17.060).

8. The approximate locations of existing underground utilities shall be shown on the improvement/site/grading plans. The utilities shall be plotted from record and field data. The City of Redlands and the design Engineer assume no liability as to the exact location of said lines where locations are not shown.

9. Submission of approved onsite potable and irrigations plans is required prior to connection to recycled water system. All onsite improvements shall be done in accordance with the Water Resources Control Board, Division of Drinking Water requirements for recycled water. City shall submit plans to Division of Drinking Water for approval prior to final approval and installation of irrigation meters.

10. Final City approved mylars for all public improvements shall be on file with the Development Services Department, Land Use Engineering Division.

11. Requirements for Tennessee Street (RMC 17.15 and 17.17):

    a. Dedicate to provide for an 88-foot street right-of-way width including a corner cutoff at the property line return to accommodate a 30 foot radius curb return and pedestrian ramp;
    b. Construct standard curb and gutter 32 feet on both sides of proposed street centerline;
    c. Provide full depth construction/reconstruction consistent with the City standard or alternative method of street rehabilitation as accepted by the City Engineer between the new curb and gutter verified through a geotechnical report;
    d. Construct standard 6-foot wide curb adjacent sidewalk along the entire street frontage and ramps at all curb returns;
    e. Install LED ornamental streetlight(s) with the equivalent illumination of a 150-watt sodium vapor streetlight. Streetlight spacing shall be determined by the City of Redlands design specifications. Location of the lights will be determined at time of plan preparation. Coordinate with City staff for

guidance. Prepare and submit a separate street lighting plan for City approval;

f. Construct standard pavement transition based on design speed of the street from north of Pennsylvania Street to the proposed west side curb and gutter, and from south of the southerly parcel map boundary to the proposed east side curb;
g. Construct underwalk drain, if necessary;
h. Use traffic index of 9.0;
i. Install a minimum 12-inch diameter potable water main including necessary valves and appurtenances;
j. Install a minimum 12-inch diameter recycled water main including necessary valves and appurtenances;
k. Install residential/commercial fire hydrants as required by the Redlands Fire Department.
l. Install a minimum 15-inch diameter sewer main with manholes and appurtenances from Pennsylvania Avenue to San Bernardino Avenue.

12. Requirements for Pennsylvania Avenue (RMC 17.15 and 17.17):

a. Provide for a 32-foot half street right-of-way width both north and south of the street centerline including acquisition of all necessary property/ies outside of tract boundary. In the event the applicant lacks sufficient title or interest, including easement or license, at the time the final map is filed with the City, to construct the required improvements for Pennsylvania Avenue, the applicant has requested the City accept its voluntary waiver of any rights it may have pursuant to Government Code Section 66462.5 and agrees that the City shall have no obligation pursuant to such section to take any action with respect to the final map, unless and until the City determines in its sole and absolute, but reasonable, discretion that the applicant has such sufficient title or interest. Through the imposition of this condition, the City's accepts and relies upon the applicant's aforementioned request and waiver in approving this tentative map;
b. Construct standard curb and gutter 20 feet south side of street centerline;
c. Construct asphalt berm a min. 10 feet north side of street centerline;
d. Provide full depth construction/reconstruction consistent with the City standard or alternative method of street rehabilitation as accepted by the City Engineer between the new curb and gutter, asphalt berm verified through a geotechnical report;
e. Construct standard property line adjacent sidewalk along the entire southerly street frontage and ramps at all curb returns;
f. Install LED ornamental streetlight(s) with the equivalent illumination of a 100-watt sodium vapor streetlight. Streetlight spacing shall be determined by the City of Redlands design specifications.. Location of the lights will be determined at time of plan preparation. Coordinate with City staff for guidance. Prepare and submit a separate street lighting plan for City approval;

g. Provide street trees spaced every 40 feet avoiding sewer and water laterals. Prepare and submit a separate street tree plan for City approval.
h. Construct temporary public turn-around at the easterly street terminus in the event Pennsylvania Avenue is not constructed with a connection to Karon Street prior to project opening;
i. Construct underwalk drain, if necessary;
j. Use traffic index of 8.0;
k. Install a minimum 12-inch diameter potable water main including necessary valves and appurtenances;
l. Install a minimum 8-inch diameter recycled water main including necessary valves and appurtenances;
m. Install residential/commercial fire hydrants as required by the Redlands Fire Department. Provide fire flow calculations;
n. Install a minimum 12-inch diameter sewer main with manholes and appurtenances from the manhole east of Tennessee Street to Tennessee Street. The transition location for changing diameters from 12-inch to 8-inch east of the manhole east of Tennessee Street will be dependent on the points of connection from the various projects;

13. Provide adequate drainage facilities, including but not limited to, installation of an adequately sized reinforced concrete storm drain along Pennsylvania Avenue to the Caltrans I-210 channel as required by the City Engineer. The applicant shall provide and submit all necessary hydrology/hydraulic studies and calculations in accordance with the San Bernardino County Hydrology Manual to adequately size the storm drain facility (RMC 17.17).

14. Install reduced pressure principle backflow devices as required by City Engineer. (RMC 13.20)

15. Install onsite fire line with double detector check valve backflow devices at service connection satisfactory to the City Fire Department. (RMC 13.20)

16. Dedication documents shall be prepared by a licensed land surveyor or registered civil engineer (registered prior to January 1982) in the State of California and must be submitted for review and approval before recordation. (California B&P Code 8761 and CCR 4411)

17. Improvement bonds must be posted for the total estimated cost of off-site improvements as follows (RMC 17.17.080):

Performance	100% security (due prior to final map approval)
(Warranty)	10% security (due at time of acceptance of improvements)
Labor and Materials	50% security (due prior to final map approval)

Acceptable security forms: Surety Bond(s), Letter of Credit from a qualified bank or institution, Cash Deposits, or Set Aside Letter (savings account) in

City's name subject to approval of the City Attorney and Finance Director.

18. Survey and Monumentation cash bond must be posted.

19. The 10% warranty security will be retained for one year after acceptance of public improvements by the City for warranty of off-site work.

20. Execute Subdivision Improvement Agreement (RMC 17.17.070).

C. The following items are required prior to issuance of the BUILDING PERMIT

1. Pay plan check fee as established per resolution. The amount is to be determined at plan check submittal.

2. Provide pad certification and compaction report to the Building and Safety Department.

3. Pay the required development impact fees per ordinance in effect at time of issuing the building permit. The exact amount will be determined based upon the review of the final building plan or project information. Development Impact Fees shall include:
   - Transportation Facilities; (RMC 3.54)
   - Fire Facilities; (RMC 3.60)
   - General Government Facilities; (RMC 3.60)
   - Library Facilities; (RMC 3.60)
   - Open Space/Park; (RMC 3.32)
   - Police Facilities; (RMC 3.60)
   - Storm Drain Facilities; (RMC 3.56)
   - Water Capital Improvement Charge; (RMC 3.48)
   - Recycled Water Capital Improvement Charge; (RMC 3.53)
   - Water Source Acquisition Charge *; (RMC 13.40)
   - Sewer Capital Improvement Charge; (RMC 3.44) and
   - Solid Waste Capital Improvement Charge. (RMC 3.70)

   * These charges are required for building permit issuance if Final or Parcel Map was not required for the project or charges were not paid with the Final or Parcel Map approval.

4. Although this project will have an on-going inspection throughout construction, a final inspection for all off-site improvements must be scheduled by developer to certify that these improvements comply with City specifications. (RMC 12.16.090)

5. Comply with City of Redlands Landscape Ordinance No. 2724 and submit a landscape/irrigation plan prepared by a licensed landscape architect for review and approval. The irrigation system shall be designed and constructed to make use of future non-potable and/or recycled water systems.

6. Comply with the Solid Waste Recycling Access Act of 1991 (AB 1327) and install double solid waste bin enclosure(s). Submit a plan prepared by a licensed engineer showing bin enclosure(s) location on the site plan with solid waste truck turning and/or turnaround track template superimposed.

7. Submit recycling plans for site demolition/construction for review and approval in accordance with Chapter 13.66 of the Redlands Municipal Code.

8. Parcel map shall be recorded and proof of recordation provided.

D. The following items are required prior to approval of APPLICATION FOR WATER SERVICE CONNECTION and prior to WATER METER INSTALLATION.

Separate water service laterals will be provided for both domestic and commercial use as approved by the City engineer.

1. Pay the Water Capital Improvement Charge; (RMC 3.48.030)

2. Pay the Water Source Acquisition Charge *; (RMC 13.40)

3. Pay the Recycled Water Capital Improvement Charge; (RMC 3.53.050) and

4. Pay the Water Meter Charge. (Redlands Ordinance No. 2830)

E. The following items are required prior to issuance of the ENCROACHMENT PERMIT.

1. Cash cleanup deposit shall be submitted ($3,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request. (Required unless previously submitted under Sections A, B or C.) (RMC 12.16.290)

2. Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a "Permit to Excavate" will be valid. For your Dig Alert Identification Number, call Underground Service Alert toll free, 1-800-227-2600, two (2) working days prior to conducting any excavation. (RMC 12.20.120)

3. Encroachment Permit application and two (2) sets of City approved plans must be submitted for all off-site improvements. Encroachment Permit fees shall be paid prior to issuance of Encroachment Permit. (RMC 12.16.010)

4. A California OSHA Permit Number for all work that is 5 feet deep or deeper shall be provided. Call (909)383-4321. (RMC 12.16.040)

5. A copy of soils report is required with recommendation for the final pavement structural section to be submitted prior to placing of the street pavement. The report shall include test results and boring/sampling locations.

6. A traffic control plan shall be prepared in accordance with the latest revision of CA MUTCD or W.A.T.C.H. manual, submitted and accepted by the City Engineer prior to issuance of an encroachment permit. The plan shall show all required construction signage, warning devices, road closures, detours, delineation, phasing schedules and anticipated durations of closures and detours for any work within the public right-of-way. The plans shall provide names and 24-hour phone numbers of individuals who can be contacted regarding traffic control measures.

7. Improvement bonds must be posted for the total estimated cost of off-site improvements as follows:

Performance	100% security (due prior to final map approval)
(Warranty)	10% security (due at time of acceptance of improvements)
Labor and Materials	50% security (due prior to final map approval)

Acceptable security forms: Surety Bond(s), Letter of Credit from a qualified bank or institution, Cash Deposits, or Set Aside Letter (savings account) in City's name subject to approval of the City Attorney and Finance Director.

8. Execute Subdivision Improvement Agreement. (RMC 17.17.070).

9. The 10% warranty security will be retained for one year after acceptance of public improvements by the City for warranty of off-site work.

F. The following items are required prior to issuance of CERTIFICATE OF OCCUPANCY.

1. All requirements as described in Sections A, B, C, D and E of these conditions of approval shall be met.

2. All work shall be completed to the satisfaction of the City Engineer. All as-built plans shall be delivered to the Development Services Department, Land Use Engineering Division for review and approval.

3. The Engineer of Record shall file a Final Grading Certification for all grading and improvements relating to the project development.

4. Owner's Licensed Land Surveyor shall reset survey points, monuments, record corners, and centerline ties that were destroyed during construction and shall file Corner Records for those points prior to completion of the project with San Bernardino County Surveyor. Copies of information shall be furnished to the Development Services Department, Land Use Engineering Division. [California B&P Code 8762, 8767, 8768, 8771, and 8773(b)]

5. One mylar copy of recorded parcel map shall be furnished to the Development Services Department, Land Use Engineering Division.

6. A list of as-built infrastructure improvement quantities shall be provided in the Excel format provided by the City showing quantities for each street segment (i.e. pavement, curb and gutter, sidewalk, etc.)

7. Streets may be required to have a seal coat applied at the option of the City Engineer. Type of seal coat is to be determined by the City Engineer.

8. Resurface existing roadway as directed by the City Engineer due to utility installations and construction damage.

9. Existing striping shall be removed and replaced as necessary. New striping and pavement markings shall be installed as required by the City Engineer.

10. Contractors will be required to pave new streets in two (2) phases with last phase being delayed until 95 percent of construction has been completed, or on approval of the City Engineer.

11. Owner/Developer shall provide recycling receipts as required by the recycling plan.

G. The following items are required prior to release of SECURITIES/WARRANTIES/DEPOSITS.

1. Prior to the release of the securities for the project, all improvements shall be reviewed and accepted by the City Engineer.

2. A recorded mylar copy of the Parcel map shall be submitted, if a part of a lot-sale subdivision and not included in Item E.

3. Tie sheets shall be submitted for all monuments found and/or set in the public right-of-way.

4. The release of securities/warranties/deposits must be requested in writing to the City Engineer. Allow 30-45 days for processing.

Donald Young

DONALD YOUNG, P.E., P.M.P.
One Stop Permit Center Manager

AC
Initial

FILE: PM 20688, CRA 956, & CUP 1173

City Council Meeting **L. 1.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of the Agreement with Schmidt Geomatic Mapping, Inc. to provide aerial mapping and land surveying services for the California Street Landfill for a potential total amount not-to-exceed $266,976 and determine that approval of the Agreement is exempt from environmental review pursuant to Section 15301 of the State's guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that staff's recommendations are appropriate, the following motions are provided:

1. I move that City Council determine that approval of the Agreement is exempt from environmental review pursuant to Section 15301 of the State's guidelines implementing the California Environmental Quality Act; and

2. I move that the City Council approve an Agreement with Schmidt Geomatic Mapping, Inc. to provide aerial mapping and land surveying services for the California Street Landfill for a potential total amount not-to-exceed $266,976.

RECOMMENDATION:

Staff recommends City Council approve an agreement with Schmidt Geomatic Mapping, Inc. to provide aerial mapping and land surveying services for the California Street Landfill in an amount not-to-exceed $88,992 for a period of one year, with two additional one-year renewal options, for a potential total amount not-to-exceed $266,976. In addition, staff recommends that approval of this Agreement is exempt from environmental review pursuant to Section 15301 of the State's guidelines implementing the California Environmental Quality Act.

DISCUSSION:

The Facilities and Community Services Department, Solid Waste Division, operates the landfill located on Nevada Street, adjacent to the Santa Ana River wash. The California Street Landfill is required by Federal, State, and County agencies to remain in compliance with regulatory requirements associated with the daily operations, monitoring and adjustments, topographic maps, slope analysis, drainage diagrams, and volumetric calculations of the landfill. This includes regular field mapping and surveying to ensure an accurate understanding of airspace utilization and to maintain water quality compliance specific to the Santa Ana Regional Water Quality Control Board standards.

In accordance with the City's procurement guidelines, a formal Request for Proposal (RFP) was advertised on August 12, 2024, for aerial mapping and land surveying services. The RFP evaluated the capacity and qualification of firms to provide services and their experience to provide the required services. A total of four (4) responses were received from the following firms:

Firm Name	Responsive Bidder	Responsible Proposer	Cost Proposal
Albert A. Webb Associates	X	X	X
Schmidt Geomatic Mapping, Inc.(Aero Tech)	X	X	X
PBLA Surveying Inc.	X	X	X
Ghazal Engineering		X	

Staff evaluated the proposals for conformance with the scope of services and qualifications in accordance with Chapter 2.16.180 of the Municipal Code. Staff confirmed that Schmidt Geomatic Mapping, Inc. met the City’s requirements and is the most highly qualified firm, based on the response to the scope of work provided in the RFP. Therefore, staff is recommending that the City Council approve an agreement with Schmidt Geomatic Mapping, Inc. in the amount of $88,992 for a period of one year, with two additional one-year renewal options for a total amount not-to-exceed $266,976.

This proposed agreement is categorically exempt from environmental review in accordance with Section 15301 of the State’s Environmental Quality Act as the agreement pertains to the maintenance of existing public facilities involving no expansion to current uses.

ALTERNATIVES:

City Council may elect not to approve the agreement.

STRATEGIC PLAN:
Supports Priority D - Sustainability.

SUBMITTED BY:
Tabitha Crocker, Facilities and Community Services Department Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Christopher Boatman, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Nathalie Ayala, Senior Administrative Assistant

Fiscal Impact

Fiscal Year:	FY 2024-25
Amount:	$88,992
Budgeted Y/N:	Y
Account No.:	511900

Discussion:

Sufficient funding for the purchase order is included in the Solid Waste Division's (511900) budget for Fiscal Year 2024-25 as approved by City Council. Costs associated with any future renewal terms of the agreement will be included in subsequent budget requests prepared by the department.

Attachments

Agreement with Schmidt Geomatic Mapping, Inc.

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for the provision of aerial mapping and land surveying services for the California Street Landfill ("Agreement") is made and entered in this 3rd day of December, 2024 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Schmidt Geomatic Mapping, Inc., a California corporation ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide aerial mapping and land surveying for the California Street Landfill services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates Tabitha Crocker, Facilities and Community Services Director, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 Consultant shall perform and complete the Services in a prompt and diligent manner in accordance with the schedule set forth in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by reference.

4.2 The term of this Agreement shall be for a period of one (1) year commencing on January 18, 2025 (the "Initial Term"). The City shall have the option to extend the Initial Term of this Agreement by two (2) additional one-year terms (each, an "Extended Term"), on the

same terms and conditions, by providing written notice to Consultant at least thirty (30) days prior to the expiration of the Initial Term or any Extended Term.

4.3 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 The compensation for Consultant's performance of the Services shall not exceed the amount of Eighty-Eight Thousand Nine Hundred Ninety Two Dollars ($88,992) for the Services provided during the Initial Term. Should this Agreement be extended, the compensation for Consultant's performance for the Services shall not exceed the amount of Eighty-Eight Thousand Nine Hundred Ninety Two Dollars ($88,992) for the first Extended Term; and Eighty Eight Thousand Nine Hundred Ninety Two Dollars ($88,992) for the second Extended Term, bringing the total possible amount of compensation to a not-to-exceed amount of Two Hundred Sixty Six Thousand Nine Hundred Seventy Six Dollars ($266,976). For the Initial Term and each Extended Term, City shall pay Consultant on a time and materials basis up to the not to not-to-exceed amount in accordance with the rates specified in Exhibit "B," titled "Fee Schedule," which is attached hereto and incorporated herein by this reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:

City Clerk
City of Redlands
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373

CONSULTANT:

William F. Schmidt, C.E.O
Schmidt Geomatic Mapping, Inc.
3610 Central Avenue, Suite 400
Riverside, CA 92506
Aerotechsurveys@sbcglobal.net

jdonaldson@cityofredlands.org Phone: (951) 785-0160
Phone: (909) 798-7531

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant. Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Consultant shall secure and maintain professional liability insurance throughout the term of this Agreement in the amount of One Million Dollars ($1,000,000) per claim made.

D. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

E. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Consultant's Services. Consultant further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be

entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Consultant are for its account only, and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

SCHMIDT GEOMATIC MAPPING, INC.

By: _____
William F. Schmidt, CEO

EXHIBIT "A"

SCOPE OF SERVICES

Scope of Work

Provide, on an as-needed basis, the following services:

- Conduct Field Surveys
- Perform staking of lot lines / pre-set field measurements
- Create lot line adjustments
- Create legal descriptions
- Produce various exhibits, maps, figures as needed
- Combine surfaces and varied data to produce layered exhibits
- Perform topographic / aerial cartography to produce volumes
- Produce volumetric calculations, including rate-of-fill, ultimate fill levels, capacity levels
- Prepare aerial photo mission flight maps
- Plan aerial control networks
- Set and survey aerial control marks
- Acquire aerial photography
- Provide analytical triangulation (AT)
- Compile and build 3-D models of planimetric and terrain features
- Present the digital topographic map model in a variety of CAD platforms
- Utilize client standards when possible
- Create Digital Ortho Photos
- Assemble Photo Mosaics
- Prepare slope analysis diagrams
- Calculate Volumes between terrain surfaces
- Calculate estimated lifespan

EXHIBIT "B"
FEE SCHEDULE

Aerial Mapping & On-Call Services:

An hourly fee for professional on-call land surveying and annual mapping services. These services include staking for fill operations, office calculations to prepare for field work, slope certification checks, interim topographic mapping, interim volume calculations, staking of historical feature locations, exhibit, meetings, control network surveys, flight planning, acquisition of aerial photography for photogrammetric mapping, color ortho photos, volume calculations comparing current year against year, volume calculations to determine remaining air space, slope analysis, slope certification for compliance with the Santa Ana Regional Water Quality Control Board and miscellaneous on call services.

Schedule of Fees- Cost Breakdown:

Business
Supplies
Equipment
Services
Sub-Contractor (aerial photography)
Minimum Daily rate of 2 hours
Professional Land Surveyor

Hourly Rate inclusive of all services listed above: $463.50/hour.

EXHIBIT "C"

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

SCHMIDT GEOMATIC MAPPING, INC.

By:_____ Date: _____
William F. Schmidt, CEO

City Council Meeting **L. 2.**

DATE: 12/03/2024

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of the Non-Professional Services Agreement with Clean Infusion LLC for the Wastewater Treatment Plant Secondary Clarifier Rehabilitation Project for an amount not-to-exceed $430,000, and determination that the project is categorically exempt from environmental review pursuant to Section 15302(c) of the State's Guidelines for Implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motions are provided:

1. I move that City Council determine that the Wastewater Treatment Plant Secondary Clarifier Rehabilitation Project is exempt from environmental review in accordance with Section 15302(c) of the State's guidelines implementing the California Environmental Quality Act; and

2. I move to approve the Non-Professional Services Agreement with Clean Infusion LLC for the Wastewater Treatment Plant Secondary Clarifier Rehabilitation Project for an amount not-to-exceed $430,000.

RECOMMENDATION:

Staff recommends that City Council determine that approval of the agreement of the Wastewater Treatment Plant's Secondary Clarifier Rehabilitation Project is exempt from environmental review in accordance with Section 15302(c) of the State's Guidelines Implementing the California Environmental Quality Act. Staff further recommends that City Council approve the Non-Professional Services Agreement with Clean Infusion LLC for the Wastewater Treatment Plant's Secondary Clarifier Rehabilitation Project for an amount not-to-exceed $430,000.

DISCUSSION:

The City of Redlands owns and operates a Wastewater Treatment Plant (WWTP) with a liquid treatment process system that includes two (2) parallel treatment processes. The conventional treatment process includes two (2) identical circular clarifiers that continuously manage solids by either returning them to the treatment process, or removing them. The secondary clarifiers were constructed in 1972 to meet new treatment standards mandated by the Clean Water Act. These clarifiers process approximately 1.0-1.5 million gallons of wastewater each day before the treated effluent is discharged to percolation ponds for groundwater recharge. It is now necessary to repair, replace, and upgrade the secondary clarifier components to ensure treatment system reliability.

In accordance with Redlands Municipal Code Chapter 2.16.160, on September 23, 2024, MUED staff issued a Request for Bids for rehabilitation and repair of WWTP secondary clarifier number one. On October 24, 2024, the City received bids from the following nine (9) vendors:

No.	Bidder's Name	Total Bid Amount
1	Clean Infusion LLC, Columbia, MO	$391,448.00
2	Sentry Equipment Corp., West Jordan, UT	$439,672.00
3	Myers & Sons Construction LLC, Sacramento, CA	$580,000.00
4	Alpha Petroleum Transport Inc II, Corona, CA	$583,355.76
5	Don Peterson Contracting, Inc., San Marcos, CA	$649,965.00
6	GSE Construction Company Inc., Livermore, CA	$663,500.00
7	Filanc, Escondido, CA	$691,000.00
8	Pacific Hydrotech Corporation, Perris, CA	$778,100.00
9	Metro Builders & Engineers Group, Ltd., Newport Beach, CA	$1,230,831.00

Staff reviewed each bid and determined that Clean Infusion LLC submitted the lowest responsive and responsible bid. Staff recommends City Council approval of a Non-Professional Services Agreement with Clean Infusion LLC for an amount not-to-exceed $430,000, which includes an additional ten percent (10%) contingency allowance.

The Project is categorically exempt from environmental review in accordance with Section 15302(c) of the State's guidelines implementing the California Environmental Quality Act (CEQA), as it involves the replacement or reconstruction of existing structures and facilities. The new structure will be located on the same site as the structure and will not expand treatment capacity.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Fernando Mata, Wastewater Utility Manager

Fiscal Impact

Fiscal Year:	FY 24/25
Appropriation Required Y/N:	No
Budgeted Y/N:	Yes
Account No.:	521900

Discussion:

There is no fiscal impact associated with this action. The cost of the project is included in the MUED budget.

Attachments

Agreement
Bid Report
Bid Analysis

AGREEMENT TO PERFORM NON-PROFESSIONAL SERVICES
FOR EQUIPMENT AND SUPPLIES

This agreement for the provision of Wastewater Treatment Plant's Secondary Clarifier Rehabilitation Project ("Agreement") is made and entered in this 3rd day of December, 2024 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Clean Infusion LLC, a California limited liability company ("Contractor"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONTRACTOR

1.1 City hereby engages Contractor to perform Wastewater Treatment Plant's Secondary Clarifier Rehabilitation Project services for City (the "Services").

1.2 The Services shall be performed by Contractor in a professional manner, and Contractor represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional Contractors in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONTRACTOR

2.1 The Services that Contractor shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Contractor shall comply with applicable federal, state and local laws and regulations in the performance of this agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City shall make available to Contractor information in its possession that may reasonably assist Contractor in performing the Services.

3.2 City designates John R. Harris, Municipal Utilities and Engineering Department Director, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 The Services shall commence immediately after the Effective Date of this Agreement. Contractor shall perform and complete the Services in a prompt and diligent manner in accordance with the schedule set forth in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

4.2 Contractor shall complete the Services by June 5, 2025, unless the Services are earlier terminated as permitted herein.

4.3 If Contractor's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Contractor to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONTRACTOR

5.1 Total compensation for Contractor's performance of the Services shall not exceed the amount of Four Hundred Thirty Thousand Dollars ($430,000). City shall pay Contractor on a time and materials basis up to the not to exceed amount in accordance with Exhibit "B," titled "Cost Proposal," which is attached hereto and incorporated herein by this reference.

5.2 Contractor shall submit monthly invoices to City describing the Services performed during the preceding month. Contractor's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom. City shall pay Contractor no later than thirty (30) days after receipt and approval by City of Contractor's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY

City Clerk
City of Redlands
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373
jdonaldson@cityofredlands.org
Phone: (909) 798-7531

CONTRACTOR

Warrick Wadman, Owner
Clean Infusion, LLC
1150 First Ave. Suite 511
King of Prussia, PA, 19406
wwadman@cleaninfusion.com
Phone: (347) 949-1313

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Contractor for the duration of its performance of the Services. Contractor shall not perform

any Services unless and until the required insurance listed below is obtained by Contractor. Contractor shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Contractor is self-insured or exempt from the workers' compensation laws of the State of California. Contractor shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Contractor owned vehicles used in connection with Contractor's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

6.2 Contractor shall defend, indemnify, and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses and liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Contractor, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Contractor covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Contractor's Services. Contractor further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Contractor agrees it is not a designated employee within the meaning of the Political Reform Act because Contractor:

A. Does not make a governmental decision whether to:
(i) approve a rate, rule or regulation, or adopt or enforce a City law;

(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and, in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Contractor must disclose its financial interests, Contractor shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Contractor shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, results in City's immediate termination of this Agreement.

8.3 Contractor is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any of its agents shall have control over the conduct of Contractor or Contractor's employees, except as herein set forth. Contractor shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Contractor are for its account only, and in no event shall Contractor or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Contractor have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than ten (10) days prior written notice to Contractor of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Contractor's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Contractor at the time of termination may be adjusted to the extent

of any additional costs to City occasioned by any default by Contractor. Upon receipt of a termination notice, Contractor shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, drawings, specifications, reports, summaries and such other information and materials as may have been accumulated by Contractor in performing the Services. Contractor shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Contractor shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Contractor pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Contractor.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Contractor.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

[Signatures on following page]

IN WITNESS WHEREOF, duly authorized representatives of City and Contractor have signed in confirmation of this Agreement.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

CLEAN INFUSION LLC

By: _____
Warrick Wadman, Owner

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A"

SCOPE OF SERVICES

For the purposes of this Exhibit “A”, Clean Infusion, LLC is referred to as the “Contractor.”

Wastewater Treatment Plant's Secondary Clarifier Rehabilitation Project (Project):
Secondary Clarifier No. 1 is currently out of service, cleaned, and drained, with all mechanical components still in place. The Project includes rehabilitating and repairing specific mechanical systems and components within the existing 80-ft diameter, partially submerged concrete secondary clarifier at the city’s WWTP. The existing clarifier is an Eimco/Ovivo Clarifier Type C2D; Serial No. 22021-03-A. The Contractor will be responsible for furnishing all materials, labor, equipment, and tools for the entire Project. The Project will consist of replacing the clarifier drive unit with a new Ovivo C30HT drive with a 3/4 hp gear motor. This drive must include the drive torque control unit and the motor drive package. Other mechanical components that will be replaced or rehabilitated with in-kind components per the manufacturer’s recommendations include the skimmer, skimmer arm, skimmer support, scum skimming device, mastic sealer, sludge collection drum with adjustable gate control boxes, eight (8) 6-inch PVC type II draw-off pipes (four (4) per arm) with elbows, collection arm, adjustable squeegee, skimming device counterbalance. Note: The city intends to reuse the existing anchors as part of this Project. This reuse and the replacement/rehabilitation of the in-kind components will eliminate the need for seismic calculations.

Drive and Clarifier Components:
The drive unit must be coated with a high-performance protective coating to resist abrasion and withstand wet conditions, corrosive fumes, chemical contact, and weathering. The coating should meet or exceed industry standards (i.e., NACE No. 3/SSPC-SP6) for surface preparation and use an epoxy or polyurethane-based coating with a minimum dry film thickness of 8-10 mils or as specified by the manufacturer for maximum durability. The drive must have torque overload protection control with a visual indicator and sounding alarm. The drive must rotate counterclockwise at 0.30 RPM to match the existing drive speed, rated up to 30,000 ft-lb torque, with real-time torque value display. Electrical work for the Project is minimal, as the existing control panel will be reused. The Contractor is responsible for ensuring proper integration with the new equipment while utilizing the existing electrical infrastructure.

The new drive assembly unit must be uniformly supported and as level as possible to prevent uneven loading on the main drive housing and bearing, essential to avoid distortion, which can lead to bearing failure and housing breakage. The Contractor will be responsible for the proper placement of the unit and for the lubrication of the drive unit according to the manufacturer’s recommendations. Any damage occurring is the Contractor’s responsibility for repair or replacement of the entire unit. Contractor must coordinate with the manufacturer to verify the proper installation of the clarifier drive and components. Drive lubrication must be performed following the manufacturer's instructions. The Contractor is responsible for the proper storage of the equipment before and during Project activities. One (1) visit from the manufacturer is required for the startup/checkout of the drive assembly and components to ensure proper operation and to provide training for city personnel.

The Contractor is to make all necessary adjustments or corrections to the work required by the manufacturer representative/inspector. If the manufacturer is required to re-visit the Project site due to adjustments/corrections, Contractor shall be responsible for those additional costs. When sandblasting, the drive must be fully covered or sealed off to protect against sand and dust. Failure to follow the manufacturer's installation, storage, and operational guidelines will void the warranty, and any resulting issues will be at Contractor's expense. The city will provide and be responsible for proper roll-off bins for the disposal and removal of all old equipment. All new clarifier components (listed in the description section of the Fee/Cost Proposal) must be installed with the correct elevations and proper alignment of equipment per the design of the clarifier. Once the Project is complete, the Contractor is required to operate the clarifier for a minimum of 8 hours, observe the rotation and clearance of the arms, and check for contact with the tank bottom. The Contractor is to conduct a thorough inspection of the clarifier and recommend any additional repairs or parts not listed in the scope of services. If additional work is necessary, the Contractor must submit a recommendation to the city. If feasible, the city will provide further direction. No work outside the scope of services is to be performed without city approval.

Onsite Blasting & Painting Services:
The Contractor shall provide all necessary equipment, materials, and labor for the onsite blasting and painting of the secondary clarifier. This includes the clarifier walkway and all underwater steel.

Surface Preparation:
Surface preparation shall be in accordance with SSPC-SP10 (Near-White Metal Blast Cleaning) standards. All rust, mill scale, old paint, and contaminants shall be removed to achieve a clean, roughened surface. Compressed air used for blasting must be clean and dry, and the surface shall be free of oil, grease, and moisture before painting.

Painting Requirements:
A minimum of two coats of high-performance epoxy paint suitable for wastewater environments must be applied. The first coat shall be epoxy primer with a dry film thickness (DFT) of 4-6 mils. The second coat shall be epoxy topcoat, designed for chemical resistance, with a DFT of 5-8 mils. Paint type: Sherwin-Williams Macropoxy 646 or equivalent, approved by the City’s Project Manager.

Environmental Conditions:
All surface preparation and painting must be done under proper environmental conditions, including minimum and maximum temperature and humidity levels, as per the manufacturer's recommendations.

Professional Labor Services:
Professional labor services include the removal of the existing bridge, drive, and other clarifier components to be replaced, and the installation of the new complete drive unit and clarifier components as listed in the clarifier drive and components description of the Fee/Cost Proposal. The Contractor is to supply all equipment necessary to complete the Project (i.e., crane, rigging equipment, and associated equipment). The Contractor is responsible for all documentation, safety protocols, and procedures related to confined space entry, ensuring compliance with

applicable regulations and standards. The Project is to be completed in one (1) mobilization and one (1) demobilization of equipment and personnel.
The Contractor is responsible for ensuring appropriate staffing throughout the Project and for paying prevailing wages following applicable regulations. All freight and delivery of equipment are to be included in the bid. The Contractor is responsible for providing detailed submittals for all new equipment, including the clarifier drive unit, motor, and control system. Submittals must include specifications for surface preparation, coatings, electrical wiring, alignment tolerances, and installation procedures. Additionally, the Contractor must submit operation and maintenance manuals, safety plans, startup and commissioning procedures, and final as-built drawings. All work must adhere to manufacturer guidelines, and testing and certification documentation must be provided upon completion. Note* Documentation of warranty terms for the clarifier components, including the drive unit, motor, and other mechanical parts, with a minimum two-year warranty requirement.

Project Conditions:
Workdays/Hours: Monday through Friday, from 6:30 a.m. to 3:30 p.m.
All recognized government holidays will be observed, and no work should be coordinated unless arranged with City staff.
Staging Area: To be determined and coordinated with City staff. The city is not responsible for theft or damage to equipment and materials left overnight.

EXHIBIT "B"

COST PROPOSAL

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package (with all required lubricants per spec). Sludge collection drum with adjustable gate control boxes (with all necessary seals). Eight (8) 6-inch PVC Type II draw-off-off pipes (four (4) per arm) with elbows and fittings. Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, counterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	$256,518.00
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$71,259.00
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all necessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described in the details scope.	$63,671.00
4	CONTINGENCY	Contingency fund allocated by the City for unforeseen project conditions.	$38,552.00
TOTAL SUM BID (IN DIGITS)			$430,000.00
TOTAL PRICE (WRITTEN IN WORDS): FOUR HUNDRED THIRTY THOUSAND DOLLARS			

EXHIBIT "C"

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

CLEAN INFUSION LLC

By:_____ Date: _____

Warrick Wadman, Owner

CITY OF REDLANDS
OFFICE OF THE CITY CLERK
BID OPENING REPORT

The following bid was opened on the **24th day of October, 2024 at 10:00a.m.** on behalf of the Municipal Utilities and Engineering Department for **Secondary Clarifier No. 1 Rehab Project**. The bid amounts have not been checked and are subject to correction after the bids have been completely reviewed.

No.	Plan Holder's Name	Bid Signed	Bid Bond	Addenda Acknowledged (0)	Total Bid Amount
1	Clean Infusion LLC, Columbia, MO	Yes			$391,448.00
2	Sentry Equipment Corp., West Jordan, UT	Yes			$439,672.00
3	Myers & Sons Construction, LLC Sacramento, CA	Yes			$580,000.00
4	Alpha Petroleum Transport Inc II, Corona, CA	Yes			$583,355.76
5	Don Peterson Contracting Inc., San Marcos, CA	Yes			$649,965.00
6	GSE Construction Company, Inc., Livermore, CA	Yes			$663,500.00
7	Filanc Escondido, CA	Yes			$691,000.00
8	Pacific Hydrotech Corporation, Perris, CA	Yes			$778,100.00
9	Metro Builders & Engineers Group, Ltd. Newport Bch, CA	Yes			$1,230,831.00

Jeanne Donaldson, City Clerk
City of Redlands, California

Emailed: Councilmembers,
City Manager, PIO, Press
Department Head: John Harris
Staff: Fernando Mata, LaWanda Butler

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Clean Infusion LLc**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	$256,518.00
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$71,259.00
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	$63,671.00
		TOTAL SUM BID (IN DIGITS)	**$391,448.00**

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Sentry Equipment Corporation**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	$104,446.00
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$145,946.00
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	$185,487.00
		TOTAL SUM BID (IN DIGITS)	**$435,879.00**

TOTAL PRICE (WRITTEN IN WORDS): Four Hundred Thirty-Five Thousand Eight Hundred Seventy-Nine Dollars and Zero Cents

NOTE: The price is off by $3,793, however, this does not effect the outcome of the bid.

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Myers & Sons Construction**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	**$355,000.00**
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	**$109,655.00**
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	**$115,345.00**
		TOTAL SUM BID (IN DIGITS)	**$580,000.00**

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Alpha Petroleum Transport Inc. II**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	$310,314.19
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$136,942.82
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	$138,098.75
		TOTAL SUM BID (IN DIGITS)	**$585,355.76**

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Don Peterson Contracting Inc.**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	**$285,488.65**
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	**$217,276.35**
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	**$147,200.00**
		TOTAL SUM BID (IN DIGITS)	**$649,965.00**

TOTAL PRICE (WRITTEN IN WORDS): Six Hundred Forty Nine Thousand Nine Hundred Sixty-Five Dollars and Zero Cents

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **GSE Construction, Inc.**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs.	$270,000.00
		Sludge collection drum with adjustable gate control boxes. Please include all necessary seals	
		Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings	
		Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance	
		Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$273,500.00
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	$120,000.00
		TOTAL SUM BID (IN DIGITS)	$663,500.00

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Filanc**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	**$275,000.00**
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	**$280,000.00**
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	**$136,000.00**
		TOTAL SUM BID (IN DIGITS)	**$691,000.00**

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. **Pacific Hydrotech Corporation**

PART 4 PRICE AND FEE BID
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project

BID DATE: 09/23/24
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs.	$309,800.00
		Sludge collection drum with adjustable gate control boxes. Please include all necessary seals	
		Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings	
		Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance	
		Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	$330,500.00
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	$137,800.00
		TOTAL SUM BID (IN DIGITS)	**$778,100.00**

CITY OF REDLANDS

MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT

BID ANALYSIS

Annual P.O. | **Metro Builders & Engineers Group Ltd.** | **PART 4 PRICE AND FEE BID**
BID #20240923-FM
Secondary Clarifier No. 1 Rehab Project | **BID DATE: 09/23/24**
FISCAL YEAR: 2024/2025

LINE ITEM NO.	SECTION	DESCRIPTION	PRICE
1	CLARIFIER DRIVE & COMPONENTS	Ovivo C30HT drive unit, drive torque control unit, and motor drive package. Please include all required lubricants per specs. Sludge collection drum with adjustable gate control boxes. Please include all necessary seals Eight (8) 6-inch PVC type II draw-off-off pipes (four (4) per arm) w/SS elbows/fittings Full radius scum skimming arm with supports, blade arm, 4' skimming assembly, skimmer blade, conunterbalance Adjustable squeegee mechanism (rake arm) Mastic sealer between the weirs and mounting interface (80' D)	**$548,891.00**
2	PROFESSIONAL LABOR SERVICES	Pricing for labor to remove existing equipment and replace it with the new parts described above.	**$436,363.00**
3	ONSITE BLASTING & PAINTING SERVICES	Pricing for all nexessary equipment, materials, and labor for onsite blasting and painting of the clarifier walkway, scum box, and underwater steel as described I the details scopte.	**$245,577.00**
		TOTAL SUM BID (IN DIGITS)	**$1,230,831.00**