

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** April 7, 2020

**FROM:** SAMUEL MARTINEZ, Executive Officer  
JEFFREY LUM, LAFCO Analyst



**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #6: LAFCO SC#449 – City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 for Sewer Service

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**INITIATED BY:**

City of Montclair, on behalf of the property owner/developer

**RECOMMENDATION:**

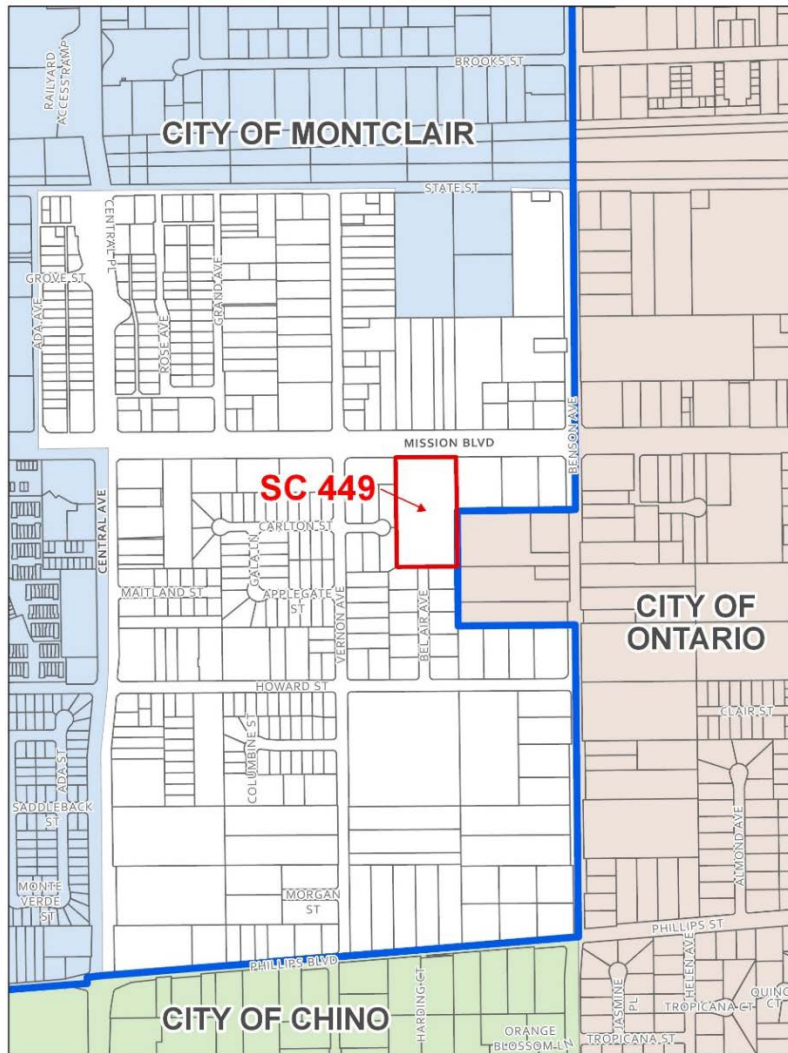
Staff recommends that the Commission approve LAFCO SC#449 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-family residential lots on a 4.7 acres site, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that all mitigation measures are the responsibility of the County and/or others, not the Commission; and,
  - c. Notes that this project is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve SC#449 authorizing the City of Montclair to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 1011-351-02.
3. Adopt LAFCO Resolution #3304 setting forth the Commission’s determinations and approval of the sewer services outside the City of Montclair boundaries.

**BACKGROUND:**

The City of Montclair (City) has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service. The agreement relates to a single parcel, APN 1011-351-02, generally located on the south side of Mission Boulevard (5533 Mission Boulevard) between Vernon and Benson Avenues within the City of Montclair’s southeastern sphere of influence. The map below, which is also included as Attachment #1, provides a location and vicinity map of the site. In addition, the City’s application (Attachment #2) include a map outlining the location of the infrastructure to be extended.



The County Land Use Services Department processed a General Plan Amendment and a Conditional Use Permit for a proposal to build 40 condominiums and two single-family residential lots on 4.7 acres, which was approved by the County Board of Supervisors on December 17, 2019. The Conditions of Approval placed upon this project include the requirement to connect to the City of Montclair’s sewer facilities (Condition 114 thru 116). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the project pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

**PLAN FOR SERVICE:**

The City’s application (included as Attachment #2 to this report) indicates that sewer service will be provided to the proposed project by requiring the property owner/developer to install a new eight-inch (8”) sewer line from the project site and extending southerly through Bel Air Avenue to connect to the City’s existing eight-inch (8”) sewer main in Howard Street.

Pursuant to the Commission's service contract application requirements, information has been provided regarding all financial obligations for the extension of sewer service outside the City’s boundaries. The City estimates a total of \$322,654.50 (known costs) related to the IEUA connection fee, the City’s EDU and connection fees, and construction permit fees for the extension of sewer service to the proposed development.

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$292,110	<b>\$292,110</b>
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$29,232	<b>\$29,232</b>
City of Montclair Connection Fee	Exempt	<b>Exempt</b>
City Engineering / Construction Permit (estimate)	\$1,312.50	<b>\$1,312.50</b>
County Permit and Inspection Fee	Unknown	<b>Unknown</b>
Construction Cost	Unknown	<b>Unknown</b>
<b>Total Known Costs</b>		<b>\$322,654.50</b>

In addition, the property owner/developer will be responsible for all costs associated with the extension of sewer service from the existing line in Howard Street to the project site.

**ENVIRONMENTAL DETERMINATION:**

In 2019, the County prepared an Initial Study and a Mitigated Negative Declaration for a General Plan Amendment to change the land use zoning designation from Single Residential (RS-20M) and General Commercial (CG) to Multiple Residential (RM), Tentative Tract (20267) Map to create two single-family residential parcels and one condominium parcel, and a Conditional Use Permit for the development of 40 detached condominiums, with a Major Variance for a reduced front yard setback on approximately 4.7 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County, as lead agency, has paid said fees for its environmental determination.

**CONCLUSION:**

The development of Tentative Tract 20267 requires that it receive sewer service from the City of Montclair. In order for the project to proceed to record the Final Tract Map, the property owner/developer must show proof of his ability to connect to the City of Montclair's sewer infrastructure – which is the Commission's authorization for the extension of sewer service.

Staff has reviewed this request for authorization to provide sewer service from the City of Montclair outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel is within the sphere of influence of the City of Montclair, and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service by contract to the proposed residential development since its facilities are located near the anticipated development and there is no other existing entity available to provide the level of service required by the Tentative Tract within the area.

**DETERMINATIONS:**

1. The project area, identified as Assessor Parcel Number (APN) 1011-351-02, is within the sphere of influence assigned to the City of Montclair and is anticipated to become a part the City sometime in the future. The application requests authorization to receive sewer service from the City of Montclair, which is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide sewer service is necessary to satisfy this condition of approval allowing the project to proceed.
2. The application request authorization for the City of Montclair to provide sewer service as outlined in the Irrevocable Agreement to Annex No. 20-06-I-104 for APN 1011-351-02, generally located on the south side of Mission Boulevard (5533 Mission Boulevard). This contract will remain in force in perpetuity for the proposal development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Montclair to finalize the agreement for the extension of sewer service.
3. The City of Montclair estimates a total of \$322,654.50 (known cost) for the extension of sewer service to the proposed project (for a breakdown of fees, see table on page 3). In addition, the property owner/developer will be responsible for all costs associated with the extension of sewer service to the project site.
4. During the period from August to December 2019, acting as the CEQA lead agency, the County prepared an environmental assessment for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-family residential lots on a 4.7-acre site. The County's environmental assessment indicates that the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

Attachments:

1. [Vicinity Maps](#)
2. [City of Montclair's Application and Contract](#)

3. [County Conditions of Approval for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map](#)
4. [Tom Dodson and Associates' Response Including the County's Environmental Assessment for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267](#)
5. [Draft Resolution #3304](#)