

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: OCTOBER 8, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: LAFCO 3188A -- Reorganization to include Annexation to the City of San Bernardino and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan)

BACKGROUND INFORMATION:

This item was continued from the Commission's August 21, 2019 hearing at the request of the property owner (with concurrence from the City) to allow the property owner and the City enough time to evaluate and consider the proposed condition(s) that LAFCO staff is recommending.

No change has occurred since then; therefore, staff's recommendations remain the same for LAFCO 3188A. For reference, the original staff report for LAFCO 3188A, dated August 14, 2019, is included as Attachment #1 and includes the links to each attachment.

However, the Commission—as part of its motion at the August Hearing—requested that staff provide a discussion regarding access to and from the project site in order to provide for a better understanding of the issues related to traffic (circulation) as well as fire safety.

Circulation

The Spring Trails project will have two main access points. The primary access road (dash line with pink highlight), which provides the main access to and from Spring Trails project, is a 2-way undivided road that extends from North Little League Drive to the Spring Trails project at the southeastern section of the project site. From North Little League Drive (also a 2-way undivided road), access to the I-215 Freeway can be

reached from either Palm Avenue (via West Little League Drive or Kendall Avenue) or Devore Road/Glen Helen Parkway (via Kendall Avenue and Cajon Boulevard).

The secondary access road (dash line with orange highlight), which is intended as an alternative street for local traffic to access arterial streets outside the project, is also a 2-way undivided road that runs along the western boundary of the Spring Trails project. It will connect to North Little League Drive via Frontage Road. From North Little League Drive, access to the freeway is the same as the primary access road.

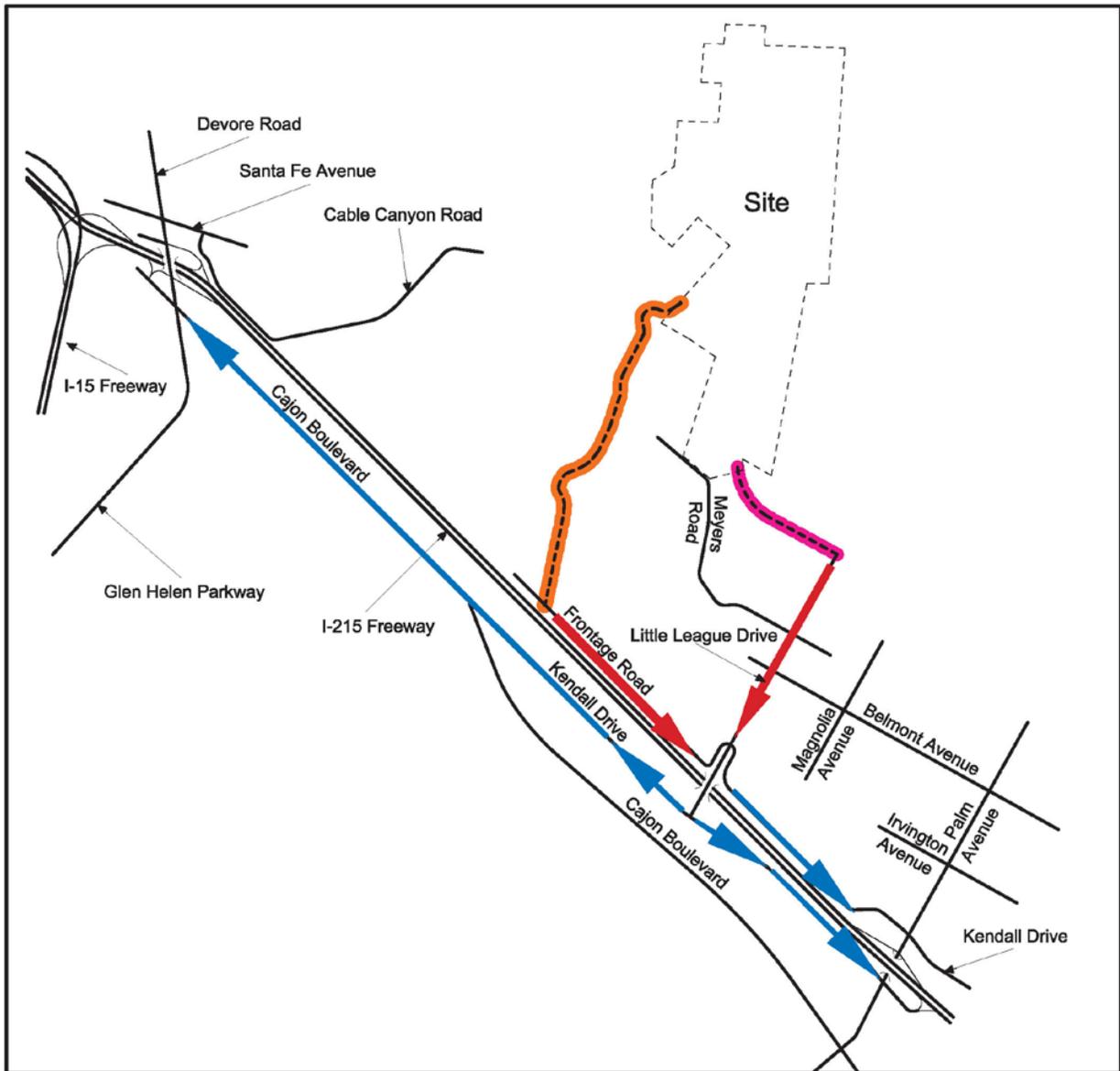


Fig. 1 – Circulation Map

It should be noted that the intersection of Meyers Road and the secondary access road will be constructed in such a way that either prevents or discourages access to Meyers Road. All necessary public streets, both on-site and off-site (including the extension of North Little League Drive), will be improved by the developer. Other necessary off-site improvements, such as the Palm Avenue/I-215 Freeway and Glen Helen Parkway improvements, are part of the City’s Master Facility Plan and will be funded through developer impact fees.

Fire Safety (Hazards)

As identified in the original staff report, no change in actual service provider will occur upon completion of the annexation since the City of San Bernardino was annexed into the San Bernardino County Fire Protection District (County Fire) and its Valley Service Zone. The area proposed for annexation is already within the boundaries of County Fire.

The closest fire station is Station #232 located on 6065 Palm Avenue, which is approximately 2.1 miles away from the project site. The next closest fire station is Station #2 located in Devore (1511 Devore Road), which is approximately 4.2 miles away from the project site.

The Spring Trails project evaluated response times for a number of stations using time/distance calculations from the different fire stations to the project site via Meyers Road. Below are the drive times for the two stations nearest the project site:

Station	MPH	Miles	Time
1. Station #232	45	0.78	01:02
	25	0.16	00:23
	35	0.43	00:44
	35	0.70	01:12
	Meyers	2.07	03:21
	Ranch	3.31	05:29
	Farthest	3.74	06:13
2. Station #2	45	2.35	03:08
	35	1.38	02:22
	Meyers	3.75	05:30
	Ranch	4.97	07:38
	Farthest	5.40	08:22

Based on the calculations identified in the Spring Trails Fire Protection Plan, Station #232 can reach the farthest portion of the site in 6m 13s and Station #2 can get to the farthest portion of the site in 8m 22s.

LAFCO staff also prepared its own analysis of the drive times from both stations to the farthest portion of the project site using the primary access road and based on actual speed limits. Staff's analysis indicates that Station #232 can reach the farthest portion of the site in 7m 12s, and Station #2 can get to the farthest portion of the site in 11m 42s.

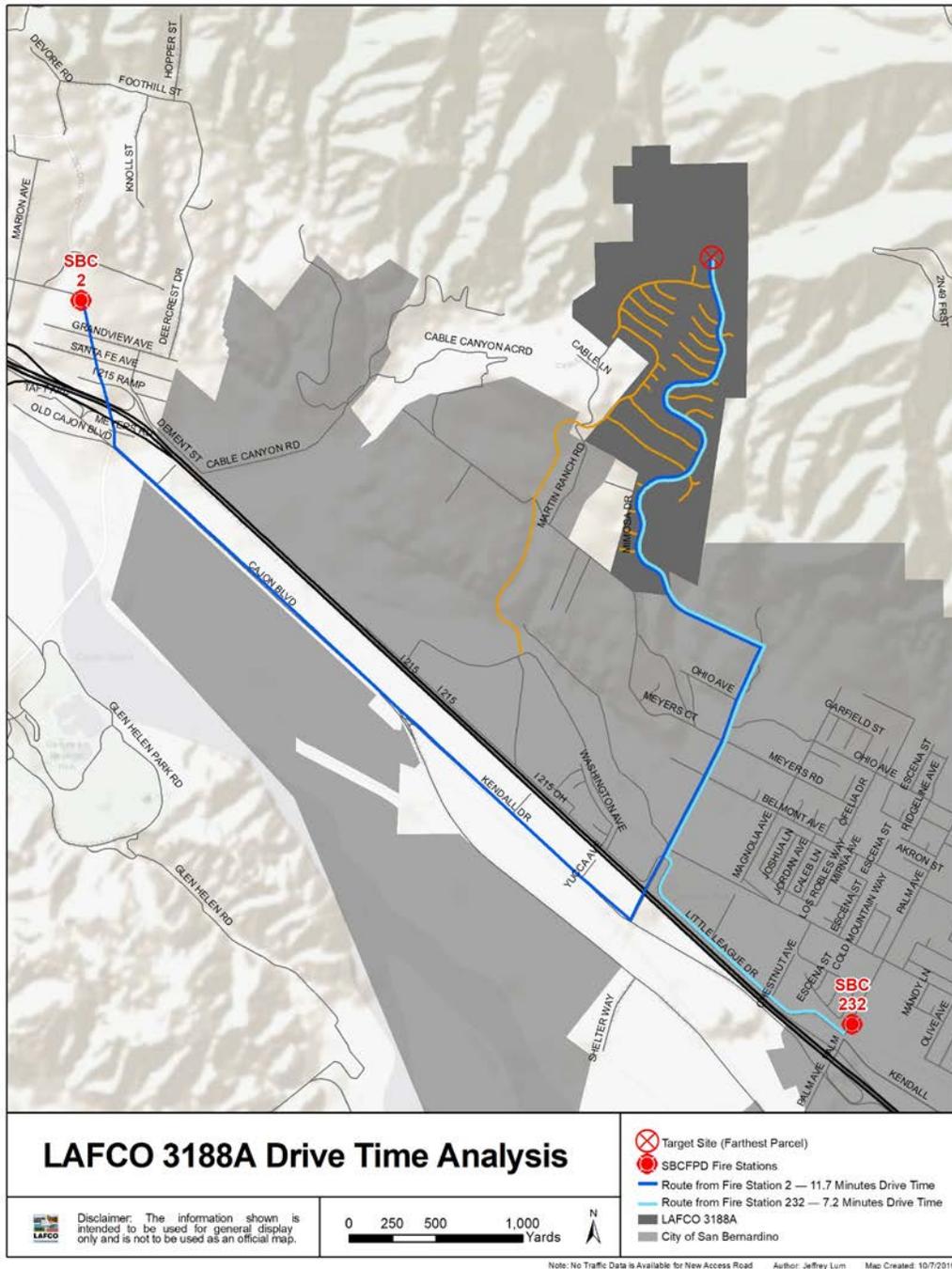


Fig. 2 – Drive Times

The Spring Trails Fire Protection Plan outlines a number of mitigation measures including fuel modification zones, vegetation management guidelines, planting maintenance and spacing guidelines, as well as infrastructure/structural construction features and requirements.

COMMENTS RECEIVED:

At the August 21, 2019 hearing, the Commission received oral comments. All written comments received prior to and at the August 21 hearing can be accessed on the LAFCO website:

- Comments received prior to the August 21, 2019 hearing:
http://www.sbcounty.gov/uploads/LAFCO/AgendaNotices/20190821/Item_08_Att1.pdf
- Comments received at the August 21, 2019 hearing:
http://www.sbcounty.gov/uploads/LAFCO/AgendaNotices/20190821/Item_08_Att3.pdf

Since then, additional comments have been received, which are included as Attachment #2 to the staff report. Overall, approximately 80 written comments have been received from landowners, registered voters, and other individuals, including one from a council member of the City of San Bernardino, Mr. Henry Nickel, and one from a non-profit organization. Most of the comments came from residents who live in the Verdemon area within the City of San Bernardino as well as residents from the unincorporated Devore community. Approximately 10 (unverified) letters opposing the project came from the island area itself.

Most of the comments relate to fire, high wind, and earthquake issues including limited accessibility during an emergency. School traffic was also cited in some of the letters. Other comments relate to the City's inability to provide code inspections/enforcement, reduced services and slow response times, and issues related to road repair and maintenance.

CONCLUSION:

As outlined in the original staff report, the Spring Trails Specific Plan requires a broad range and level of municipal services that are only available through the City of San Bernardino. The project would benefit from the extension of the City's services as well as the continuation of fire protection and emergency medical response services from County Fire and its Valley Service Zone based upon the anticipated development of 215 (current configuration) single-family residences, open space, parks, and other public facilities.

The Spring Trails Specific Plan was approved and adopted by the City with certain guidelines, conditions of approval, and mitigation measures. Therefore, the Commission's approval of LAFCO 3188A assumes that the City will adhere to the parameters that have been imposed on the Spring Trails Specific Plan and the

mitigation measures outlined in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

However, as noted in the August 14, 2019 staff report, approval of this proposal calls into question the issue related to the adjacent unincorporated area that will become totally-surrounded by the City of San Bernardino. This report provides for options for addressing the creation of said island territory. Staff recommendations are to:

- Include a determination required by Government Code Section 56375(m), which can be applied to this proposal; and,
- Include a condition that requires the City to initiate the totally-surrounded island area within one year of the Commission’s approval of LAFCO 3188A.

For all these reasons, and those outlined throughout this staff report and the original staff report dated August 14, 2019, staff recommends approval of LAFCO 3188A.

RECOMMENDATIONS:

The staff recommends that the Commission approve LAFCO 3188A by taking the following actions:

1. With respect to the environmental review:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the Complete Final EIR for the project prepared by the City is adequate for the Commission’s use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3188A.
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the mitigation measures identified for the project are the responsibility of the City and others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission’s Environmental Consultant and attached to the staff report (Attachment #3); and,

- e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.
2. Approve LAFCO 3188A, with the following determination: The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.
 3. Approve LAFCO 3188A with the following conditions:
 - a. The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six-month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.
 - b. The standard LAFCO terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
 4. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,

5. Adopt LAFCO Resolution No. 3291 (Attachment #4) setting forth the Commission's determinations, terms, and conditions of approval concerning LAFCO 3188A.

Attachments:

1. [Original Staff Report for LAFCO 3188A Dated August 14, 2019](#)
2. [Letters Received After the August 21, 2019 Hearing](#)
3. [Letter from Tom Dodson and Associates and Facts, Findings and Statement of Overriding Considerations, and Environmental Documents Related to the City of San Bernardino's Approval of the Spring Trails Specific Plan](#)
4. [Draft Resolution No. 3291](#)