



CITY OF GRAND TERRACE

CITY COUNCIL

AGENDA • JULY 23, 2024

Council Chambers

Regular Meeting

6:00 PM

Grand Terrace Civic Center • 22795 Barton Road

COMMENTS FROM THE PUBLIC

The public is encouraged to address the City Council on any matter posted on the agenda or on any other matter within its jurisdiction. If you wish to address the City Council, please complete a Request to Speak card located at the front entrance and provide it to the City Clerk. Speakers will be called upon by the Mayor at the appropriate time and each person is allowed three (3) minutes speaking time.

If you would like to participate telephonically and speak on an agenda item, you can access the meeting by dialing the following telephone number and you will be placed in the waiting room, muted until it is your turn to speak:

***67 1-669-900-9128**
Meeting ID: 863 5589 3165
Passcode: 525391

The City wants you to know that you can also submit your comments by email to ccpubliccomment@grandterrace-ca.gov. To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to 5:00 p.m.; or if you are unable to email, please call the City Clerk's Office at (909) 954-5207 by 5:00 p.m.

If you wish to have your comments read to the City Council during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on. Comments that you want read to the City Council will be subject to the three (3) minute time limitation (approximately 350 words).

Pursuant to the provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

PLEASE NOTE: Copies of staff reports and supporting documentation pertaining to each item on this agenda are available for public viewing and inspection at City Hall, 1st Floor Lobby Area and 2nd Floor Reception Area during regular business hours and on the City's website www.grandterrace-ca.gov. For further information regarding agenda items, please contact the office of the City Clerk at (909) 954-5207, or via e-mail at dthomas@grandterrace-ca.gov.

Any documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office at City Hall located at 22795 Barton Road during normal business hours. In addition, such documents will be posted on the City's website at www.grandterrace-ca.gov.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, (909) 954-5207 at least 48 hours prior to the advertised starting time of the meeting. This will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible [28 CFR 34.102.104 ADA Title II].

CALL TO ORDER

Convene City Council.

Invocation***Pledge of Allegiance******AB 2449 Disclosures***

Remote participation by a member of the legislative body for just cause or emergency circumstances.

Roll Call

Attendee Name	Present	Absent	Late	Arrived
Mayor Bill Hussey	☐	☐	☐	
Mayor Pro Tem Doug Wilson	☐	☐	☐	
Council Member Jeff Allen	☐	☐	☐	
Council Member Kenneth J. Henderson	☐	☐	☐	
Council Member Michelle Sabino	☐	☐	☐	

A. REORDERING OF, ADDITIONS TO, OR REMOVAL OF ITEMS FROM THE AGENDA**B. PUBLIC COMMENT**

This is the opportunity for members of the public to comment on any items not appearing on the regular agenda. Because of restrictions contained in California Law, the City Council may not discuss or act on any item not on the agenda, but may briefly respond to statements made or ask a question for clarification. The Mayor may also request a brief response from staff to questions raised during public comment or may request a matter be agendized for a future meeting.

C. SPECIAL PRESENTATIONS - NONE**D. CONSENT CALENDAR**

The following Consent Calendar items are expected to be routine and noncontroversial. They will be acted upon by the City Council at one time without discussion. Any Council Member, Staff Member, or Citizen may request removal of an item from the Consent calendar for discussion.

1. Waive Full Reading of Ordinances on Agenda

DEPARTMENT: CITY CLERK

2. Approval of Minutes – Regular Meeting – 07/09/2024

DEPARTMENT: CITY CLERK

3. Historical & Cultural Activities Committee Member Resignation and Authorization

RECOMMENDATION:

Accept the Resignation of Historical & Cultural Activities Committee Member Louise Lunstrum, Direct the City Clerk to Prepare and Send a Letter of Appreciation on Behalf of the City Council

DEPARTMENT: CITY CLERK

4. Acceptance of Street Rehabilitation Project 2023-24

RECOMMENDATION:

1. Accept the Street Rehabilitation Project 2023-24 in the amount of \$1,123,458.96 and approve the final payment of \$114,062.43 to Hardy & Harper, Inc.
2. Direct staff to file and record the Notice of Completion for the Street Rehabilitation Project 2023-24

DEPARTMENT: PUBLIC WORKS

5. Approval of Additional National Opioid Settlement with Kroger Co.

RECOMMENDATION:

Adopt a Resolution approving the Settlement Agreement and Participation Forms for the City's participation in the National Opioid Settlement Agreement with Kroger Co., approving the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds, and authorizing the City Manager to carry out all necessary acts such that the City can participate in the National Opioid Settlement with Kroger Co., including signing necessary documents and transmittal thereof as necessary.

DEPARTMENT: CITY MANAGER

E. PUBLIC HEARINGS

6. Public Hearing, Adoption of Resolution Ordering the Levy and Collection of Assessments, and Approval of Agreements with the County for the Collection of Assessments for the 2024-25 Fiscal Year, Landscape & Lighting Assessment District 89-1

RECOMMENDATION:

1. Conduct the Public Hearing; and

2. Adopt a Resolution of the City Council of the City of Grand Terrace approving the Engineer's Annual Report, and confirming the diagram and assessment, and ordering the levy and collection of assessments within the City of Grand Terrace Landscaping and Street Lighting District No. 89-1 for Fiscal Year 2024-25.
3. Approve the "Auditor-Controller/Treasurer/Tax Collector Agreements for Collection of Special Taxes, Fees, and Assessments for Fiscal Year 2024-25" for the City and the District.

DEPARTMENT: PUBLIC WORKS

7. Public Hearing Regarding Objections to Collecting Delinquent Refuse and Sewer Fees on the Tax Rolls for Affected Properties; Adoption of Resolutions to Collect Said Delinquent Fees on the Tax Roll and for the Placement of Assessments for Delinquent Fees on Properties Located in the City for Fiscal Year 2024-25

RECOMMENDATION:

1. Conduct a public hearing to hear objections or protests regarding delinquent fees proposed for adoption and assessment on the tax rolls of the county tax assessor for FY 2024-25.
2. Adopt a resolution of the City Council of the City of Grand Terrace, County of San Bernardino, State of California, adopting a report of delinquent refuse and sewer user fees for FY 2024-25 and directing that such delinquent fees be collected on the tax roll and be imposed as an assessment upon property within the City of Grand Terrace.

DEPARTMENT: PUBLIC WORKS

8. The Gateway at Grand Terrace Specific Plan Project - Final Environmental Impact Report (State Clearinghouse No. 2021020110), Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (ENV 17-10), General Plan Amendment (17-01), Specific Plan (17-01), Zone Change (17-02), Zone Change Amendment (24-01), Development Agreement (Agmt), Tentative Tract Map 20501 (18-01)

RECOMMENDATION:

Conduct a Public Hearing for The Gateway at Grand Terrace Specific Plan Project and take the following actions:

- a. Adopt a Resolution certifying the Final EIR and making findings for the Statement of Overriding Considerations and making findings for and adopting the MMRP (Attachment 1).
- b. Adopt a Resolution making findings for and adopting the General Plan Amendment 17-01 (Attachment 2).
- c. Introduction and 1st Reading by title only with further reading waived an Ordinance adopting the Gateway at Grand Terrace Specific Plan 17-01 (Attachment 3).

- d. Adopt a Resolution making findings for and adopting the Zone Change 17-02 and Zone Change Amendment 24-01 (Attachment 4).
- e. Introduction and 1st Reading by title only with further reading waived an Ordinance adopting the Development Agreement (Attachment 5).
- f. Adopt a Resolution making findings for and approving the Tentative Tract Map 20501 18-01 (Attachment 6).

DEPARTMENT: PLANNING & DEVELOPMENT SERVICES

F. UNFINISHED BUSINESS

9. Introduction and First Reading of an Ordinance Approving Zone Change Amendment (ZCA) 24-03 Amending City of Grand Terrace Municipal Code Title 18 (Zoning) to Add New Residential Land Uses Called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations”, to the Allowable Residential Land Uses Listed in Chapter 18.10 (Residential Districts); to Add Nonresidential Hours of Operation and to Consolidate All Nonresidential Land Uses Identified Under Section 18.06.032 and Chapters 18.30 – AP Administrative Professional District, 18.33 – C2 General Business District, 18.36 – CM Commercial Manufacturing District, 18.39 – MR Restricted Manufacturing District, 18.40 – M2 Industrial District, 18.43 – PUB Public Facilities District into a Table Format Under a New Chapter 18.27 (Nonresidential Districts); to Add New Nonresidential Land Uses Called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a Cocktail Lounge, Bar, Entertainment or Dancing”, and “Establishments with On-Site Alcohol Beverage Sales and Consumption that Are Not Bona Fide Eating Establishments (Bars, Taverns, Cocktail Lounges, Breweries, Distilleries And/Or Wine Making Facilities with Sales for On-Site and Off-Site Consumption)” CEQA: the Adoption of the Proposed Ordinance is Not a “Project” that is Subject to CEQA Review Because it Will Not Result in Direct Physical Change in the Environment, or a Reasonably Foreseeable Indirect Physical Change in the Environment. (See, §15061(B)(3) – Common Sense Exemption.)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Conduct a public hearing; and
- 2) Introduce an Ordinance approving Zone Change Amendment (ZCA) 24-03 to amend the Grand Terrace Municipal Code Title 18 (Zoning) to add new residential land uses called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations”, to the allowable residential land uses listed in Chapter 18.10 (Residential Districts); to add nonresidential hours of operation and to consolidate all nonresidential land uses identified under Section 18.06.032 and Chapters 18.30 - AP Administrative Professional District, 18.33 - C2 General Business District, 18.36 - CM Commercial Manufacturing District, 18.39 - MR Restricted Manufacturing District, 18.40 - M2 Industrial District, 18.43 - PUB Public Facilities District into a table format under a new Chapter 18.27 (Nonresidential Districts); to add new

nonresidential land uses called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a cocktail lounge, bar, entertainment or dancing”, and “Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption)” and find an environmental exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines; and

- 3) Direct Planning & Development Services Director to bring back directly to the City Council within ninety (90) days an Ordinance for a Zone Change Amendment making Municipal Code modifications to bring consistency between all Municipal Code Sections pertaining to hours of operation for business activities and hours applicable to noise related activities.

DEPARTMENT: PLANNING & DEVELOPMENT SERVICES

G. NEW BUSINESS - NONE

H. FUTURE AGENDA ITEMS

At this time, the City Council may propose items for discussion and/or action at a future duly agendized City Council meeting. A consensus of a majority of the quorum is required to place an item on a future agenda.

I. CITY COUNCIL COMMUNICATIONS

Council Member Michelle Sabino

Council Member Kenneth J. Henderson

Council Member Jeff Allen

Mayor Pro Tempore Doug Wilson

Mayor Bill Hussey

J. CITY MANAGER COMMUNICATIONS

K. RECESS TO CLOSED SESSION**CLOSED SESSION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Section 54957(b)(1)

Title: City Manager

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Section 54957(b)(1)

Title: City Attorney

RECONVENE TO OPEN SESSION**REPORT OUT OF CLOSED SESSION****L. ADJOURN**

The Next Regular City Council Meeting will be held on Tuesday, August 13, 2024 at 6:00 PM. Any request to have an item placed on a future agenda must be made in writing and submitted to the City Clerk's office.

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CITY OF GRAND TERRACE

CITY COUNCIL

MINUTES • JULY 9, 2024

Council Chambers

Regular Meeting

6:00 PM

Grand Terrace Civic Center • 22795 Barton Road

CALL TO ORDER

Mayor Bill Hussey convened the Regular Meeting of the City Council for Tuesday, July 9, 2024, at 6:00 p.m.

Invocation

The invocation was given by Pastor Jason Olvera from Living Word Inland Empire.

Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Wilson.

AB 2449 Disclosures

None.

Attendee Name	Title	Status	Arrived
Bill Hussey	Mayor	Present	
Doug Wilson	Mayor Pro Tem	Present	
Jeff Allen	Council Member	Absent	
Kenneth J. Henderson	Council Member	Present	
Michelle Sabino	Council Member	Present	
Konrad Bolowich	City Manager	Present	
Adrian Guerra	City Attorney	Present	
Debra Thomas	City Clerk	Present	
Christine Clayton	Finance Director	Present	

A. REORDERING OF, ADDITIONS TO, OR REMOVAL OF ITEMS FROM THE AGENDA

None.

B. PUBLIC COMMENT

None.

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Consent Calendar)

C. SPECIAL PRESENTATIONS

Certificate of Recognition – Grand Terrace High School Science Fair. Pricilla Munoz and Danaya Figueroa provided a [PowerPoint](#) presentation for this item.

D. CONSENT CALENDAR

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kenneth J. Henderson, Council Member
SECONDER:	Michelle Sabino, Council Member
AYES:	Bill Hussey, Doug Wilson, Kenneth J. Henderson, Michelle Sabino
ABSENT:	Jeff Allen

1. Waive Full Reading of Ordinances on Agenda
2. Approval of Minutes – Regular Meeting – 06/25/2024

3. Approval of the May-2024 Check Register in the Amount of \$2,230,016.49

APPROVE THE CHECK REGISTER NO. 05312024 IN THE AMOUNT OF \$2,230,016.49 AS SUBMITTED, FOR THE MONTH ENDING MAY 31, 2024.

4. Second Reading by Title Only, with Further Reading Waived, an Ordinance Amending Chapter 10.08 'Speed Limits' of the Municipal Code

DIRECT THE CITY ATTORNEY TO READ BY TITLE ONLY, WAIVE FURTHER READING, AND ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE AMENDING CHAPTER 10.08 (SPEED LIMITS).

5. Review of Local Conflict of Interest Code to Comply with the Political Reform Act

1. DIRECT STAFF TO REVIEW THE CITY'S CONFLICT OF INTEREST CODE FOR AMENDMENTS; AND

2. AUTHORIZE THE CITY MANAGER TO EXECUTE THE 2024 LOCAL AGENCY BIENNIAL REVIEW NOTICE INDICATING WHETHER AMENDMENTS ARE REQUIRED AND SUBMIT TO THE CITY COUNCIL NO LATER THAN OCTOBER 1, 2024.

6. An Amendment to the Agreement Between the City of Grand Terrace and Willdan to Increase the Compensation for the Code Enforcement Services Agreement.

1. APPROVE AMENDMENT NO. 1 TO THE AGREEMENT FOR CODE ENFORCEMENT SERVICES WITH WILLDAN (DATED MARCH 28, 2023) TO INCREASES TOTAL COMPENSATION BY \$42,000.00 (TOTAL COMPENSATION \$92,000.00);

2. AUTHORIZE THE MAYOR TO EXECUTE THE ABOVE-MENTIONED AMENDMENT SUBJECT TO THE CITY ATTORNEY'S APPROVAL AS TO FORM.

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Consent Calendar)

7. Easement Deed of Right of Way Dedication - Spring Hills Family Dentistry

ACCEPTANCE OF EASEMENT DEED OF RIGHT OF WAY DEDICATION FOR APNS: 1178-01-109, 1178-01-110, AND 1178-01-111 FOR SPRING HILLS FAMILY DENTISTRY.

8. Accept the Concrete Rehabilitation Project

1. ACCEPT THE CONCRETE REHABILITATION PROJECT IN THE AMOUNT OF \$82,368.62 AND APPROVE THE FINAL PAYMENT OF \$4,118.43 TO HARDY & HARPER, INC.

2. DIRECT STAFF TO FILE AND RECORD THE NOTICE OF COMPLETION FOR THE CONCRETE REHABILITATION PROJECT.

E. PUBLIC HEARINGS

9. Introduction and First Reading of an Ordinance Approving Zone Change Amendment (ZCA) 24-03 Amending City of Grand Terrace Municipal Code Title 18 (Zoning) to Add New Residential Land Uses Called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations”, to the Allowable Residential Land Uses Listed in Chapter 18.10 (Residential Districts); to Add Nonresidential Hours of Operation and to Consolidate All Nonresidential Land Uses Identified Under Chapters 18.30 – AP Administrative Professional District, 18.33 – C2 General Business District, 18.36 – CM Commercial Manufacturing District, 18.39 – MR Restricted Manufacturing District, 18.40 – M2 Industrial District, 18.43 – PUB Public Facilities District into a Table Format Under a New Chapter 18.27 (Nonresidential Districts); to Add New Nonresidential Land Uses Called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a Cocktail Lounge, Bar, Entertainment or Dancing”, and “Establishments with On-Site Alcohol Beverage Sales and Consumption that Are Not Bona Fide Eating Establishments (Bars, Taverns, Cocktail Lounges, Breweries, Distilleries And/Or Wine Making Facilities with Sales for On-Site and Off-Site Consumption)” CEQA: the Adoption of the Proposed Ordinance is Not a “Project” that is Subject to CEQA Review Because it Will Not Result in Direct Physical Change in the Environment, or a Reasonably Foreseeable Indirect Physical Change in the Environment. (See, §15061(B)(3) – Common Sense Exemption.)

Scott Hutter, Planning Director gave the staff report and [PowerPoint](#) presentation for this item.

Mayor Hussey opened the public hearing at 6:45 p.m.

PUBLIC COMMENT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

1) CONDUCT A PUBLIC HEARING; AND

2) INTRODUCE AN ORDINANCE APPROVING ZONE CHANGE AMENDMENT (ZCA) 24-03 TO AMEND THE GRAND TERRACE MUNICIPAL CODE TITLE 18 (ZONING) TO ADD NEW RESIDENTIAL LAND USES CALLED “CONGREGATE LIVING HEALTH FACILITIES” AND “ELECTRIC VEHICLE CHARGING STATIONS”, TO THE ALLOWABLE RESIDENTIAL LAND USES LISTED IN CHAPTER 18.10 (RESIDENTIAL DISTRICTS); TO ADD NONRESIDENTIAL HOURS OF OPERATION AND TO CONSOLIDATE ALL NONRESIDENTIAL LAND USES IDENTIFIED UNDER CHAPTERS 18.30 - AP ADMINISTRATIVE PROFESSIONAL DISTRICT, 18.33 - C2 GENERAL BUSINESS DISTRICT, 18.36 - CM COMMERCIAL MANUFACTURING DISTRICT, 18.39 - MR RESTRICTED MANUFACTURING DISTRICT, 18.40 - M2 INDUSTRIAL DISTRICT, 18.43 - PUB PUBLIC FACILITIES DISTRICT INTO A TABLE FORMAT UNDER A NEW CHAPTER 18.27 (NONRESIDENTIAL DISTRICTS); TO ADD NEW NONRESIDENTIAL LAND USES CALLED “HEAVY EQUIPMENT RENTALS (INDOOR AND OUTDOOR)”, “ELECTRIC VEHICLE CHARGING STATIONS”, “RESTAURANTS WITH A COCKTAIL LOUNGE, BAR, ENTERTAINMENT OR DANCING”, AND “ESTABLISHMENTS WITH ON-SITE ALCOHOL BEVERAGE SALES AND CONSUMPTION THAT ARE NOT BONA FIDE EATING ESTABLISHMENTS (BARS, TAVERNS, COCKTAIL LOUNGES, BREWERIES, DISTILLERIES AND/OR WINE MAKING FACILITIES WITH SALES FOR ON-SITE AND OFF-SITE CONSUMPTION)” AND FIND AN ENVIRONMENTAL EXEMPTION PURSUANT TO SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

RESULT: CONTINUED

Next: 7/23/2024 6:00 PM

F. UNFINISHED BUSINESS - NONE

None.

G. NEW BUSINESS

10. Community Benefit Fund Grant Award to the Grand Terrace Women's Club in the Amount of \$2,000

Christine Clayton, Finance Director gave the staff report.

APPROVE THE COMMUNITY BENEFIT FUND GRANT APPLICATION FROM THE GRAND TERRACE WOMEN'S CLUB IN THE AMOUNT OF \$2,000 TO SUPPORT THE CHILD HELP FUND.

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Consent Calendar)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michelle Sabino, Council Member
SECONDER:	Kenneth J. Henderson, Council Member
AYES:	Bill Hussey, Doug Wilson, Kenneth J. Henderson, Michelle Sabino
ABSENT:	Jeff Allen

11. Community Benefit Fund Grant Award to the Grand Terrace High School Cheer Booster Club in the Amount of \$2,000.00

Christine Clayton, Finance Director gave the staff report.

APPROVE THE COMMUNITY BENEFIT FUND GRANT APPLICATION FROM THE GRAND TERRACE HIGH SCHOOL CHEER BOOSTER CLUB IN THE AMOUNT OF \$2,000.00 TO SUPPORT EMPOWERING YOUTH THROUGH CHEER LEADING.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Wilson, Mayor Pro Tem
SECONDER:	Kenneth J. Henderson, Council Member
AYES:	Bill Hussey, Doug Wilson, Kenneth J. Henderson, Michelle Sabino
ABSENT:	Jeff Allen

12. Community Benefit Fund Grant Award to the Grand Terrace Boy Scout Troop 40 in the Amount of \$2,000

Natalie Oros, Department Secretary presented the report.

APPROVE THE COMMUNITY BENEFIT FUND GRANT APPLICATION FROM THE GRAND TERRACE BOY SCOUTS TROOP 40 FOR \$2,000 TO SUPPORT THE 2024 BOY SCOUTS SUMMER CAMP TUITION.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Wilson, Mayor Pro Tem
SECONDER:	Kenneth J. Henderson, Council Member
AYES:	Bill Hussey, Doug Wilson, Kenneth J. Henderson, Michelle Sabino
ABSENT:	Jeff Allen

H. FUTURE AGENDA ITEMS

None.

I. CITY COUNCIL COMMUNICATIONS

Council Member Michelle Sabino

Nothing to report.

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Consent Calendar)

Council Member Kenneth J. Henderson

Council Member Henderson announces he will not be running for City Council in the 2024 General Municipal Election.

Council Member Jeff Allen

Absent.

Mayor Pro Tempore Doug Wilson

Nothing to report.

Mayor Bill Hussey

Mayor Hussey reported out on the following meetings, conferences and events he attended:

July 2024 - Cal Cities Joint Riverside County/Inland Empire/Desert Mountain Division meeting

J. CITY MANAGER COMMUNICATIONS**FIRE DEPARTMENT REPORT**

- July 4, 2024
 - 1,456 County Calls for Service
 - 416 Fire Calls

SHERIFF'S REPORT

- July 4, 2024
 - 13 Calls for Service
 - 20 lbs. of illegal fireworks seized

Konrad Bolowich, City Manager announced the following:

- Thanked the community for the improvements made with weed abatement
- Staff will be addressing vehicle issues in the City

K. CLOSED SESSION - NONE

None.

L. ADJOURN

Mayor Hussey adjourned the Regular Meeting of the City Council at 7:30 p.m. The Next Regular City Council Meeting will be held on Tuesday, July 23, 2024, at 6:00 p.m.

Bill Hussey, Mayor

Debra L. Thomas, City Clerk

Minutes Acceptance: Minutes of Jul 9, 2024 6:00 PM (Consent Calendar)

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AGENDA REPORT

MEETING DATE: July 23, 2024 *Council Item*

TITLE: Historical & Cultural Activities Committee Member Resignation and Authorization

PRESENTED BY: Debra Thomas, City Clerk

RECOMMENDATION: Accept the Resignation of Historical & Cultural Activities Committee Member Louise Lunstrum, Direct the City Clerk to Prepare and Send a Letter of Appreciation on Behalf of the City Council

2030 VISION STATEMENT

This action supports Our Vision: as an exceptionally safe and well managed City, known for its natural beauty and recreational opportunities; a vibrant and diverse local economy; a place where residents enjoy an outstanding quality of life that fosters pride and an engaged community, encouraging families to come and remain for generations.

BACKGROUND:

The Historical & Cultural Activities Committee is a seven-member Committee appointed by the Mayor, subject to City Council approval, and serves four-year terms at the pleasure of the City Council. The terms alternate so that every two years at least two appointments are set to expire.

On July 8, 2024, pursuant to the request of Committee Member Louise Lunstrum, former Historical & Cultural Activities Committee Member, Becky Giroux submitted Committee Member Lunstrum's resignation via email which is effective July 8, 2024.

The Table below depicts the composition and terms of the Committee:

Name	Appointed	Re-Appointed	Term Ends
Vice-Chair Louise Lunstrum*	06/22/2021	07/01/2022	06/30/2026
Member Toni Epps	07/25/2023	--	06/30/2026
Stephanie Darwin	06/25/2024		06/30/2028
Vacant			06/30/2024
Vacant			06/30/2024
Vacant			06/30/2026
Vacant			06/30/2026

*** Resignation effective July 8, 2024.**

DISCUSSION:

With the resignation of Ms. Lunstrum, the Historical & Cultural Activities Committee will have five (5) regular member vacancies. After acceptance of Ms. Lunstrum's resignation, staff recommends that the City Council direct the City Clerk to prepare and send a letter of appreciation to Ms. Lunstrum.

FISCAL IMPACT:

There would be no fiscal impact created by this action.

APPROVALS:

Debra Thomas	Completed	07/09/2024 8:29 AM
City Manager	Completed	07/09/2024 11:54 AM
City Council	Pending	07/23/2024 6:00 PM



AGENDA REPORT

MEETING DATE: July 23, 2024 *Council Item*

TITLE: Acceptance of Street Rehabilitation Project 2023-24

PRESENTED BY: Kamran Dadbeh, Interim City Engineer

RECOMMENDATION: 1. Accept the Street Rehabilitation Project 2023-24 in the amount of \$1,123,458.96 and approve the final payment of \$114,062.43 to Hardy & Harper, Inc.
2. Direct staff to file and record the Notice of Completion for the Street Rehabilitation Project 2023-24

2030 VISION STATEMENT:

This staff report supports Goal #2 "Maintain Public Safety" by investing in critical infrastructure improvements.

DISCUSSION:

The City Council awarded a contract to Hardy & Harper on February 13, 2024, for the Street Rehabilitation Project 2023-24. The work was successfully completed in June 2024. The City Clerk will release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period.

FISCAL IMPACT:

The original contract amount was \$1,188,000, with an authorized contingency amount of \$118,800. The final cost of the work is \$1,123,458.96, which is approximately 5.3% below the budgeted amount.

Expenditure accounts allowed for this project:

94-175-257-000-000	Contractual Svcs - Road Maintenance
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ATTACHMENTS:

- Notice of Completion (PDF)

APPROVALS:

Kamran Dadbeh	Skipped	07/12/2024 2:21 PM
Shanita Tillman	Completed	07/12/2024 2:21 PM

Finance	Completed	07/15/2024 7:12 AM
City Manager	Completed	07/15/2024 12:27 PM
City Council	Pending	07/23/2024 6:00 PM

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

NAME

STREET
ADDRESSCITY, STATE &
ZIP CODE

TITLE ORDER NO.

ESCROW NO.

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

APN# _____ **NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN THAT:

The undersigned is OWNER or AGENT OF THE OWNER of the interest or estate stated below in the property hereinafter described.

The full NAME of the OWNER is _____

The ADDRESS of the OWNER is _____

The NATURE OF THE INTEREST or estate of the undersigned is _____
(e.g. fee, leasehold, joint tenancy, vendee under a contract of purchase, etc.)

The full name(s) and address(es) of all persons, if any, who hold such interest or estate with the undersigned as joint tenants or as tenants in common are:

Name	Address
_____	_____
_____	_____
_____	_____

The full name(s) and address(es) of the successor(s) in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Name	Address
_____	_____
_____	_____
_____	_____

A work of improvement on the property hereinafter described was COMPLETED on _____

The work of improvement completed is described as _____

The name of the original contractor, if any, for such work of improvement was: _____

The property on which said work of improvement was completed is in the City of _____,
County of _____, State of California, and is DESCRIBED AS FOLLOWS:

The street address of said property is _____
(if applicable)

Signature of Owner or Agent of Owner

Konrad Bolowich, City Manager

Dated: _____

* There are various types of deed forms depending on each person's legal status. Before you use this form you may want to consult an attorney if you have questions concerning which document form is appropriate for your transaction.

I, _____ am the _____
(Name of below signor) (Owner, President, Authorized Agent, Partner, etc.)

the declarant of the foregoing Notice of Completion. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Date and Place)

(Signature)
Konrad Bolowich, City Manager

Attachment: Notice of Completion (Acceptance of Street Rehabilitation Project 2023-24)



AGENDA REPORT

MEETING DATE:	July 23, 2024	<i>Council Item</i>
TITLE:	Approval of Additional National Opioid Settlement with Kroger Co.	
PRESENTED BY:	Konrad Bolowich, City Manager	
RECOMMENDATION:	Adopt a Resolution approving the Settlement Agreement and Participation Forms for the City's participation in the National Opioid Settlement Agreement with Kroger Co., approving the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds, and authorizing the City Manager to carry out all necessary acts such that the City can participate in the National Opioid Settlement with Kroger Co., including signing necessary documents and transmittal thereof as necessary.	

2030 VISION STATEMENT:

This staff report supports City Council Goal Number 1, "Ensure Our Fiscal Viability" by reviewing expenditures related to City Attorney services to seek savings and explore a creative means to provide those services.

BACKGROUND:

In 2021, the City Council approved the City's participation settlement agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. who are manufacturers and distributors of opioids. The 2021 settlement agreements related to litigation (the City was not a party to this litigation) by various States, cities, and counties relating to the manufacture and distribution of opioids and, in particular, the impact of such activities upon the national opioid epidemic.

In 2023, the City Council approved the City's participation in an opioid settlement with additional manufacturers and retailers of opioids who were named as additional defendants in litigation aimed at addressing the opioid crisis in California, including Teva, Allergan, Walmart, Walgreens, and CVS.

Pursuant to the previous settlement agreements, the City is entitled to a portion of the total settlement amounts, dependent on the number of participating states, counties, and local subdivisions, and other factors. The Grand Terrace City Council also approved the default allocation of funds through the County, which was recommended by staff due to the strict accounting and expenditure requirements attached to direct

distribution to the City.

DISCUSSION:

At this time, a new national settlement has been reached with Kroger Co. The terms of the Kroger settlement are similar to the 2021 and 2023 Settlement Agreements, which includes the requirement that a critical mass of participation is required, provides for a broad release of Kroger Co. from liability relating to opioids, and, further, direct or indirect payment of settlement funds to the various local agencies agreeing to participate. Additional information about these settlements can be found here: <https://nationalopioidsettlement.com/kroger-co-settlement/>

With respect to the release, as indicated above, it is a very broad release covering any activities by Kroger Co. relating to opioids.

With respect to the settlement funds, the Kroger Settlement could provide up to approximately \$1.2 billion nationally. Approximately 10.19% (or roughly \$122 million) will be allocated to the State of California and its participating subdivisions. This amount assumes maximum participation. Similar to the 2021 and 2023 Settlement Agreements, the more local agencies that participate, the more funds will be available to California. Further, the City's share of this amount has yet to be determined. Depending on participation by states and subdivisions, the Settlement Agreement requires payments over eleven (11) years after its effective date. The Settlement Agreement also contains injunctive relief governing opioid dispensing practices and requires Kroger to implement safeguards to prevent diversion of prescription opioids.

Similar to the prior agreements, the use of the funds is restricted to opioid remediation (e.g., addiction treatment programs). By default, these funds are allocated to the County, but the City is able to elect to receive a direct distribution; however, use of the funds also requires strict accounting requirements. These requirements only apply to the City if it elects to receive direct distribution and does not apply to the City if the funds go to the County. In terms of enforcement, the State enforces the expenditure requirements. Because of this, it is recommended that the funds be allocated to the County.

Approval of the proposed resolution would authorize the City to participate in the National Opioid Settlement with Kroger Co. and, further, approve an with the State of California on the distribution of settlement funds. The Resolution would also approve and authorize the City Manager to carry out all necessary acts such that the City can participate in the National Opioid Settlement with Kroger Co., including signing necessary documents and transmittal thereof as necessary.

Council approval and authorization to execution, submission, and receipt of all required documents must be completed before **August 12, 2024**.

FISCAL IMPACT:

None. Any funds allocated will automatically be transferred to the County of San Bernardino.

ATTACHMENTS:

- 1 - Subdivision Participation and Release Form-Kroger (PDF)
- 2 - Settlement Agreement-Kroger - due to the length of the agreement, this document is on file with the City Clerk's Office (DOCX)
- 3 - Proposed CA Subdivision Agreement-Kroger (PDF)
- 4 - Settlement Resolution-Kroger (DOCX)

APPROVALS:

Konrad Bolowich	Completed	07/17/2024 3:40 PM
Finance	Completed	07/17/2024 3:44 PM
City Manager	Completed	07/17/2024 3:48 PM
City Council	Pending	07/23/2024 6:00 PM

EXHIBIT K**Subdivision Participation and Release Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel

as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.

11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

2024 Settlement Agreement with Kroger Co.

Attachment: 2 - Settlement Agreement-Kroger - due to the length of the agreement, this document is on file with the City Clerk's Office

**Proposed California State-Subdivision Agreement
Regarding Distribution and Use of
Settlement Funds – Kroger Settlement**

1. Introduction

Pursuant to the Kroger Settlement Agreement, dated as of March 22, 2024, and any revision thereto as well as any modification thereto entered into by the State of California and Kroger (the “Kroger Settlement Agreement”), including Section V and Exhibit O, the State of California proposes this agreement (the “CA Kroger Allocation Agreement”) to govern the allocation, distribution, and use of Settlement Fund payments made to California pursuant to Sections IV and V of the Kroger Settlement Agreement. For the avoidance of doubt, this agreement does not apply to payments made pursuant to Section IX of the Kroger Settlement Agreement.

Pursuant to Exhibit O, Paragraph 4, of the Kroger Settlement Agreement, acceptance of this CA Kroger Allocation Agreement is a requirement to be an Initial Participating Subdivision.

2. Definitions

- a) *CA Participating Subdivision* means a Participating Subdivision that is also (a) a Plaintiff Subdivision and/or (b) a Primary Subdivision with a population equal to or greater than 10,000. For the avoidance of doubt, eligible CA Participating Subdivisions are those California subdivisions listed in Exhibit C (excluding Litigating Special Districts) and/or Exhibit I to the Kroger Settlement Agreement.
- b) *Allergan Settlement Agreement* means the Allergan Settlement Agreement dated November 22, 2022, and any revision thereto.
- c) *CVS Settlement Agreement* means the CVS Settlement Agreement dated December 9, 2022, and any revision thereto as well as any modification thereto entered into by the State of California and CVS.
- d) *Distributor Settlement Agreement* means the Distributor Settlement Agreement dated July 21, 2021, and any revision thereto.
- e) *Janssen Settlement Agreement* means the Janssen Settlement Agreement dated July 21, 2021, and any revision thereto.
- f) *Teva Settlement Agreement* means the Teva Settlement Agreement dated November 22, 2022, and any revision thereto.
- g) *Walgreens Settlement Agreement* means the Walgreens Settlement Agreement dated December 9, 2022, and any revision thereto.
- h) *Walmart Settlement Agreement* means the Walmart Settlement Agreement dated November 14, 2022, and any revision thereto.
- i) *CA Litigating Special District* means a Litigating Special District located in California. CA Litigating Special Districts include Downey Unified School District,

Elk Grove Unified School District, Kern High School District, Montezuma Fire Protection District (located in Stockton, California), Santa Barbara San Luis Obispo Regional Health Authority, Inland Empire Health Plan, Health Plan of San Joaquin, San Leandro Unified School District, Pleasant Valley School District Board, and LA Care Health Plan.

- j) *Plaintiff Subdivision* means a Subdivision located in California, other than a CA Litigating Special District, that filed a lawsuit, on behalf of the Subdivision and/or through an official of the Subdivision on behalf of the People of the State of California, against one or more Opioid Defendants prior to October 1, 2020.
- k) *Opioid Defendant* means any defendant (including but not limited to Kroger Co., Walgreen Co., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., Walmart Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc., AmerisourceBergen Corporation, and McKesson Corporation) named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government on or before October 1, 2020.

3. General Terms

This agreement is subject to the requirements of the Kroger Settlement Agreement, as well as applicable law, and the Kroger Settlement Agreement governs over any inconsistent provision of this CA Kroger Allocation Agreement. Terms used in this CA Kroger Allocation Agreement have the same meaning as in the Kroger Settlement Agreement unless otherwise defined herein.

Pursuant to Section V(D)(1) of the Kroger Settlement Agreement, (a) all Settlement Fund payments will be used for Opioid Remediation, except as allowed by Section V(B)(2) of the Kroger Settlement Agreement; and (b) at least seventy percent (70%) of Settlement Fund payment amounts will be used solely for future Opioid Remediation.

4. State Allocation

The Settlement Fund payments to California,¹ pursuant to the Kroger Settlement Agreement, shall be allocated as follows: 15% to the State Fund; 70% to the Abatement Accounts Fund; and 15% to the Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlement Fund shall be combined pursuant to this CA Kroger Allocation Agreement, and 15% of that total shall be allocated to the State of California (the “State of California Allocation”), 70% to the California Abatement Accounts Fund (“CA Abatement Accounts Fund”), and 15% to the California Subdivision Fund (“CA Subdivision Fund”).

¹ For purposes of clarity, use of the term “California” refers to the geographic territory of California and the state and its local governments therein. The term “State” or “State of California” refers to the State of California as a governmental unit.

A. State of California Allocation

Fifteen percent of the total Settlement Fund payments will be allocated to the State and used by the State for future Opioid Remediation.

B. CA Abatement Accounts Fund

i. Allocation of CA Abatement Accounts Funds

- a) Seventy percent of the total Settlement Fund payments will be allocated to the CA Abatement Accounts Fund. The funds in the CA Abatement Accounts Fund will be allocated based on the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804), as adjusted to reflect only those cities and counties that are eligible, based on population or litigation status, to become a CA Participating Subdivision. The percentage from the CA Abatement Accounts Fund allocated to each CA Participating Subdivision is set forth in Appendix 1 in the column entitled abatement percentage (the “Local Allocation”). For the avoidance of doubt, CA Litigating Special Districts and California towns, cities, and counties with a population less than 10,000 are not eligible to receive an allocation of CA Abatement Accounts Funds.
- b) A CA Participating Subdivision that is a county, or a city and county, will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision, and will receive payments as provided in the Kroger Settlement Agreement.
- c) A CA Participating Subdivision that is a city will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision. The Local Allocation share for a city that is a CA Participating Subdivision will be paid to the county in which the city is located, rather than to the city, so long as: (a) the county is a CA Participating Subdivision, and (b) the city did not elect to receive its share of funds in the National Opioids Settlement with Distributors AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (the “Distributors Settlement”). If a city later changes or has already changed its distribution election in the Distributors Settlement, that change in election will apply here, provided that the change in election is received by the settlement administrator at least 60 days prior to a Payment Date. A Local Allocation share allocated to a city but paid to a county is not required to be spent exclusively for abatement activities in that city, but will become part of the county’s share of the CA Abatement Accounts Funds, which will be used in accordance with Section 4.B.ii (Use of CA Abatement Accounts Funds) and reported on in accordance with Section 4.B.iii (CA Abatement Accounts Fund Oversight).
- d) A city within a county that is a CA Participating Subdivision may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the Settlement Fund Administrator at least 60 days prior to a Payment Date. For purposes of this CA Kroger Allocation Agreement, the Cities of Los Angeles, Oakland, San Diego, San Jose and

Eureka will be deemed to have elected direct payment if they become Participating Subdivisions.

- e) The State will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision.
- f) Funds received by a CA Participating Subdivision, and not expended or encumbered within five years of receipt and in accordance with the Kroger Settlement Agreement and this CA Kroger Allocation Agreement shall be transferred to the State; provided however, that CA Participating Subdivisions have seven years to expend or encumber CA Abatement Accounts Funds designated to support capital outlay projects before they must be transferred to the State. This provision shall not apply to the Cost Reimbursement Funds, which shall be controlled by Appendix 2.

ii. Use of CA Abatement Accounts Funds

- a) The CA Abatement Accounts Funds will be used for future Opioid Remediation in one or more of the areas described in the List of Opioid Remediation Uses, which is Exhibit E to the Kroger Settlement Agreement.
- b) In addition to this requirement, no less than 50% of the funds received by a CA Participating Subdivision from the Abatement Accounts Fund in each calendar year will be used for one or more of the following High Impact Abatement Activities:
 - (1) the provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;
 - (2) creating new or expanded Substance Use Disorder (“SUD”) treatment infrastructure;
 - (3) addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;
 - (4) diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction;
 - (5) interventions to prevent drug addiction in vulnerable youth, including but not limited to, youth in foster care, juvenile justice-impacted youth, youth experiencing adversities related to socioeconomic status, and unhoused youth; and/or
 - (6) the purchase of naloxone for distribution and efforts to expand access to naloxone for opioid overdose reversals.

- c) The California Department of Health Care Services (“DHCS”) may add to this list (but not delete from it) by designating additional High Impact Abatement Activities. DHCS will make reasonable efforts to consult with stakeholders, including the CA Participating Subdivisions, before adding additional High Impact Abatement Activities to this list.
- d) For the avoidance of doubt, and subject to the requirements of the Kroger Settlement Agreement and applicable law, CA Participating Subdivisions may form agreements or ventures, or otherwise work in collaboration with, federal, state, local, tribal or private sector entities in pursuing Opioid Remediation activities funded from the CA Abatement Accounts Fund. Further, provided that all CA Abatement Accounts Funds are used for Opioid Remediation consistent with the Kroger Settlement Agreement and this CA Kroger Allocation Agreement, a county and any cities or towns within the county may agree to reallocate their respective shares of the CA Abatement Accounts Funds among themselves, provided that any direct distribution may only be to a CA Participating Subdivision and any CA Participating Subdivision must agree to their share being reallocated.

iii. CA Abatement Accounts Fund Oversight

- a) Pursuant to Section 5 below, CA Participating Subdivisions receiving settlement funds must prepare and file reports annually regarding the use of those funds. DHCS may regularly review the reports prepared by CA Participating Subdivisions about the use of CA Abatement Accounts Funds for compliance with the Kroger Settlement Agreement and this CA Kroger Allocation Agreement.
- b) If DHCS determines that a CA Participating Subdivision’s use of CA Abatement Accounts Funds is inconsistent with the Kroger Settlement Agreement or this CA Kroger Allocation Agreement, whether through review of reports or information from any other sources, DHCS shall send a request to meet and confer with the CA Participating Subdivision. The parties shall meet and confer in an effort to resolve the concern.
- c) If the parties are unable to reach a resolution, DHCS may conduct an audit of the Subdivision’s use of the CA Abatement Accounts Funds within one year of the request to meet and confer, unless the parties mutually agree in writing to extend the meet and confer time frame.
- d) If the concern still cannot be resolved, the State may bring a motion or action in the court where the State has filed its Consent Judgment to resolve the concern or otherwise enforce the requirements of the Kroger Settlement Agreement or this CA Kroger Allocation Agreement. However, in no case shall any audit be conducted, or motion be brought, as to a specific expenditure of funds, more than five years after the date on which the expenditure of the funds was reported to DHCS, in accordance with this agreement.

- e) Notwithstanding the foregoing, this Agreement does not limit the statutory or constitutional authority of any state or local agency or official to conduct audits, investigations, or other oversight activities, or to pursue administrative, civil, or criminal enforcement actions.

C. CA Subdivision Fund

- i. Fifteen percent of the total Settlement Fund payments will be allocated to the CA Subdivision Fund. All funds in the CA Subdivision Fund will be allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. The funds will be used, subject to any limits imposed by the Kroger Settlement Agreement and this CA Kroger Allocation Agreement, to fund future Opioid Remediation and reimburse past opioid-related expenses, which may include fees and expenses related to litigation, and to pay the reasonable fees and expenses of the Special Master as set forth in Appendix 2.

The CA Subdivision Funds will be allocated as follows:

- a) First, funds in the CA Subdivision Fund shall be used to pay the Special Master's reasonable fees and expenses in accordance with the procedures and limitations set forth in Appendix 2 to this document;
- b) Second, funds will be allocated to Plaintiff Subdivisions that are Initial Participating Subdivisions that have been awarded Costs, as defined by and in accordance with the procedures and limitations set forth in Appendix 2 to this document.
- c) Funds remaining in the CA Subdivision Fund, which shall consist of no less than 50% of the total CA Subdivision Fund received in any year pursuant to Appendix 2, Section 2.c.v, will be distributed to Plaintiff Subdivisions that are Initial Participating Subdivisions, in relative proportion to the Local Allocation. These funds shall be used to fund future opioid-related projects and to reimburse past opioid-related expenses, which may include fees and expenses related to litigation against any Opioid Defendant.

D. Provision for State Back-Stop Agreement

On August 6, 2021, Judge Dan Polster of the U.S. District Court, Northern District of Ohio, Eastern Division, issued an order (ECF Docket Number 3814) ("MDL Fees Order") in the National Prescription Opiate Litigation (MDL No. 2804) "cap[ping] all applicable contingent fee agreements at 15%." Private counsel representing Plaintiff Subdivisions should seek its contingency fees and costs from the Attorney Fee Fund or Cost Funds under the Kroger Settlement Agreement, and, if applicable, the Teva Settlement Agreement, Allergan Settlement Agreement, CVS Settlement Agreement, Distributor Settlement Agreement, Janssen Settlement Agreement, and Walmart Settlement Agreement.

A Plaintiff Subdivision may separately agree to use its share of the CA Subdivision Fund to pay for fees or costs incurred by its contingency-fee counsel ("State Back-Stop Agreement"),

pursuant to Exhibit R, section I(CC), of the Kroger Settlement Agreement and the MDL Fees Order, so long as such contingency fees do not exceed a total contingency fee of 15% of the total gross recovery of the Plaintiff Subdivision pursuant to the Kroger Settlement, inclusive of contingency fees from the national Attorney Fee Fund and this State Back-Stop Agreement. Before seeking fees or litigation costs and expenses from a State Back-Stop Agreement, private counsel representing Plaintiff Subdivisions must first seek contingency fees and costs from the Attorney Fee Fund or Cost Funds created under the Kroger Settlement Agreement. Further, private counsel may only seek reimbursement for litigation fees and costs that have not previously been reimbursed through prior settlements or judgments.

To effectuate a State Back-Stop Agreement pursuant to this section, an agreement in the form of Appendix 3 may be entered into by a Plaintiff Subdivision, private counsel, and the California Office of the Attorney General. The California Office of the Attorney General shall, upon the request of a Plaintiff Subdivision, execute any agreement executed by a Plaintiff Subdivision and its private counsel if it is in the form of Appendix 3. The California Office of the Attorney General will also consider requests from Plaintiff Subdivisions to execute and enter into agreements presented in other forms.

For the avoidance of doubt, this agreement does not require a Plaintiff Subdivision to request or enter into a State Back-Stop Agreement, and no State Back-Stop Agreement shall impose any duty or obligation on the State of California or any of its agencies or officers, including without limitation the Attorney General.

5. State and Subdivision Reporting

- a) DHCS will prepare an annual written report regarding the State's use of funds from the settlement until those funds are fully expended and for one year thereafter. These reports will be made publicly available on the DHCS web site.
- b) Each CA Participating Subdivision that receives payments of funds from the settlement will prepare written reports at least annually regarding the use of those funds, until those funds are fully expended and for one year thereafter. These reports will also include a certification that all funds that the CA Participating Subdivision has received through the settlement have been used in compliance with the Kroger Settlement Agreement and this CA Kroger Allocation Agreement. The report will be in a form reasonably determined by DHCS. Prior to specifying the form of the report DHCS will confer with representatives of the Plaintiff Subdivisions.
- c) The State and all CA Participating Subdivisions receiving CA Abatement Accounts Funds will track all deposits and expenditures. Each such subdivision is responsible solely for the CA Abatement Accounts Funds it receives. A county is not responsible for oversight, reporting, or monitoring of CA Abatement Accounts Funds received by a city within that county that receives direct payment. Unless otherwise exempt, Subdivisions' expenditures and uses of CA Abatement Accounts Funds and other Settlement Funds will be subject to the normal budgetary and expenditure process of the Subdivision.

- d) Each Plaintiff Subdivision receiving CA Subdivision Funds will track all deposits and expenditures, as required by the Kroger Settlement Agreement and this CA Kroger Allocation Agreement. Among other things, Plaintiff Subdivisions using monies from the CA Subdivision Fund for purposes that do not qualify as Opioid Remediation must identify and include in their annual report, the amount and how such funds were used, including if used to pay attorneys' fees, investigation costs, or litigation costs. Pursuant to Section V(B)(2) of the Kroger Settlement Agreement, such information must also be reported to the Settlement Fund Administrator and Kroger.
- e) In each year in which DHCS prepares an annual report DHCS will also host a meeting to discuss the annual report and the Opioid Remediation activities being carried out by the State and Participating Subdivisions.

6. Miscellaneous

- a) The State or any CA Participating Subdivision may bring a motion or action in the court where the State has filed its Consent Judgment to enforce the requirements of this CA Kroger Allocation Agreement. Before filing such a motion or action the State will meet and confer with any CA Participating Subdivision that is the subject of the anticipated motion or action, and vice versa.
- b) Except as provided in the Kroger Settlement Agreement, this CA Kroger Allocation Agreement is not enforceable by any party other than the State and the CA Participating Subdivisions. It does not confer any rights or remedies upon, and shall not be enforceable by, any third party.
- c) Except as provided in the CA Kroger Allocation Agreement, if any provision of this agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such provision to persons, entities, or circumstances other than those as to which it is invalid or unenforceable, will not be affected thereby, and each other provision of this agreement will be valid and enforceable to the fullest extent permitted by law.
- d) Except as provided in the Kroger Settlement Agreement, this agreement shall be governed by and interpreted in accordance with the laws of California.

APPENDIX 1

DISCLAIMER: The allocation percentages herein are estimates only and should not be relied on for decisions regarding legal rights, releases, waivers, or other decisions affecting current or potential legal claims. Percentages shown in the Plaintiff Subdivision Percentage column may change pursuant to Section 4.C. of the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Kroger Settlement, whereas the percentages shown in the Abatement Percentage column should not change. Participating Subdivisions, underlying calculations, and the calculated allocation percentages are subject to change. Regarding the column herein entitled “Abatement Percentage,” pursuant to Section 4.B.e., the State of California will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” payments allocated to a Plaintiff Subdivision, which is not an Initial Participating Subdivision, will be re-allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. Regarding the column herein entitled “Abatement Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Abatement Account Funds received, pursuant to Section 4.B. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Subdivision Funds received, pursuant to Section 4.C. Regarding the column herein entitled “Weighted Allocation Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the combined and weighted allocation of the Abatement Percentage and the Plaintiff Subdivision Percentage.

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	100.000%	100.000%	100.000%
			Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
County	<i>Alameda County</i>	Alameda	2.332%	2.853%	2.4237952%
City	Alameda	Alameda	0.069%		0.0570162%
City	Albany	Alameda	0.013%		0.0107768%
City	Berkeley	Alameda	0.152%		0.1249656%
City	Dublin	Alameda	0.033%	0.040%	0.0338810%
City	Emeryville	Alameda	0.023%		0.0185765%
City	Fremont	Alameda	0.108%		0.0888576%
City	Hayward	Alameda	0.117%		0.0966218%
City	Livermore	Alameda	0.054%		0.0446740%
City	Newark	Alameda	0.026%		0.0217626%
City	Oakland	Alameda	0.486%	0.595%	0.5055601%
City	Piedmont	Alameda	0.014%		0.0114064%
City	Pleasanton	Alameda	0.067%		0.0554547%
City	San Leandro	Alameda	0.039%		0.0321267%
City	Union City	Alameda	0.043%		0.0352484%
County	<i>Amador County</i>	Amador	0.226%	0.277%	0.2349885%
County	<i>Butte County</i>	Butte	1.615%	1.975%	1.6783178%
City	Chico	Butte	0.216%	0.264%	0.2246499%
City	Oroville	Butte	0.079%		0.0646595%
County	<i>Calaveras County</i>	Calaveras	0.226%	0.277%	0.2351644%
County	<i>Colusa County</i>	Colusa	0.059%		0.0489221%
County	<i>Contra Costa County</i>	Contra Costa	2.102%	2.571%	2.1844585%
City	Antioch	Contra Costa	0.037%		0.0301879%
City	Brentwood	Contra Costa	0.026%		0.0215339%
City	Clayton	Contra Costa	0.002%		0.0018060%
City	Concord	Contra Costa	0.055%		0.0456676%
City	Danville	Contra Costa	0.010%		0.0082255%
City	El Cerrito	Contra Costa	0.023%		0.0189024%
City	Hercules	Contra Costa	0.010%		0.0078273%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Lafayette	Contra Costa	0.006%		0.0046030%
City	Martinez	Contra Costa	0.012%		0.0098593%
City	Moraga	Contra Costa	0.004%		0.0031007%
City	Oakley	Contra Costa	0.010%		0.0079416%
City	Orinda	Contra Costa	0.005%		0.0038157%
City	Pinole	Contra Costa	0.013%		0.0110909%
City	Pittsburg	Contra Costa	0.053%		0.0436369%
City	Pleasant Hill	Contra Costa	0.013%		0.0106309%
City	Richmond	Contra Costa	0.146%		0.1201444%
City	San Pablo	Contra Costa	0.018%		0.0148843%
City	San Ramon	Contra Costa	0.021%		0.0176459%
City	Walnut Creek	Contra Costa	0.026%		0.0212132%
County	<i>Del Norte County</i>	Del Norte	0.114%	0.140%	0.1189608%
County	<i>El Dorado County</i>	El Dorado	0.768%	0.939%	0.7980034%
City	Placerville	El Dorado	0.015%		0.0127642%
City	South Lake Tahoe	El Dorado	0.081%		0.0665456%
County	<i>Fresno County</i>	Fresno	1.895%	2.318%	1.9693410%
City	Clovis	Fresno	0.065%		0.0536211%
City	Coalinga	Fresno	0.012%		0.0098554%
City	Fresno	Fresno	0.397%		0.3270605%
City	Kerman	Fresno	0.005%		0.0042534%
City	Kingsburg	Fresno	0.008%		0.0066167%
City	Mendota	Fresno	0.002%		0.0019387%
City	Orange Cove	Fresno	0.004%		0.0035607%
City	Parlier	Fresno	0.008%		0.0069755%
City	Reedley	Fresno	0.012%		0.0098804%
City	Sanger	Fresno	0.018%		0.0146135%
City	Selma	Fresno	0.015%		0.0127537%
County	<i>Glenn County</i>	Glenn	0.107%	0.131%	0.1116978%
County	<i>Humboldt County</i>	Humboldt	1.030%	1.260%	1.0703185%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Arcata	Humboldt	0.054%		0.0447660%
City	Eureka	Humboldt	0.117%	0.143%	0.1216284%
City	Fortuna	Humboldt	0.032%		0.0266837%
County	<i>Imperial County</i>	Imperial	0.258%	0.315%	0.2679006%
City	Brawley	Imperial	0.011%		0.0087986%
City	Calexico	Imperial	0.019%		0.0152799%
City	El Centro	Imperial	0.158%		0.1302522%
City	Imperial	Imperial	0.006%		0.0048791%
County	<i>Inyo County</i>	Inyo	0.073%	0.089%	0.0754413%
County	<i>Kern County</i>	Kern	2.517%	3.079%	2.6159145%
City	Arvin	Kern	0.006%		0.0046425%
City	Bakersfield	Kern	0.212%		0.1747198%
City	California City	Kern	0.009%		0.0070820%
City	Delano	Kern	0.030%		0.0249316%
City	McFarland	Kern	0.003%		0.0025644%
City	Ridgecrest	Kern	0.015%		0.0120938%
City	Shafter	Kern	0.013%		0.0103417%
City	Tehachapi	Kern	0.009%		0.0073580%
City	Wasco	Kern	0.008%		0.0069861%
County	<i>Kings County</i>	Kings	0.293%		0.2413469%
City	Avenal	Kings	0.007%		0.0056335%
City	Corcoran	Kings	0.013%		0.0107032%
City	Hanford	Kings	0.027%		0.0226038%
City	Lemoore	Kings	0.016%		0.0131900%
County	<i>Lake County</i>	Lake	0.795%		0.6545389%
City	Clearlake	Lake	0.041%	0.050%	0.0426253%
City	Lakeport	Lake	0.021%	0.026%	0.0222964%
County	<i>Lassen County</i>	Lassen	0.319%	0.391%	0.3320610%
City	Susanville	Lassen	0.027%		0.0219295%
County	<i>Los Angeles County</i>	Los Angeles	13.896%	16.999%	14.4437559%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Agoura Hills	Los Angeles	0.005%		0.0040024%
City	Alhambra	Los Angeles	0.042%		0.0343309%
City	Arcadia	Los Angeles	0.033%		0.0267718%
City	Artesia	Los Angeles	0.001%		0.0005100%
City	Azusa	Los Angeles	0.026%		0.0210857%
City	Baldwin Park	Los Angeles	0.027%		0.0218520%
City	Bell	Los Angeles	0.008%		0.0068783%
City	Bellflower	Los Angeles	0.002%		0.0014485%
City	Bell Gardens	Los Angeles	0.014%		0.0114301%
City	Beverly Hills	Los Angeles	0.065%		0.0534897%
City	Burbank	Los Angeles	0.100%		0.0823132%
City	Calabasas	Los Angeles	0.006%		0.0048948%
City	Carson	Los Angeles	0.019%		0.0159805%
City	Cerritos	Los Angeles	0.005%		0.0039682%
City	Claremont	Los Angeles	0.010%		0.0082584%
City	Commerce	Los Angeles	0.000%		0.0002971%
City	Compton	Los Angeles	0.044%		0.0361882%
City	Covina	Los Angeles	0.028%		0.0229127%
City	Cudahy	Los Angeles	0.001%		0.0006020%
City	Culver City	Los Angeles	0.055%		0.0449894%
City	Diamond Bar	Los Angeles	0.001%		0.0006993%
City	Downey	Los Angeles	0.052%		0.0429994%
City	Duarte	Los Angeles	0.003%		0.0027261%
City	El Monte	Los Angeles	0.031%	0.038%	0.0318985%
City	El Segundo	Los Angeles	0.033%		0.0268020%
City	Gardena	Los Angeles	0.034%		0.0278088%
City	Glendale	Los Angeles	0.166%		0.1366586%
City	Glendora	Los Angeles	0.016%		0.0134411%
City	Hawaiian Gardens	Los Angeles	0.005%		0.0040549%
City	Hawthorne	Los Angeles	0.050%		0.0407833%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Hermosa Beach	Los Angeles	0.018%		0.01453077%
City	Huntington Park	Los Angeles	0.023%		0.0190667%
City	Inglewood	Los Angeles	0.059%		0.0489195%
City	La Cañada Flintridge	Los Angeles	0.003%		0.0025565%
City	Lakewood	Los Angeles	0.005%		0.0039971%
City	La Mirada	Los Angeles	0.010%		0.0081572%
City	Lancaster	Los Angeles	0.045%		0.0369689%
City	La Puente	Los Angeles	0.002%		0.0012999%
City	La Verne	Los Angeles	0.024%		0.0194190%
City	Lawndale	Los Angeles	0.002%		0.0017731%
City	Lomita	Los Angeles	0.004%		0.0031940%
City	Long Beach	Los Angeles	0.439%		0.3614151%
City	Los Angeles	Los Angeles	2.715%	3.321%	2.8218811%
City	Lynwood	Los Angeles	0.016%		0.0134345%
City	Malibu	Los Angeles	0.002%		0.0019269%
City	Manhattan Beach	Los Angeles	0.032%		0.0260686%
City	Maywood	Los Angeles	0.004%		0.0035528%
City	Monrovia	Los Angeles	0.031%		0.0254455%
City	Montebello	Los Angeles	0.030%		0.0250670%
City	Monterey Park	Los Angeles	0.031%		0.0256677%
City	Norwalk	Los Angeles	0.031%		0.0258228%
City	Palmdale	Los Angeles	0.046%		0.0375827%
City	Palos Verdes Estates	Los Angeles	0.006%		0.0053102%
City	Paramount	Los Angeles	0.011%		0.0091483%
City	Pasadena	Los Angeles	0.146%		0.1200524%
City	Pico Rivera	Los Angeles	0.022%		0.0183333%
City	Pomona	Los Angeles	0.111%		0.0911933%
City	Rancho Palos Verdes	Los Angeles	0.002%		0.0012645%
City	Redondo Beach	Los Angeles	0.062%		0.0506992%
City	Rosemead	Los Angeles	0.003%		0.0028260%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	San Dimas	Los Angeles	0.003%		0.0022016%
City	San Fernando	Los Angeles	0.013%		0.0104837%
City	San Gabriel	Los Angeles	0.018%		0.0147726%
City	San Marino	Los Angeles	0.009%		0.0073791%
City	Santa Clarita	Los Angeles	0.022%		0.0178167%
City	Santa Fe Springs	Los Angeles	0.031%		0.0257531%
City	Santa Monica	Los Angeles	0.158%		0.1298513%
City	Sierra Madre	Los Angeles	0.006%		0.0048646%
City	Signal Hill	Los Angeles	0.010%		0.0084884%
City	South El Monte	Los Angeles	0.005%		0.0039603%
City	South Gate	Los Angeles	0.020%		0.0166272%
City	South Pasadena	Los Angeles	0.012%		0.0095334%
City	Temple City	Los Angeles	0.005%		0.0039498%
City	Torrance	Los Angeles	0.112%		0.0919820%
City	Walnut	Los Angeles	0.006%		0.0047305%
City	West Covina	Los Angeles	0.049%		0.0404521%
City	West Hollywood	Los Angeles	0.013%		0.0108517%
City	Whittier	Los Angeles	0.032%		0.0260581%
County	Madera County	Madera	0.349%	0.427%	0.3630669%
City	Chowchilla	Madera	0.012%		0.0097332%
City	Madera	Madera	0.039%		0.0318441%
County	Marin County	Marin	0.564%	0.690%	0.5861325%
City	Larkspur	Marin	0.015%		0.0124697%
City	Mill Valley	Marin	0.020%		0.0168401%
City	Novato	Marin	0.028%		0.0229824%
City	San Anselmo	Marin	0.009%		0.0078062%
City	San Rafael	Marin	0.089%		0.0729823%
County	Mariposa County	Mariposa	0.084%	0.103%	0.0876131%
County	Mendocino County	Mendocino	0.439%	0.536%	0.4558394%
City	Ukiah	Mendocino	0.039%		0.0317153%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
County	<i>Merced County</i>	Merced	0.551%	0.674%	0.5724262%
City	Atwater	Merced	0.024%		0.0195846%
City	Livingston	Merced	0.006%		0.0045873%
City	Los Banos	Merced	0.020%		0.0165142%
City	Merced	Merced	0.061%		0.0500762%
County	<i>Modoc County</i>	Modoc	0.065%	0.080%	0.0678250%
County	<i>Mono County</i>	Mono	0.023%	0.029%	0.0242606%
County	<i>Monterey County</i>	Monterey	0.908%	1.111%	0.9437083%
City	Greenfield	Monterey	0.006%		0.0050552%
City	King City	Monterey	0.005%		0.0037355%
City	Marina	Monterey	0.017%		0.0144098%
City	Monterey	Monterey	0.041%		0.0336540%
City	Pacific Grove	Monterey	0.009%		0.0074842%
City	Salinas	Monterey	0.094%		0.0776576%
City	Seaside	Monterey	0.023%		0.0191772%
City	Soledad	Monterey	0.007%		0.0060870%
County	<i>Napa County</i>	Napa	0.288%	0.352%	0.2994325%
City	American Canyon	Napa	0.017%		0.0136869%
City	Napa	Napa	0.078%		0.0642783%
County	<i>Nevada County</i>	Nevada	0.441%	0.539%	0.4579827%
City	Grass Valley	Nevada	0.024%		0.0197805%
City	Truckee	Nevada	0.003%		0.0023843%
County	<i>Orange County</i>	Orange	4.364%	5.339%	4.5363576%
City	Aliso Viejo	Orange	0.014%		0.0113841%
City	Anaheim	Orange	0.554%	0.678%	0.5759282%
City	Brea	Orange	0.086%		0.0708897%
City	Buena Park	Orange	0.087%		0.0714352%
City	Costa Mesa	Orange	0.124%	0.152%	0.1288366%
City	Cypress	Orange	0.033%		0.0271937%
City	Dana Point	Orange	0.001%		0.0005560%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Fountain Valley	Orange	0.055%		0.0455980%
City	Fullerton	Orange	0.137%	0.168%	0.1425744%
City	Garden Grove	Orange	0.213%		0.1752482%
City	Huntington Beach	Orange	0.247%	0.302%	0.2568420%
City	Irvine	Orange	0.139%	0.170%	0.1442350%
City	Laguna Beach	Orange	0.047%	0.058%	0.0493043%
City	Laguna Hills	Orange	0.014%		0.0115457%
City	Laguna Niguel	Orange	0.001%		0.0007071%
City	Laguna Woods	Orange	0.001%		0.0006546%
City	La Habra	Orange	0.060%	0.073%	0.0621049%
City	Lake Forest	Orange	0.012%		0.0101249%
City	La Palma	Orange	0.012%		0.0095439%
City	Los Alamitos	Orange	0.008%		0.0069190%
City	Mission Viejo	Orange	0.014%		0.0117560%
City	Newport Beach	Orange	0.179%		0.1470134%
City	Orange	Orange	0.150%		0.1231320%
City	Placentia	Orange	0.029%	0.035%	0.0298912%
City	Rancho Santa Margarita	Orange	0.001%		0.0006296%
City	San Clemente	Orange	0.008%	0.010%	0.0086083%
City	San Juan Capistrano	Orange	0.008%		0.0065510%
City	Santa Ana	Orange	0.502%	0.614%	0.5213866%
City	Seal Beach	Orange	0.020%		0.0165891%
City	Stanton	Orange	0.035%		0.0291955%
City	Tustin	Orange	0.073%		0.0600341%
City	Westminster	Orange	0.104%	0.127%	0.1082721%
City	Yorba Linda	Orange	0.044%		0.0362223%
County	Placer County	Placer	1.045%	1.278%	1.0861002%
City	Auburn	Placer	0.017%		0.0141114%
City	Lincoln	Placer	0.031%		0.0255599%
City	Rocklin	Placer	0.076%		0.0625485%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Roseville	Placer	0.196%		0.1616559%
County	<i>Plumas County</i>	Plumas	0.205%	0.251%	0.2128729%
County	<i>Riverside County</i>	Riverside	4.534%	5.547%	4.7128296%
City	Banning	Riverside	0.017%		0.0143848%
City	Beaumont	Riverside	0.021%		0.0171135%
City	Blythe	Riverside	0.012%		0.0096714%
City	Canyon Lake	Riverside	0.000%		0.0001761%
City	Cathedral City	Riverside	0.067%		0.0553614%
City	Coachella	Riverside	0.021%		0.0173054%
City	Corona	Riverside	0.147%		0.1207083%
City	Desert Hot Springs	Riverside	0.024%		0.0200433%
City	Eastvale	Riverside	0.000%		0.0002747%
City	Hemet	Riverside	0.051%		0.0421792%
City	Indio	Riverside	0.056%		0.0457794%
City	Jurupa Valley	Riverside	0.001%		0.0008991%
City	Lake Elsinore	Riverside	0.021%		0.0172949%
City	La Quinta	Riverside	0.063%		0.0516732%
City	Menifee	Riverside	0.032%		0.0260909%
City	Moreno Valley	Riverside	0.137%		0.1130348%
City	Murrieta	Riverside	0.048%	0.059%	0.0497423%
City	Norco	Riverside	0.016%		0.0134542%
City	Palm Desert	Riverside	0.083%		0.0682465%
City	Palm Springs	Riverside	0.076%		0.0629862%
City	Perris	Riverside	0.009%		0.0076774%
City	Rancho Mirage	Riverside	0.052%		0.0431098%
City	Riverside	Riverside	0.268%		0.2206279%
City	San Jacinto	Riverside	0.010%		0.0085936%
City	Temecula	Riverside	0.022%		0.0180086%
City	Wildomar	Riverside	0.008%		0.0062500%
County	<i>Sacramento County</i>	Sacramento	3.797%	4.645%	3.9465887%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Citrus Heights	Sacramento	0.057%		0.0465312%
City	Elk Grove	Sacramento	0.130%		0.1066994%
City	Folsom	Sacramento	0.108%		0.0890850%
City	Galt	Sacramento	0.017%		0.0143704%
City	Rancho Cordova	Sacramento	0.008%		0.0067679%
City	Sacramento	Sacramento	0.721%	0.882%	0.7496530%
County	<i>San Benito County</i>	San Benito	0.106%	0.130%	0.1101417%
City	Hollister	San Benito	0.027%		0.0225355%
County	<i>San Bernardino County</i>	San Bernardino	3.259%	3.987%	3.3878124%
City	Adelanto	San Bernardino	0.008%		0.0066640%
City	Apple Valley	San Bernardino	0.025%		0.0207360%
City	Barstow	San Bernardino	0.015%		0.0122056%
City	Chino	San Bernardino	0.064%		0.0525893%
City	Chino Hills	San Bernardino	0.001%		0.0006388%
City	Colton	San Bernardino	0.031%		0.0253443%
City	Fontana	San Bernardino	0.112%		0.0920543%
City	Grand Terrace	San Bernardino	0.006%		0.0051051%
City	Hesperia	San Bernardino	0.035%		0.0291522%
City	Highland	San Bernardino	0.004%		0.0029061%
City	Loma Linda	San Bernardino	0.009%		0.0071188%
City	Montclair	San Bernardino	0.039%		0.0322108%
City	Ontario	San Bernardino	0.179%		0.1472934%
City	Rancho Cucamonga	San Bernardino	0.084%		0.0689431%
City	Redlands	San Bernardino	0.057%		0.0469150%
City	Rialto	San Bernardino	0.073%		0.0603206%
City	San Bernardino	San Bernardino	0.178%		0.1461880%
City	Twentynine Palms	San Bernardino	0.002%		0.0012605%
City	Upland	San Bernardino	0.052%		0.0424460%
City	Victorville	San Bernardino	0.033%		0.0269400%
City	Yucaipa	San Bernardino	0.016%		0.0128772%

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City	Yucca Valley	San Bernardino	0.003%		0.0021228%
County	<i>San Diego County</i>	San Diego	5.706%	6.980%	5.9309748%
City	Carlsbad	San Diego	0.128%		0.1050485%
City	Chula Vista	San Diego	0.189%	0.231%	0.1961456%
City	Coronado	San Diego	0.044%		0.0359095%
City	El Cajon	San Diego	0.113%		0.0933582%
City	Encinitas	San Diego	0.061%	0.074%	0.0630289%
City	Escondido	San Diego	0.145%		0.1192204%
City	Imperial Beach	San Diego	0.014%		0.0118283%
City	La Mesa	San Diego	0.055%	0.068%	0.0575593%
City	Lemon Grove	San Diego	0.022%		0.0183911%
City	National City	San Diego	0.080%		0.0656808%
City	Oceanside	San Diego	0.213%		0.1753428%
City	Poway	San Diego	0.062%		0.0511040%
City	San Diego	San Diego	1.975%	2.416%	2.0531169%
City	San Marcos	San Diego	0.089%		0.0733897%
City	Santee	San Diego	0.033%		0.0268401%
City	Solana Beach	San Diego	0.017%		0.0138564%
City	Vista	San Diego	0.052%		0.0425144%
Consolidated	<i>San Francisco</i>	San Francisco	3.026%	3.702%	3.1457169%
County	<i>San Joaquin County</i>	San Joaquin	1.680%	2.055%	1.7460399%
City	Lathrop	San Joaquin	0.009%		0.0075394%
City	Lodi	San Joaquin	0.053%		0.0439484%
City	Manteca	San Joaquin	0.054%		0.0443454%
City	Ripon	San Joaquin	0.013%		0.0104219%
City	Stockton	San Joaquin	0.313%	0.383%	0.3256176%
City	Tracy	San Joaquin	0.084%		0.0692047%
County	<i>San Luis Obispo County</i>	San Luis Obispo	0.816%	0.999%	0.8484126%
City	Arroyo Grande	San Luis Obispo	0.024%		0.0199053%
City	Atascadero	San Luis Obispo	0.029%		0.0240680%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	El Paso de Robles (Paso Robles)	San Luis Obispo	0.043%		0.0353456%
City	Grover Beach	San Luis Obispo	0.017%		0.0137881%
City	Morro Bay	San Luis Obispo	0.020%		0.0160922%
City	San Luis Obispo	San Luis Obispo	0.077%		0.0637841%
County	<i>San Mateo County</i>	San Mateo	1.074%	1.313%	1.1159599%
City	Belmont	San Mateo	0.021%		0.0169860%
City	Burlingame	San Mateo	0.019%		0.0152537%
City	Daly City	San Mateo	0.044%		0.0363880%
City	East Palo Alto	San Mateo	0.013%		0.0103982%
City	Foster City	San Mateo	0.020%		0.0166101%
City	Half Moon Bay	San Mateo	0.004%		0.0031638%
City	Hillsborough	San Mateo	0.013%		0.0110029%
City	Menlo Park	San Mateo	0.015%		0.0126209%
City	Millbrae	San Mateo	0.013%		0.0105836%
City	Pacifica	San Mateo	0.016%		0.0130625%
City	Redwood City	San Mateo	0.056%		0.0463511%
City	San Bruno	San Mateo	0.021%		0.0172161%
City	San Carlos	San Mateo	0.013%		0.0108885%
City	San Mateo	San Mateo	0.052%		0.0425841%
City	South San Francisco	San Mateo	0.043%		0.0353943%
County	<i>Santa Barbara County</i>	Santa Barbara	1.132%	1.385%	1.1768968%
City	Carpinteria	Santa Barbara	0.001%		0.0008938%
City	Goleta	Santa Barbara	0.004%		0.0028969%
City	Lompoc	Santa Barbara	0.047%		0.0389379%
City	Santa Barbara	Santa Barbara	0.122%		0.1004559%
City	Santa Maria	Santa Barbara	0.058%		0.0479179%
County	<i>Santa Clara County</i>	Santa Clara	2.404%	2.941%	2.4987553%
City	Campbell	Santa Clara	0.014%		0.0112566%
City	Cupertino	Santa Clara	0.008%		0.0066824%
City	Gilroy	Santa Clara	0.025%		0.0202891%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Los Altos	Santa Clara	0.013%		0.0103338%
City	Los Gatos	Santa Clara	0.013%		0.0103220%
City	Milpitas	Santa Clara	0.036%		0.0298120%
City	Morgan Hill	Santa Clara	0.015%		0.0124619%
City	Mountain View	Santa Clara	0.041%		0.0334608%
City	Palo Alto	Santa Clara	0.039%		0.0323080%
City	San Jose	Santa Clara	0.294%	0.360%	0.3054960%
City	Santa Clara	Santa Clara	0.067%		0.0549723%
City	Saratoga	Santa Clara	0.004%		0.0034161%
City	Sunnyvale	Santa Clara	0.053%		0.0434069%
County	<i>Santa Cruz County</i>	Santa Cruz	0.783%	0.957%	0.8135396%
City	Capitola	Santa Cruz	0.020%		0.0168191%
City	Santa Cruz	Santa Cruz	0.143%		0.1180348%
City	Scotts Valley	Santa Cruz	0.015%		0.0126525%
City	Watsonville	Santa Cruz	0.063%		0.0520136%
County	<i>Shasta County</i>	Shasta	1.095%	1.339%	1.1380191%
City	Anderson	Shasta	0.024%		0.0198896%
City	Redding	Shasta	0.284%		0.2334841%
City	Shasta Lake	Shasta	0.004%		0.0031993%
County	<i>Siskiyou County</i>	Siskiyou	0.228%	0.279%	0.2373393%
County	<i>Solano County</i>	Solano	0.760%		0.6260795%
City	Benicia	Solano	0.031%		0.0253903%
City	Dixon	Solano	0.016%		0.0130849%
City	Fairfield	Solano	0.109%		0.0897317%
City	Suisun City	Solano	0.021%		0.0176183%
City	Vacaville	Solano	0.119%		0.0976497%
City	Vallejo	Solano	0.167%		0.1373644%
County	<i>Sonoma County</i>	Sonoma	1.218%	1.490%	1.2661290%
City	Healdsburg	Sonoma	0.032%		0.0266929%
City	Petaluma	Sonoma	0.081%		0.0667507%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Rohnert Park	Sonoma	0.041%		0.0340759%
City	Santa Rosa	Sonoma	0.184%		0.1519070%
City	Sonoma	Sonoma	0.022%		0.0183438%
City	Windsor	Sonoma	0.016%		0.0129298%
County	<i>Stanislaus County</i>	Stanislaus	1.722%		1.4182273%
City	Ceres	Stanislaus	0.041%		0.0340260%
City	Modesto	Stanislaus	0.217%		0.1788759%
City	Newman	Stanislaus	0.006%		0.0046964%
City	Oakdale	Stanislaus	0.018%		0.0145531%
City	Patterson	Stanislaus	0.015%		0.0126590%
City	Riverbank	Stanislaus	0.010%		0.0085699%
City	Turlock	Stanislaus	0.065%		0.0531966%
County	<i>Sutter County</i>	Sutter	0.306%	0.374%	0.3179548%
City	Yuba City	Sutter	0.074%		0.0606242%
County	<i>Tehama County</i>	Tehama	0.213%	0.261%	0.2216654%
City	Red Bluff	Tehama	0.014%		0.0117771%
County	<i>Trinity County</i>	Trinity	0.082%	0.101%	0.0855476%
County	<i>Tulare County</i>	Tulare	0.809%	0.990%	0.8410949%
City	Dinuba	Tulare	0.014%		0.0116929%
City	Exeter	Tulare	0.004%		0.0032479%
City	Farmersville	Tulare	0.003%		0.0027879%
City	Lindsay	Tulare	0.007%		0.0057111%
City	Porterville	Tulare	0.021%		0.0171845%
City	Tulare	Tulare	0.037%		0.0302273%
City	Visalia	Tulare	0.066%		0.0545872%
County	<i>Tuolumne County</i>	Tuolumne	0.486%	0.594%	0.5047621%
County	<i>Ventura County</i>	Ventura	2.192%	2.681%	2.2781201%
City	Camarillo	Ventura	0.002%		0.0012815%
City	Fillmore	Ventura	0.002%		0.0020294%
City	Moorpark	Ventura	0.008%		0.0067337%

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Oxnard	Ventura	0.156%	0.190%	0.1617338%
City	Port Hueneme	Ventura	0.021%		0.0174145%
City	San Buenaventura (Ventura)	Ventura	0.085%		0.0702181%
City	Santa Paula	Ventura	0.014%		0.0119072%
City	Simi Valley	Ventura	0.065%		0.0533043%
City	Thousand Oaks	Ventura	0.022%		0.0179902%
County	<i>Yolo County</i>	Yolo	0.357%	0.437%	0.3713319%
City	Davis	Yolo	0.055%		0.0451747%
City	West Sacramento	Yolo	0.066%		0.0544321%
City	Woodland	Yolo	0.058%		0.0477904%
County	<i>Yuba County</i>	Yuba	0.214%	0.262%	0.2225679%
City	Marysville	Yuba	0.014%		0.0112079%

APPENDIX 2

Cost Reimbursement Procedure

1. Additional defined terms:

- a) *Costs* means the reasonable amounts paid for the attorney and other City Attorney and County Counsel staff time for individuals employed by a Plaintiff Subdivision at the contractual rate, inclusive of benefits and overhead, together with amounts paid for court reporters, experts, copying, electronic research, travel, vendors, and the like, which were not previously reimbursed and which were paid or incurred (i) prior to December 31, 2022 in litigation against any Opioid Defendant and/or (ii) in negotiating and drafting any CA Allocation Agreement(s) concerning a settlement with any Opioid Defendant(s). *Costs* does not include attorneys' fees, costs, or expenses incurred by private contingency fee counsel. No part of the CA Abatement Accounts Fund will be used to reimburse Costs.
- b) *First Claims Date* means October 1, 2023 or when all applications for reimbursement of Costs, in whole or in part, from funds available under Section IX and Exhibit R of the Walgreens Settlement Agreement, Section XIV and Exhibit R of the Teva Settlement Agreement, Section XIII and Exhibit R of the Allergan Settlement Agreement, Section X and Exhibit R of the Distributor Settlement Agreement, Section XI and Exhibit R of the Janssen Settlement Agreement, Section X and Exhibit R of the CVS Settlement Agreement, or Section IX and Exhibit R of the Walmart Settlement Agreement, have been finally determined under the provisions of those agreements, whichever comes first.
- c) *Special Master* means a retired judicial officer or former public lawyer, not presently employed or retained by a Plaintiff Subdivision, who will aggregate, review, and determine the reasonable Costs to be awarded to each Plaintiff Subdivision that submits a claim for reimbursement of Costs. The Special Master will be selected by a majority vote of the votes cast by Plaintiff Subdivisions, with each such subdivision having one vote.
- d) *Plaintiff Subdivision Committee* means the committee of Plaintiff Subdivisions that will review and approve the invoices submitted by the Special Master reflecting his or her reasonable time and expenses.

2. Cost Reimbursement to Plaintiff Subdivision

- a) Purpose. Substantial resources have been expended to hold Opioid Defendants accountable for creating and profiting from the opioid crisis, and this effort has been a significant catalyst in creating National Opioid Settlements with various manufacturers, distributors, and chain pharmacies.

///

b) Claims Procedure.

- i. If a Plaintiff Subdivision is eligible to seek reimbursement of Costs, in whole or in part, from funds available under Section IX and Exhibit R of the Kroger Settlement Agreement, Section IX and Exhibit R of the Walgreens Settlement Agreement, Section XIV and Exhibit R of the Teva Settlement Agreement, Section XIII and Exhibit R of the Allergan Settlement Agreement, Section X and Exhibit R of the CVS Settlement Agreement, Section IX and Exhibit R of the Walmart Settlement Agreement, Section X or Exhibit R of the Distributor Settlement Agreement, or Section XI or Exhibit R of the Janssen Settlement Agreement, it must first make a timely application for reimbursement from such funds. To allow sufficient time for determination of those applications, no claim for Costs to the CA Subdivision Fund under this Agreement may be made before the First Claims Date.
- ii. A Plaintiff Subdivision that wishes to be reimbursed from the CA Subdivision Fund must submit a claim to the Special Master no later than forty-five (45) days after the First Claims Date. The Special Master will then compile and redistribute the aggregated claim totals for each Plaintiff Subdivision via email to representatives of all the Plaintiff Subdivisions. A claim for attorney and staff time must list, for each attorney or staff member included in the claim, the following information: name, title, total hours claimed, hourly rate (including, if sought, benefits and share of overhead), and narrative summarizing the general nature of the work performed by the attorney or staff member. For reimbursement of “hard” costs, the subdivision may aggregate across a category (e.g., total for travel costs). It is the intention of the Plaintiff Subdivisions that submission of documents related to reimbursement of Costs does not waive any attorney-client privilege or exemptions to the California Public Records Act.
- iii. The Special Master may request, at his or her sole option, additional documents or details to assist in the final award of Costs.
- iv. The Special Master will review claims for reasonableness and will notify each Plaintiff Subdivision of the final determination of its claim, and will provide a list of all final awards to all Plaintiff Subdivisions by email or, upon request, via First Class U.S. Mail. Any Plaintiff Subdivision may ask the Special Master to reconsider any final award within twenty-one (21) days. The Special Master will make a final determination on any such reconsideration request within thirty (30) days of receipt.
- v. Any decision of the Special Master is final and binding, and will be considered under the California Arbitration Act, Code of Civil Procedure section 1280 et seq. as a final arbitration award. Nothing in this agreement is intended to expand the scope of judicial review of the final award for errors of fact or law, and the Parties agree that they may only seek to vacate the award if clear and convincing evidence demonstrates one of the factors set forth in Code of Civil Procedure, section 1286.2, subdivision (a). Plaintiff Subdivisions will have fourteen (14) days after all final awards are made, together with any final determination of a request for

reconsideration, to seek review in the Superior Court of California, pursuant to Code of Civil Procedure, section 1285, where the State has filed its Consent Judgment.

- vi. The Special Master will prepare a report of Costs that includes his or her fees and expenses at least ninety (90) days before the Payment Date for each Annual Payment. The Special Master's preparation of a report of Costs does not discharge a Plaintiff Subdivision's reporting requirement under Section V(B)(2) of the Kroger Settlement Agreement.
- vii. A member of the Plaintiff Subdivision Committee, which is a CA Participating Subdivision, will submit to the Settlement Fund Administrator and Kroger a report of the fees and expenses incurred by the Special Master pursuant to Section V(B)(2) of the Kroger Settlement Agreement.

c) Claims Priority and Limitation.

- i. The Special Master will submit invoices for compensation of reasonable fees and expenses to the Plaintiff Subdivision Committee no later than ninety (90) days prior to the Payment Date for each Annual Payment. The Plaintiff Subdivision Committee will promptly review and, if reasonable, approve the Special Master's invoice for compensation. The Plaintiff Subdivision Committee will submit approved invoices to the Settlement Fund Administrator for payment. The Special Master's approved invoices have priority and will be paid first from the CA Subdivision Fund before any award of Costs, subject to the limitation in Section 2.c.v below.
- ii. Final Awards of Costs that do not exceed seventy-five thousand dollars (\$75,000.00) will be paid next in priority after the Special Master's approved invoices.
- iii. Final Awards of Costs in excess of seventy-five thousand dollars (\$75,000.00) will be paid proportionally from the funds remaining in that year's Annual Payment.
- iv. Any claim for Costs that is not paid in full will be allocated against the next year's distribution from the CA Subdivision Fund, until all approved claims for Costs are paid in full.
- v. In no event will more than 50% of the total CA Subdivision Fund received in any year be used to pay Costs or the Special Master's approved invoices.
- vi. In no event shall more than \$28 million of the total CA Subdivision Funds paid pursuant to the Kroger Settlement Agreement, Walgreens Settlement Agreement, Teva Settlement Agreement, Allergan Settlement Agreement, Distributor Settlement Agreement, CVS Settlement Agreement, Janssen Settlement Agreement, and the Walmart Settlement Agreement be used to pay Costs.

d) Collateral Source Payments and Third-Party Settlement.

- i. In the event a Plaintiff Subdivision is awarded compensation, in whole or in part, by any source of funds created as a result of litigation against an Opioid Defendant for its reasonable Costs, it will reduce its claim for Costs from the CA Subdivision Fund by that amount. If a Plaintiff Subdivision has already received a final award of Costs from the CA Subdivision Fund, it will repay the fund up to the prior award of Costs via a payment to the Settlement Fund Administrator or notify the Settlement Fund Administrator that its allocation from the next and subsequent Annual Payments should be reduced accordingly. If the Plaintiff Subdivision is repaying any prior award of Costs, that repayment will occur as soon as is feasible after the Plaintiff Subdivision's receipt of Cost funds from the collateral source, but no more than 90 days after its receipt from the collateral source. The Settlement Fund Administrator will add any repaid Costs to the CA Subdivision Fund. Any Plaintiff Subdivision that has submitted for reimbursement to any national fund and has not received a final determination by the First Claims Date may request that the settlement administrator withhold some or all of its payment from the CA Subdivision Fund in order to avoid repayment.
- ii. In the event a Plaintiff Subdivision reaches a monetary settlement or compromise against any Opioid Defendant outside of the National Opioid Settlement, the monetary portion of such settlement, net of fees paid to outside contingency fee counsel and of funds earmarked strictly for abatement, will be credited against its Costs and the subdivision will be ineligible to recover those credited Costs from the CA Subdivision Fund. Plaintiff Subdivisions negotiating monetary settlements or compromises against any Opioid Defendant outside of the National Opioid Settlement will negotiate for funds to repay any Costs it previously received from the CA Subdivision Fund or for Costs it otherwise might be eligible to claim from the CA Subdivision Fund. If such a settlement is paid after all final approved claims for Costs by all Plaintiff Subdivisions are satisfied in full, the settling subdivision will reimburse the CA Subdivision Fund in that amount by making payment to the Settlement Fund Administrator to add to the CA Subdivision Fund in a manner consistent with the repayments described in section 2.d.i above.

APPENDIX 3

CALIFORNIA-SUBDIVISION BACKSTOP AGREEMENT

On August 6, 2021, Judge Polster of the US District Court for the Northern District of Ohio issued an Order (the Order), docket number 3814, in In Re National Prescription Opiate Litigation, MDL 2804, addressing contingent attorney fee contracts between political subdivisions eligible to participate in the Kroger Settlement and their counsel.

In light of the Order, and at the request of [SUBDIVISION], the [SUBDIVISION], its counsel [COUNSEL], and the California Attorney General, on behalf of the State of California, are entering into this California-Subdivision Backstop Agreement (Backstop Agreement).

[SUBDIVISION] and [COUNSEL] intend this Backstop Agreement to constitute a State Back-Stop Agreement as that term is used in the Order and in Exhibit R (Agreement on Attorneys' Fees, Costs, and Expenses) of the Kroger Settlement Agreement.

Pursuant to this Backstop Agreement, [SUBDIVISION] may, subject to the limitations of the Kroger Settlement Agreement and CA Kroger Allocation Agreement, as well as any other limitations imposed by law, use funds that it receives from the Kroger Settlement CA Subdivision Fund to pay a contingent fee to [COUNSEL]. Any such payment from [SUBDIVISION] to [COUNSEL], together with any contingency fees that [COUNSEL] may receive from the national Attorney Fee Fund, will not exceed a total contingency fee of [PERCENTAGE NOT TO EXCEED 15%] of the total gross recovery of [SUBDIVISION] from the Kroger Settlement.

[COUNSEL] certify that they first sought fees and costs from the Attorney Fee Fund created under the Kroger Settlement Agreement before seeking or accepting payment under this backstop agreement. [COUNSEL] further certify that they are not seeking and will not accept payment under this backstop agreement of any litigation fees or costs that have been reimbursed through prior settlements or judgments.

The Attorney General is executing this agreement solely because the definition of "State Back-Stop Agreement" in Exhibit R of the Kroger Settlement Agreement requires such agreements to be between "a Settling State" and private counsel for a participating subdivision. Neither the California Attorney General nor the State of California have any obligations under this Backstop Agreement, and this Backstop Agreement does not require the payment of any state funds to [SUBDIVISION], [COUNSEL], or any other party.

[DATE]

[SUBDIVISION SIGNATURE BLOCK]

[DATE]

[COUNSEL SIGNATURE BLOCK]

[DATE]

[ATTORNEY GENERAL SIGNATURE BLOCK]

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE, CALIFORNIA, APPROVING THE CITY OF GRAND TERRACE'S PARTICIPATION IN THE MASTER SETTLEMENT AGREEMENT AND PARTICIPATION AGREEMENT WITH KROGER CO., RELATED TO THE NATIONAL OPIOID LITIGATION; APPROVING THE CALIFORNIA STATE-SUBDIVISION AGREEMENT REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CARRY OUT FURTHER RELATED ACTS

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death, forcing the State of California and California counties and cities to spend billions of dollars each year to address the direct consequences of this crisis; and,

WHEREAS, pending in the U.S. District Court for the Northern District of Ohio is a multidistrict litigation ("MDL") being pursued by numerous public entity plaintiffs against the manufacturers and distributors of various opioids based on the allegation that the defendants' unlawful conduct caused the opioid epidemic; and,

WHEREAS, on or about September 8, 2023, a proposed nationwide tentative settlement was reached between the plaintiffs in the MDL and Kroger Co. ("Kroger"); and

WHEREAS, as part of the settlement with Kroger, local subdivisions, including certain cities, that are not plaintiffs in the MDL may elect to participate in the settlement in exchange for a release of Kroger ("Participating Subdivision"); and

WHEREAS, the terms of the proposed nationwide settlement have been set forth in the Master Settlement Agreement with Kroger; and

WHEREAS, copies of the Master Settlement Agreement have been made available to the City Council with this Resolution ("Master Settlement Agreement"); and,

WHEREAS, the Master Settlement Agreement provides, among other things, for the payment of a certain sum to settling government entities in California including to the State of California and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreement ("California Opioid Funds"); and

WHEREAS, in order to become a Participating Subdivision, the City must enter into a "Participation Agreement" which allows the City's participation in the Master Settlement Agreement; and

WHEREAS, California local governments in the MDL have engaged in extensive discussions with the State Attorney General's Office ("AGO") as to how the California Opioid Funds will be allocated, which has resulted in the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds ("Allocation Agreement"); and

WHEREAS, copies of the Allocation Agreement have been made available to the City Council with this Resolution; and

WHEREAS, under the Master Settlement Agreement, certain local subdivisions that did not file a lawsuit against Kroger may qualify to participate in the settlement and receive funds; and

WHEREAS, the City is eligible to participate in the Master Settlement Agreement; and

WHEREAS, the City Council now desires to approve and authorize the City Manager to execute the Master Settlement Agreement with Kroger, the Participation Agreement, and the State Subdivision Agreement.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Grand Terrace, as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Approval and Authorization. The Master Settlement Agreement, Participation Agreement, and the State Subdivision Agreement, and all exhibits thereto are hereby approved and the City Manager is hereby approved and authorized to settle and release the City's claims against Kroger Co. in exchange for the consideration as set forth in the agreements.

Section 3. Further Acts. The City Manager is hereby authorized to carry out all necessary acts such that the City can participate in the Master Settlement Agreement, including, without limitation, execution of the Participation Agreement, Master Settlement Agreement, State Subdivision Agreement and all related documents.

Section 4. Ratification. All actions heretofore taken by the City Council and other appropriate public officers and agents of the City with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Section 5. Effective Date. This Resolution shall immediately take effect upon passage.

Signatures on next page.

PASSED, APPROVED and ORDERED by the City Council of the City of Grand Terrace, California at a regular meeting held on the 23rd day of July, 2024.

Bill Hussey
Mayor

ATTEST:

Debra Thomas
City Clerk

APPROVED AS TO FORM:

Adrian R. Guerra
City Attorney

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AGENDA REPORT

MEETING DATE:	July 23, 2024	<i>Council Item</i>
TITLE:	Public Hearing, Adoption of Resolution Ordering the Levy and Collection of Assessments, and Approval of Agreements with the County for the Collection of Assessments for the 2024-25 Fiscal Year, Landscape & Lighting Assessment District 89-1	
PRESENTED BY:	Shanita Tillman, Senior Management Analyst	
RECOMMENDATION:	1. Conduct the Public Hearing; and 2. Adopt a Resolution of the City Council of the City of Grand Terrace approving the Engineer's Annual Report, and confirming the diagram and assessment, and ordering the levy and collection of assessments within the City of Grand Terrace Landscaping and Street Lighting District No. 89-1 for Fiscal Year 2024-25. 3. Approve the "Auditor-Controller/Treasurer/Tax Collector Agreements for Collection of Special Taxes, Fees, and Assessments for Fiscal Year 2024-25" for the City and the District.	

BACKGROUND:

The developments (Tracts 14264 and 14471) were annexed into Assessment District 89-1 as Annexation No. 1. To ensure sustainability, all future developments were recommended to be annexed into Assessment District 89-1, resulting in the following amendments:

- A. Greenbriar on Mt. Vernon Avenue (Tract 17766) annexed in 2016 as Annexation No. 2.
- B. Aegis Builders on Pico Street (Tract 18793) annexed in 2016 as Annexation No. 3.
- C. Crestwood Development on Jaden Court (Tract 18071) annexed in 2018 as Annexation No. 4.
- D. Aegis-Van Buren Housing on Tesoro Court/Van Buren (Tract 18604) annexed in 2019 as Annexation No. 5.

On May 28, 2024, the City Council adopted a Resolution preliminarily approving the engineer's report and setting the public hearing for July 23, 2024.

DISCUSSION:

The Engineer's Report annually evaluates the costs of operation and maintenance, allocating these costs to the properties benefiting from each zone. Zones 1-3, established before Proposition 218, do not have annual increases that exceed the rates in effect before Proposition 218. To adjust these rates to cover annual service costs, a Proposition 218 vote would be required.

Assessment rates for Zones 4-7 are subject to fluctuation based on annual CPI changes and require Council approval for any adjustments. The Council can approve an assessment rate between 4.7% and the maximum of 6.7%.

Based on a review of FY 2023-24 expenditures, staff proposed a maximum assessment of 6.7%. The proposed assessment rates per parcel are as follows:

- A. Zone 4 (Tract 17766): \$220.26
- B. Zone 5 (Tract 18793): \$690.87
- C. Zone 6 (Tract 18071): \$1,986.94
- D. Zone 7 (Tract 18604): \$439.28

FISCAL IMPACT:

The Engineer's Report estimates a fiscal impact of \$40,391.79 to maintain the Assessment District. The General Fund will cover \$7,276.76 for Zones 1-3, whose assessments do not fully cover costs. This year, expenses for Zone 3 will be covered by its assessment, so no General Fund contribution is needed. The majority of the cost will be reimbursed through property tax collection by San Bernardino County.

ATTACHMENTS:

- FY24-25 Engineer's Report (PDF)
- Tract Maps Zone 1-7 (PDF)
- Resolution - Levy of Assessments (DOCX)
- City - County Agreements (PDF)
- District - County Agreements (PDF)

APPROVALS:

Shanita Tillman	Completed	07/12/2024 3:12 PM
Finance	Completed	07/15/2024 7:42 AM
City Manager	Completed	07/15/2024 12:28 PM
City Council	Pending	07/23/2024 6:00 PM



City of Grand Terrace

Landscaping and Lighting Assessment District No. 89-1

2024/2025 ENGINEER'S REPORT

Intent Meeting: May 28, 2024
Public Hearing: July 23, 2024

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
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ENGINEER'S REPORT AFFIDAVIT
Establishment of Annual Assessments for the:
Landscaping and Lighting Assessment District No. 89-1

City of Grand Terrace,
County of San Bernardino, State of California

This Report describes the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2024/2025. Reference is hereby made to the San Bernardino County Assessor's maps for a detailed description of the lines and dimensions of the parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2024.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Grand Terrace

By: _____

Chonney Gano, Project Manager
District Administration Services

By: _____

Tyrone Peter
P. E. # C 81888

Attachment: FY24-25 Engineer's Report (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

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INTRODUCTION

The City Council of the City of Grand Terrace (the “City”) adopted its General Plan with various elements to provide guidelines for orderly development within the community. The City Council further adopted ordinances and regulations governing the development of land providing for the installation and construction of certain landscaping, lighting and appurtenant facilities to enhance the quality of life and to benefit the value of property.

The requirement for the construction and installation of landscaping, lighting and appurtenant facilities is a condition of approval for development and is a requirement of issuance of a permit for the construction of any residential, commercial, industrial and planned unit development. The installation of landscaping and lighting systems and the construction of the necessary appurtenant facilities is the responsibility of the property owner/applicant, as conditions of approval of a development application. The City may cause the installation by property owners directly or accept financial arrangements for installation of these facilities. The cost of servicing, operation, maintenance, repair and replacement of the landscaping, lighting and appurtenant facilities in turn becomes the responsibility of the benefiting properties.

The owners/applicants petitioned for formation of the Landscaping Lighting Assessment District and/or annexation. These have been completed and will increase the City’s obligation for maintenance and servicing.

The City is administering a lighting system for the benefit of all parcels of land within the City. The lighting benefit is directly related to public safety and property protection. These benefits have been studied widely, locally, regionally and nationally.

The City formed Landscaping and Lighting Assessment District 89-1 (the “District”) in 1989 and subsequently annexed other parcels as Annexation No. 1, Annexation No. 2 Annexation No. 3, Annexation No. 4, and Annexation No. 5 to said District to ensure a fair and equitable levying of the necessary costs of servicing and maintenance of the respective facilities, which in turn will enhance the value of each parcel in the District directly and collectively.

The boundaries of the District, which include Annexations 1, 2, 3, 4, and 5 are the boundaries of Zone 1 - Tract 13364 filed in Map Book 203, Pages 89 through 92, Records of San Bernardino County (the “County”). The boundaries of Zone 2 - Tract 14264 and Zone 3 – Tract 14471 filed in Map Book 242, Pages 17 and 18, Zone 4 – Tract 17766 filed in Map Book 237, Pages 41 and 42, and Zone 5 – Tract 18793 filed in Map Book 115, Pages 81-82. The boundaries of Zone 6 – Tract 18071 and Zone 7 –18604 filed in Map Book 1178 Page 18 and Map Book 1167 Page 34, respectively, of the County.

Servicing and administration of the City’s landscape maintenance program shall be according to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California (the “1972 Act”).

Payment for the assessment for each parcel will be made in the same manner and at the

same time as payments are made for property taxes for each property.

The proceedings will be conducted under the 1972 Act Sections 22500 through 22679.

This Engineer's Report (the "Report") is presented for the purpose of levy of annual assessment to the above-described properties for the purpose of maintaining the lighting and landscaping during the Fiscal Year 2024/2025.

This Report contains the necessary data required to conduct the proceedings and is submitted to the Clerk of the City for filing.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number ("APN") by the San Bernardino County (the "County") Assessor's Office. The County Auditor/Controller uses Assessor's Parcel Numbers and a dedicated fund number established for the District to identify properties to be assessed on the tax roll and the allocation of the funds collected.

This Report consists of the following sections:

Section I

Plans and Specifications: Description of the District's improvements are filed herewith and made a part hereof. Said plans and specifications are on file in the Office of the City Clerk.

Section II

Method of Apportionment: A discussion of the general and special benefits associated with the overall landscaping street lighting improvements provided within the District (Proposition 218 Benefit Analysis). This section also includes a determination of the proportional costs of the special benefits and a separation of costs considered to be of general benefit (and therefore not assessed). This section of the Report also outlines the method of calculating each property's proportional special benefit.

Section III

Estimate of Improvement Costs: An estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk.

Section IV

Assessment Diagrams: A diagram showing the boundaries of the District is provided in this Report and includes all parcels that receive special benefits from the improvements. Parcel identification, the lines and dimensions of each lot, parcel and subdivision of land within the District, are inclusive of all parcels as shown on the County Assessor's Parcel Maps as they existed at the time this Report was prepared and shall include all subsequent subdivisions, lot-line adjustments or parcel changes therein. Reference is hereby made to the County Assessor's maps for a detailed description of the lines and dimensions of each lot and parcel of land within the District.

Section V

Assessment Roll: A listing of the proposed assessment amount for each parcel within the District. The proposed assessment amount for each parcel is based on the parcel's calculated proportional special benefit as outlined in the method of apportionment and proposed assessment rate established in the District Budget. These assessment amounts represent the assessments proposed to be levied and collected on the County Tax Rolls for Fiscal Year 2024/2025.

Section I. PLANS AND SPECIFICATIONS

Improvements Authorized by the 1972 Act

As applicable or may be applicable to this District, the 1972 Act defines improvements to mean one or any combination of the following:

- The installation or planting of landscaping.
- The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- The installation or construction of public lighting facilities.
- The installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- The maintenance or servicing, or both, of any of the foregoing.
- The acquisition of any existing improvement otherwise authorized pursuant to this section.

Incidental expenses associated with the improvements including, but not limited to:

- The cost of preparation of the Report, including plans, specifications, estimates, diagram, and assessment;
- The costs of printing, advertising, and the publishing, posting, and mailing of notices;
- Compensation payable to the County for collection of assessments;
- Compensation of any engineer or attorney employed to render services;
- Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
- Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.
- Costs associated with any elections held for the approval of a new or increased assessment.

The 1972 Act defines "maintain" or "maintenance" to mean furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal, or replacement of all or any part of any improvement.
- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- The removal of trimmings, rubbish, debris, and other solid waste.
- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

District Plans and Specifications

The District provides the necessary funding source for the annual maintenance, operation and servicing of the improvements that have been constructed and installed for the benefit of properties within the District.

Landscaping and appurtenant facilities generally include trees, shrubs, plants, turf, irrigation systems, and necessary appurtenances including curbs, hardscape, monumentations, fencing located in public right-of-ways, medians, parkways, and/or easements adjacent to public right-of-ways, in and along public thoroughfares and certain designated primary and secondary arterials.

Lighting and appurtenant facilities includes poles, lighting fixtures, conduits, and the necessary equipment to maintain, operate and replace a lighting system at designated

intersections, in medians, parkways and adjacent to certain public facilities in and along certain streets, right-of-ways and designated lots.

The installation of planting, landscaping, irrigation systems, lighting and the construction of appurtenant facilities to be operated, serviced and maintained, is more specifically described herein whereas, the landscaping and lighting facilities have been or will be provided by developers as a condition of subdivision of land, on part of the Conditional Use review and approval process.

A. ZONES OF BENEFIT

In an effort to ensure an appropriate allocation of the estimated annual cost to provide the District improvements based on proportional special benefits, this District is established with benefit zones ("Zones") as authorized pursuant to Chapter 1 Article 4, Section 22574 of the 1972 Act:

"The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements."

The parcels, lots, subdivisions and developments within the District are identified and grouped into one of seven (7) Zones. Each Zone reflects the landscape improvements associated with the development of properties in that Zone, to fairly and equitably apportion the net cost of providing those improvements to the properties that receive special benefits from the service and activities associated with those improvements. All of the parcels in the District are identified as single-family residential properties within three residential developments. These residential developments have been grouped into seven different Zones that reflect each specific budget and improvements for that particular Zone. By establishing and utilizing a Zone structure, similar properties with similar types of improvements will be assessed a proportional amount for the services and activities provided by the District within each respective Zone.

The improvements are the operation, maintenance and servicing of landscaping, lighting and appurtenant facilities described as follows:

Zone 1 - Tract 13364

(a) Landscaping

Landscaping, planting, shrubbery, trees, turf, irrigation systems, monuments, hardscapes, walls, fencing and appurtenant facilities in public right-of-ways and easements within the proposed boundary of the District.

(b) Lighting

Poles, fixtures, bulbs, conduits, equipment posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 5 streetlights are included in the boundaries of this development.

Zone 2 - Tract 14264

(a) Lighting

Poles, fixtures, bulbs, conduits, equipment, posts, pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 7 streetlights are included in the boundaries of this development.

Zone 3 - Tract 14471

(a) Landscaping

Landscaping, planting shrubbery, trees, and vines with Lot "A" of said Tract 14471, along with irrigation system for the improvements within Lot "A".

(b) Lighting

Poles, fixtures, conduits, equipment, posts, pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the boundaries of the District. A total of 6 streetlights are maintained within the boundaries of this development.

Zone 4 – Tract 17766

(a) Landscaping

Landscaping, planting, shrubbery, trees, turf, irrigation systems, monuments, hardscapes, walls, fencing and appurtenant facilities in public right-of-ways and easements within the proposed boundary of the District.

(b) Lighting

Poles, fixtures, bulbs, conduits, equipment posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 1 streetlight is included in the boundaries of this development.

Zone 5 – Tract 18793(a) Landscaping

Landscaping, planting, shrubbery, trees, turf, irrigation systems, monuments, hardscapes, walls, fencing and appurtenant facilities in public right-of-ways and easements within the proposed boundary of the District.

(b) Lighting

Poles, fixtures, bulbs, conduits, equipment posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 5 streetlights are included in the boundaries of this development.

Zone 6 – Tract 18071(a) Landscaping

Landscaping, planting, shrubbery, trees, turf, irrigation systems, monuments, hardscapes, walls, fencing and appurtenant facilities in public right-of-ways and easements within the proposed boundary of the District.

Additionally, the District will include the maintenance of a water quality basin, designed for storm water runoff purposes.

(b) Lighting

Poles, fixtures, bulbs, conduits, equipment posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 4 streetlights are included in the boundaries of this development.

Zone 7 – Tract 18604

(a) Landscaping

Landscaping, planting, shrubbery, trees, turf, irrigation systems, monuments, hardscapes, walls, fencing and appurtenant facilities in public right-of-ways and easements within the proposed boundary of the District.

Additionally, the District will include graffiti removal on the block wall along the east side of the Gage Canal within the western boundary of the tract, streetlights, and street trees along Tesoro Court and Van Buren Street. Lot “B” of said tract is designated as a retention basin and will be maintained as a dual-purpose basin, for retaining water and for a small playground.

(b) Lighting

Poles, fixtures, bulbs, conduits, equipment posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public right-of-ways and easements within the proposed boundaries of the District. A total of 3 streetlights are included in the boundaries of this development.

Section II. METHOD OF APPORTIONMENT

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, including the acquisition, construction, installation, and servicing of street lighting improvements and related facilities. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formulas used for calculating assessments reflect the composition of parcels within the District (which are all residential properties) and the improvements and activities to be provided and have been designed to fairly apportion costs based on a determination of the proportional special benefits to each parcel within each Zone, consistent with the requirements of the 1972 Act and the provisions of Proposition 218 and Article XIII D of the California Constitution (“Article XIID”). For each Zone within the District, each parcel represents one (1) Equivalent Benefit Unit (“EBU”).

The following formula is used to arrive at the levy amount for each parcel within each Zone:

$$\frac{\text{Total Balance to Levy}}{\text{Total EBU}} = \text{Levy per EBU}$$

$$\text{Levy per EBU (rate) x Parcel's EBU} = \text{Parcel Levy Amount}$$

Proposition 218 Benefit Analysis

The costs of the proposed improvements for Fiscal Year 2024/2025 have been identified and allocated to properties within the District based on special benefit. The improvements provided by this District and for which properties are assessed are public street lighting and landscaping improvements. These improvements generally were installed in connection with the development of the properties within the District. Article XIIID Section 2(d) defines District as follows:

“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;

Article XIIID Section 2(i) defines Special benefit as follows:

“Special benefit” means a particular and distinct benefit over, and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”

Article XIIID Section 4(a) defines proportional special benefit assessments as follows:

“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”

Benefit Analysis

Special Benefit

The special benefits properties within the District will receive from the proposed improvements include, but are not limited to:

- Improved aesthetic appeal of nearby properties providing a positive representation of the area and properties.
- Enhanced adaptation of adequate green space, trees, and amenities within the urban environment.

- Increased sense of pride in ownership of properties within the District resulting from their association with well-maintained improvements.
- Enhanced quality of life and working environment within the area that is promoted by well-maintained landscaped areas and amenities.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities within public areas.
- Increased social opportunities and leisure activities for customer's residents and families, provided by a well-maintained neighborhood destination place for relaxation, socializing, and entertainment that is within easy walking distance.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The preceding special benefits contribute to the overall aesthetic value and desirability of each of the assessed parcels within the District and thereby provide a special enhancement to these properties. Furthermore, it has been determined that the lack of funding to properly service and maintain the improvements would ultimately result in the deterioration of the improvements and facilities, which in turn could negatively impact the properties within the District. As such, the annual costs of ensuring the ongoing maintenance and operation of these improvements are considered a distinct and special benefit to the properties within the District and are therefore considered the financial obligation of those properties. The cost of any improvement or portion thereof that is considered to be of general benefit shall not be included as part of the special benefit assessments allocated to properties within the District.

General Benefit

In the absence of a special funding District, the City would typically provide only weed abatement and erosion control services for landscaped areas. The cost to provide this baseline level of service is approximately \$0.01 per square foot for landscape areas that require maintenance. Zone 1 – Tract 13364 has approximately 29,100 square feet of landscape space, Zone 2 – Tract 14264 has no landscaping area that the City maintains and Zone 3 – Tract 14471 has approximately 9,045 square feet of landscape space, Zone 4 – Tract 17766 has approximately 3,856 square feet of landscaped space, Zone 5 – Tract 18793 has approximately 4,668 square feet of landscaped space, Zone 6 – Tract 18071 has approximately 61,750 square feet of landscaped space, Zone 7 – Tract 18604 has approximately 3,239 square feet of landscaped space. The proposed budgets for Fiscal Year 2024/2025 show the general benefit amount which will be deducted from the cost of maintenance to arrive at a net special benefit assessment rate.

Assessment Methodology

This District was formed to establish and provide for the improvements that enhance the presentation of the surrounding properties and developments. These improvements will directly benefit the parcels to be assessed within the District. The assessments and method of apportionment is based on the premise that the assessments will be used to construct and install landscape and lighting improvements within the existing District as well as provide for the annual maintenance of those improvements, and the assessment revenues generated by District will be used solely for such purposes.

The costs of the proposed improvements have been identified and allocated to properties within the District based on special benefit. The improvements to be provided by this District and for which properties will be assessed have been identified as an essential component and local amenity that provides a direct reflection and extension of the properties within the District which the property owners and residents have expressed a high level of support.

The method of apportionment (method of assessment) set forth in the Report is based on the premise that each assessed property receives special benefits from the landscape and lighting improvements within the District, and the assessment obligation for each parcel reflects that parcel's proportional special benefits as compared to other properties that receive special benefits.

To identify and determine the proportional special benefit to each parcel within the District, it is necessary to consider the entire scope of the improvements provided as well as the properties that benefit from those improvements. The improvements and the associated costs described in this Report, have been carefully reviewed and have been identified and allocated based on a benefit rationale and calculations that proportionally allocate the net cost of only those improvements determined to be of special benefit to properties within the District.

Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIIC and XIID), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (the Proposition 218 implementing legislation).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, balloting of property owners is required pursuant to the Article XIID Section 4. The property owner ballots include an Assessment to be

approved, as well as the approval of an assessment range formula.

The assessment range formula for District assessments may be applied to future assessments within the District commencing with Fiscal Year 2018/2019 for Zone 4 – Tract 17766 and Zone 5 – Tract 18793, Fiscal Year 2019/2020 for Zone 6 – Tract 18071 and Fiscal Year 2020/2021 for Zone 7. Zone 1 – Tract 13364, Zone 2 – Tract 14264 and Zone 3 14471 do not have an increase in assessments. The following describes the assessment range formula:

The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the percentage increase of the Local Consumer Price Index (“CPI”) plus two percent (2%). As of January 2018, the Bureau of Labor Statistics (the “BLS”) split the Los Angeles-Riverside-Orange County Area for all Urban Consumers to Los Angeles-Long Beach-Anaheim area and Riverside-San Bernardino-Ontario Area. Each fiscal year, the Maximum Assessment will be recalculated, and a new Maximum Assessment established. Currently, the District uses the Annual Riverside-San Bernardino-Ontario CPI index to compute the CPI difference each year. For Fiscal Year 2024/2025, the percentage difference is 4.654%. Therefore, the Maximum Assessment will increase by 6.654%.

The Maximum Assessment is adjusted annually and is calculated independent of the annual budgets and proposed assessments established for each Zone of the District. Any proposed annual assessment (rate per EBU) less than or equal to this Maximum Assessment (for each Zone) is not considered an increased assessment, even if the proposed assessment is much greater than the assessment applied in the prior fiscal year.

Section III. ESTIMATE OF IMPROVEMENT COSTS

In accordance with Streets and Highways Code Section 22660(a), the City Council has determined that the estimated cost of certain proposed improvements, described in Section 22525, subdivisions (a) through (d), are greater than can conveniently be raised from a single assessment, and, as a result, shall be collected in installments and held in a reserve account. In particular, Zone 1, Zone 3, Zone 4, Zone 5, Zone 6, and Zone 7 requires trimming and pruning landscaping services that are proposed to be performed every five years. The proposed assessment includes a budgeted amount for trimming and pruning to collect for these services.

The following outlines the budget to fund the District improvements based on the improvements to be maintained and the associated incidental expenses for Fiscal Year 2024/2025, resulting in the proportional assessments calculated for each parcel that will be applied to the County Tax Rolls for Fiscal Year 2024/2025. The cost of maintaining improvements for Fiscal Year 2024/2025 are summarized as follows:

Zone 1 Tract 13364 – Canal

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs – Street Lighting	\$920.00
Water Supply	7,890.00
Professional Services	680.00
Contract Maintenance	2,450.00
Engineering	500.00
Annual Costs Total	\$12,440.00
General Benefit - Collection/(Contribution)	(291.00)
General Fund - Collection/(Contribution)	(6,502.40)
Balance to Levy	\$5,646.60
Fiscal Year 2024/25 Assessment per Parcel	\$282.33
Fiscal Year 2024/25 Max Assessment per Parcel	\$282.3300
Fiscal Year 2023/24 Max Assessment per Parcel	\$282.3300
Number of Parcels (EBU)	20

Zone 2 Tract 14264 – Forrest City Phase II

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs – Street Lighting	\$1,020.00
Professional Services	670.00
Engineering	500.00
Annual Costs Total	\$2,190.00
General Benefit - Collection/(Contribution)*	0.00
General Fund - Collection/(Contribution)	(774.36)
Balance to Levy	\$1,415.64
Fiscal Year 2024/25 Assessment per Parcel	\$1,415.64
Fiscal Year 2024/25 Max Assessment per Parcel	\$1,415.6400
Fiscal Year 2023/24 Max Assessment per Parcel	\$1,415.6400
Number of Parcels (EBU)	1

*Parcels under zone 2 receive no General Benefit, because there is no landscaping.

Zone 3 Tract 14471 – Oriole

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs – Street Lighting	\$755.00
Water Supply	2,170.00
Contractual Services	960.00
Engineering	500.00
Annual Costs Total	\$4,385.00
General Benefit - Collection/(Contribution)*	(90.45)
Reserve Fund - Collection/(Contribution)	0.00
General Fund - Collection/(Contribution)	0.00
Balance to Levy	\$4,294.55
Fiscal Year 2024/25 Assessment per Parcel	\$252.62
Fiscal Year 2024/25 Max Assessment per Parcel	\$309.9500
Fiscal Year 2023/24 Max Assessment per Parcel	\$309.9500
Number of Parcels (EBU)	17

Zone 4 Tract 17766 – Greenbriar

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs – Street Lighting	\$175.00
Professional Services	670.00
Engineering	500.00
Annual Costs Total	\$1,345.00
General Benefit - Collection/(Contribution)	(38.56)
HOA - Collection/(Contribution)	0.00
Reserve Fund - Collection/(Contribution)	0.00
General Fund - Collection/(Contribution)	0.00
Balance to Levy	\$1,306.44
Fiscal Year 2024/25 Assessment per Parcel	\$37.33
Fiscal Year 2024/25 Max Assessment per Parcel	\$220.2643
Fiscal Year 2023/24 Max Assessment per Parcel	\$206.5222
Number of Parcels (EBU)	35

Zone 5 Tract 18793 – Palomino

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs – Street Lighting	\$795.00
Professional Services	670.00
Contractual Services	1,600.00
Engineering	500.00
Annual Costs Total	\$3,565.00
General Benefit - Collection/(Contribution)	(46.68)
Reserve Fund - Collection/(Contribution)	0.00
General Fund - Collection/(Contribution)	0.00
Balance to Levy	\$3,518.32
Fiscal Year 2024/25 Assessment per Parcel	\$293.19
Fiscal Year 2024/25 Max Assessment per Parcel	\$690.8663
Fiscal Year 2023/24 Max Assessment per Parcel	\$647.7637
Number of Parcels (EBU)	12

Zone 6 Tract 18071 – Jaden

Budget Item	Fiscal Year 2024/25 Current Assessment
Energy Costs - Street Lighting	\$2,040.00
Contractual Services	20,570.00
Engineering	500.00
Annual Costs Total	\$23,110.00
General Benefit - Collection/(Contribution)	(617.50)
Reserve Fund - Collection/(Contribution)	0.00
General Fund - Collection/(Contribution)	0.00
Balance to Levy	\$22,492.50
Fiscal Year 2024/25 Assessment per Parcel	\$1,183.82
Fiscal Year 2024/25 Max Assessment per Parcel	\$1,986.9430
Fiscal Year 2023/24 Max Assessment per Parcel	\$1,862.9790
Number of Parcels (EBU)	19

Zone 7 Tract 18604 – Tesoro/Van Buren

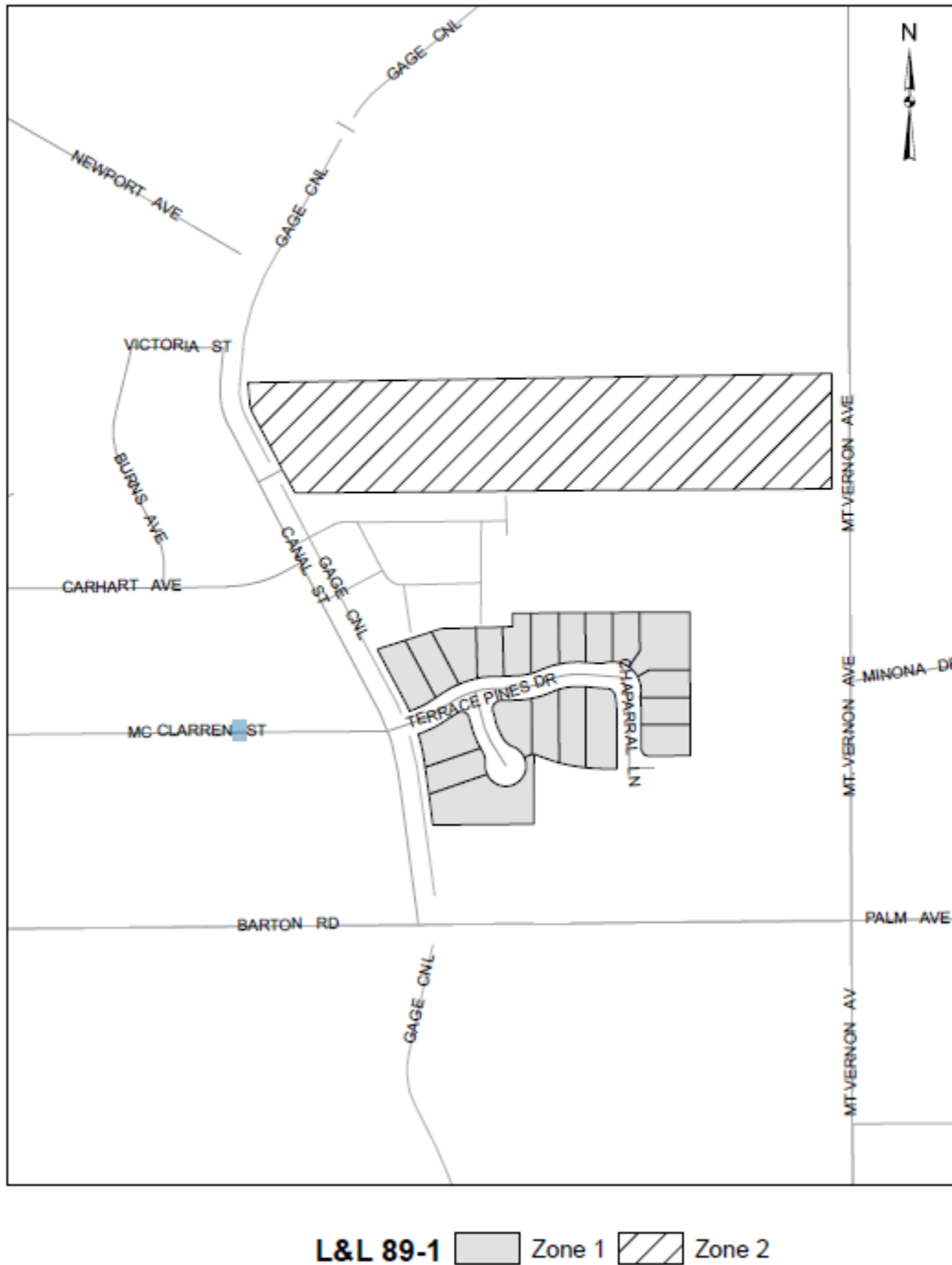
Budget Item	Fiscal Year 2024/25 Current Assessment
Contractual Services	\$1,250.00
Engineering	500.00
Annual Costs Total	\$1,750.00
General Benefit - Collection/(Contribution)	(32.39)
Reserve Fund - Collection/(Contribution)	0.00
General Fund - Collection/(Contribution)	0.00
Balance to Levy	\$1,717.61
Fiscal Year 2024/25 Assessment per Parcel	\$90.40
Fiscal Year 2024/25 Max Assessment per Parcel	\$439.2752
Fiscal Year 2023/24 Max Assessment per Parcel	\$411.8692
Number of Parcels (EBU)	19

The total approved assessment for Fiscal Year 2024/2025 is \$40,391.79.

Section IV. ASSESSMENT DIAGRAMS

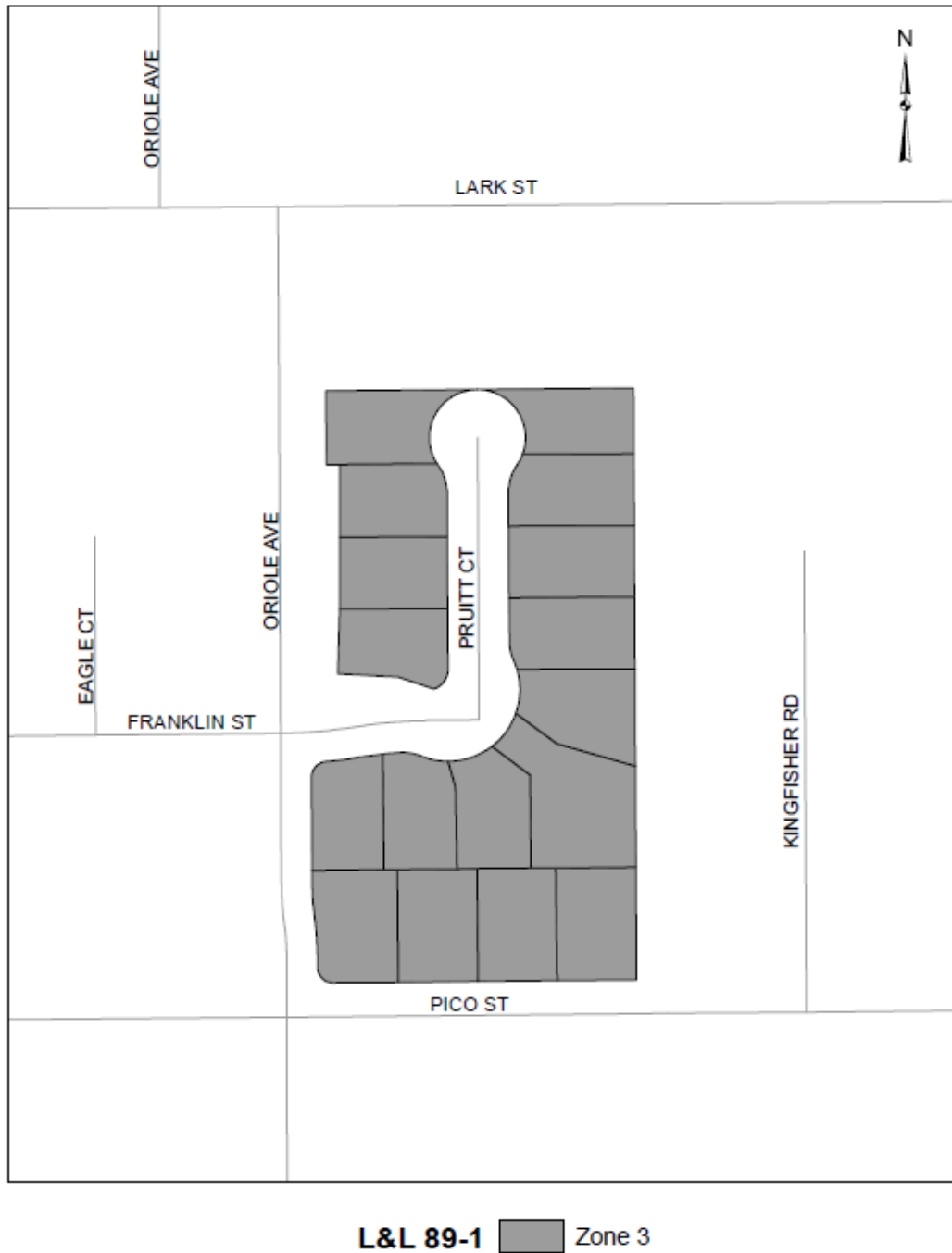
An Assessment Diagram for the District has been submitted to the Clerk of the City in the format required under the provision of the Act. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of San Bernardino, for the year when this Report was prepared, and are incorporated by reference herein and made part of this Report. The following pages show the boundaries of each of the Zones in the District.

CITY OF GRAND TERRACE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1 ZONES 1 & 2

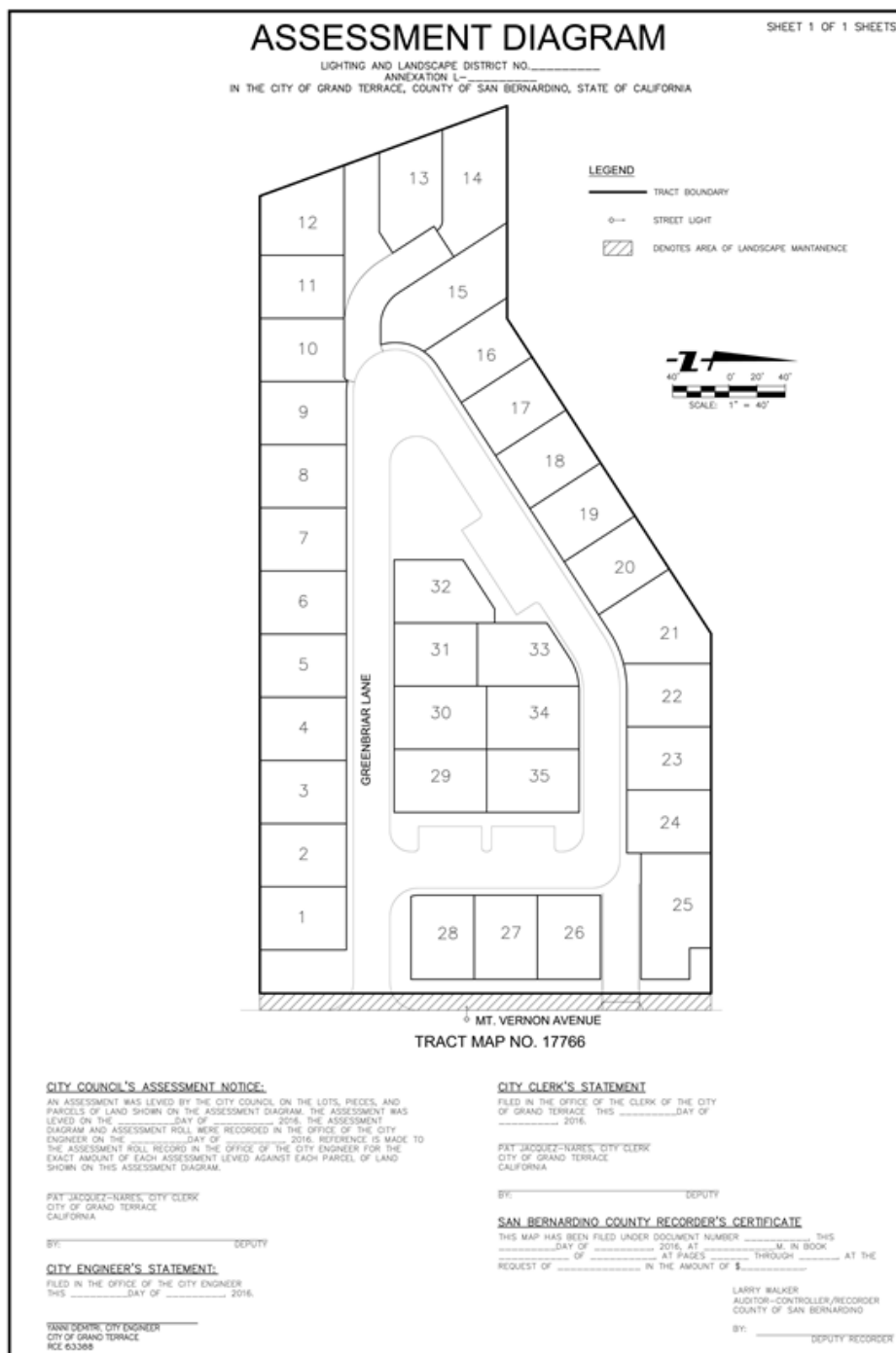


Attachment: FY24-25 Engineer's Report (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1 ZONE 3

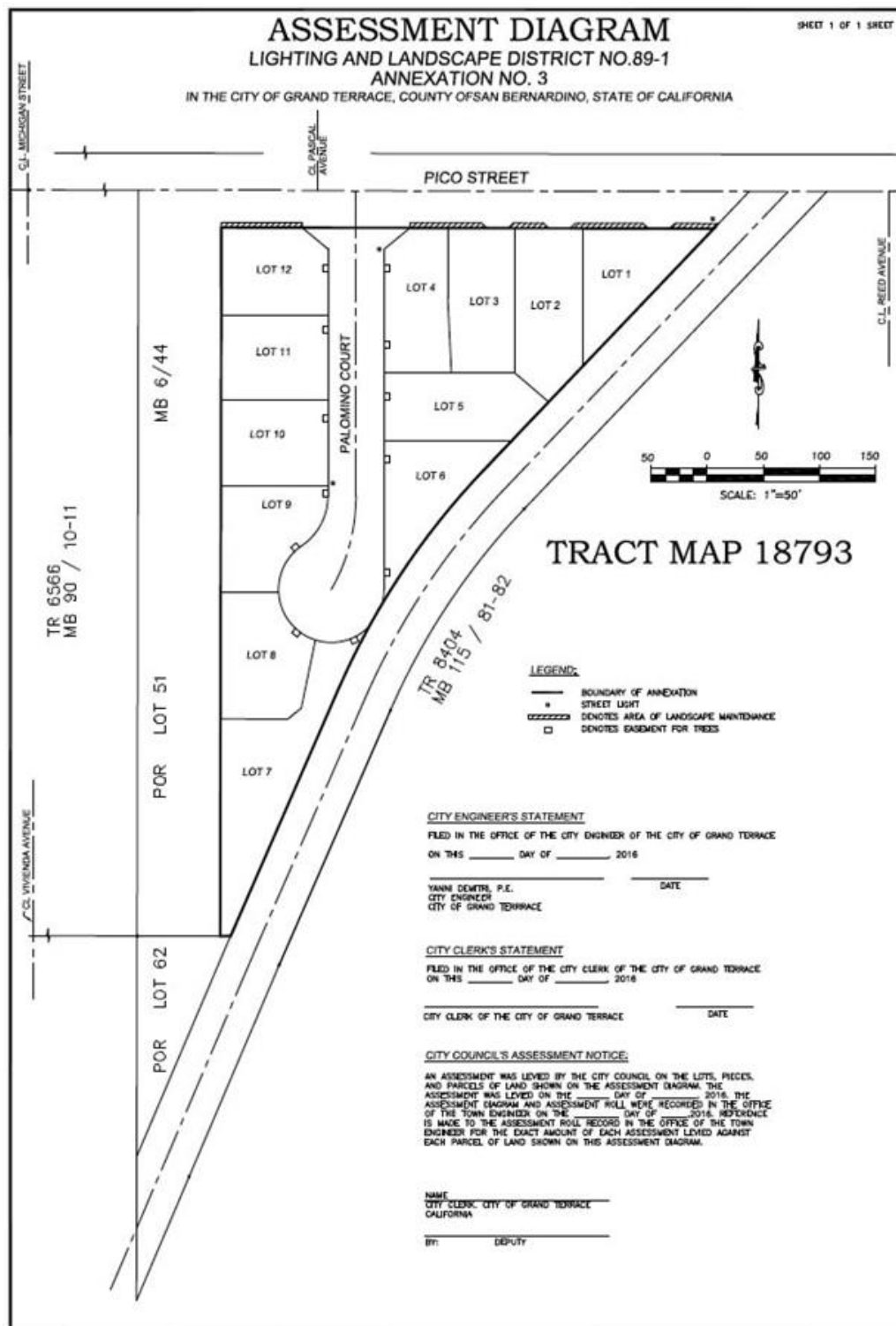


CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 4



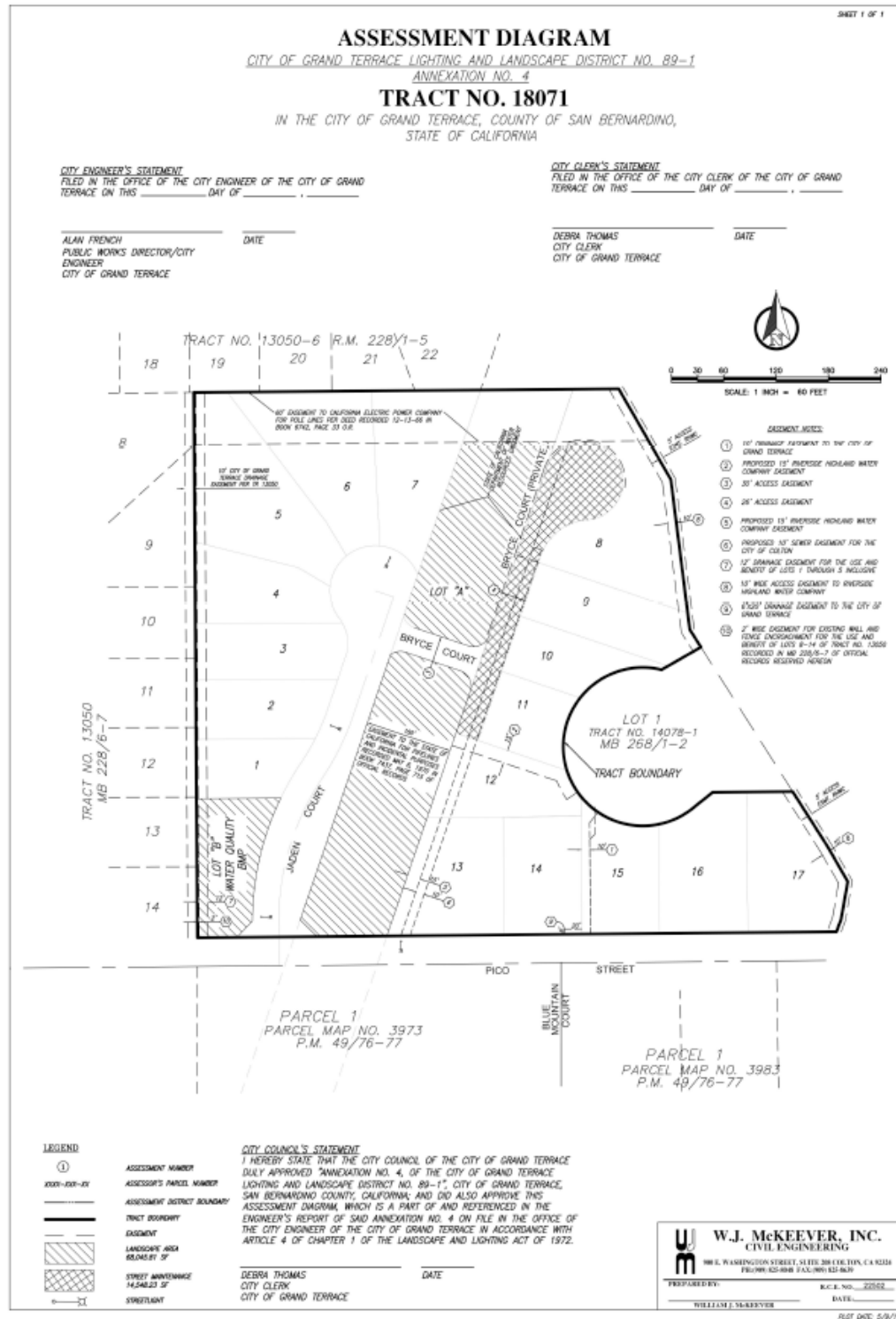
Attachment: FY24-25 Engineer's Report (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 5

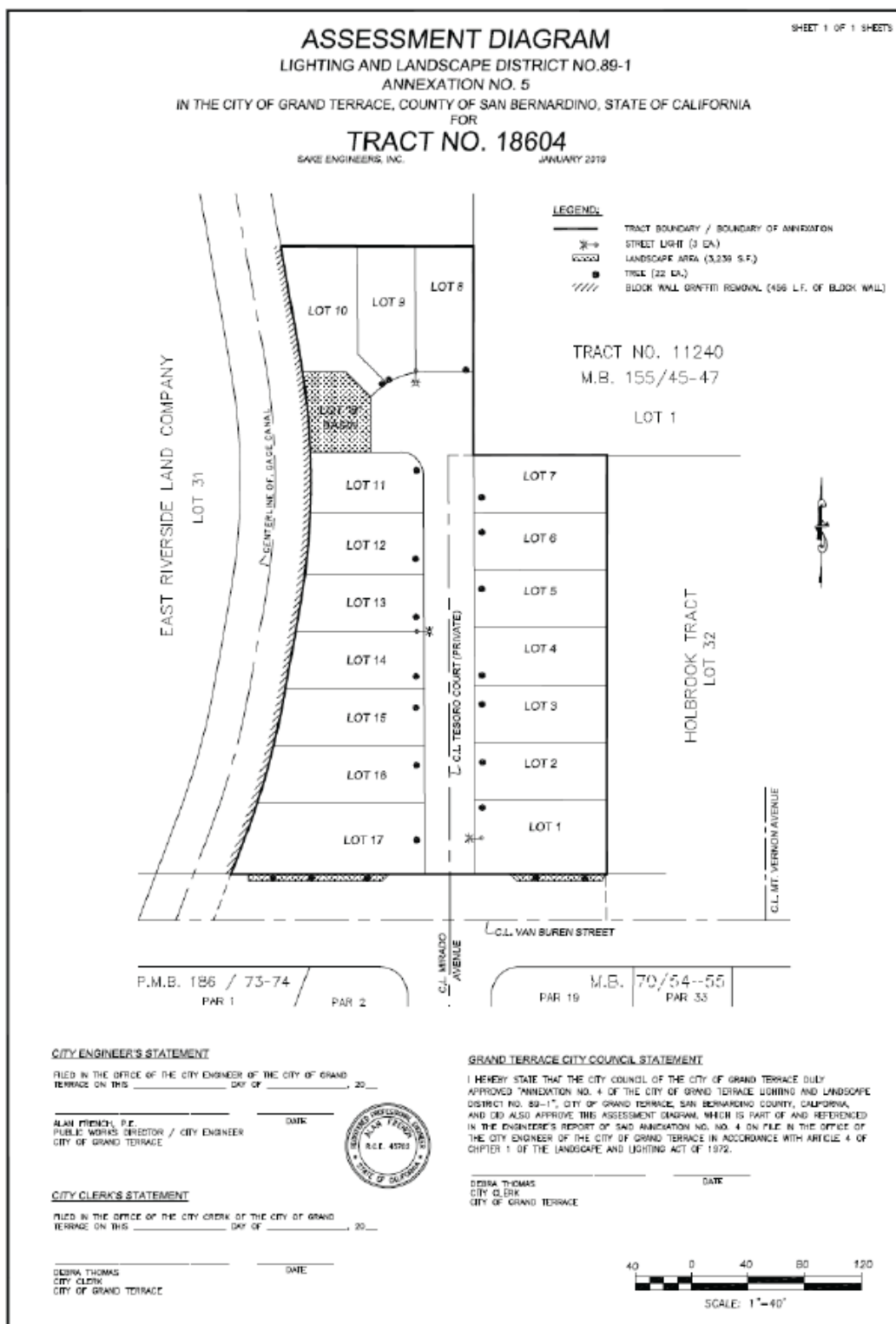


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CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT Zone 6



CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 7

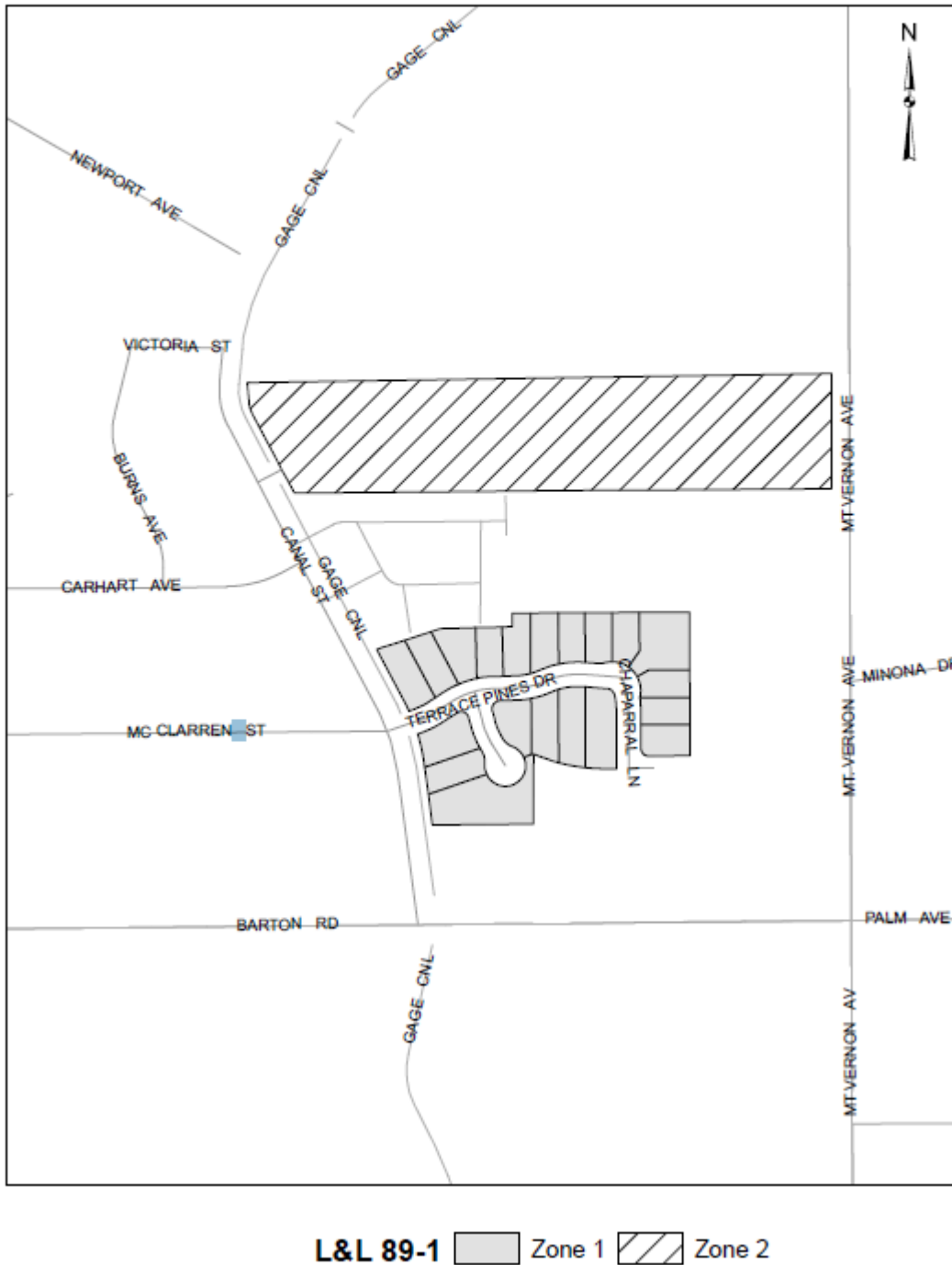


Attachment: FY24-25 Engineer's Report (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

Section V. ASSESSMENT ROLL

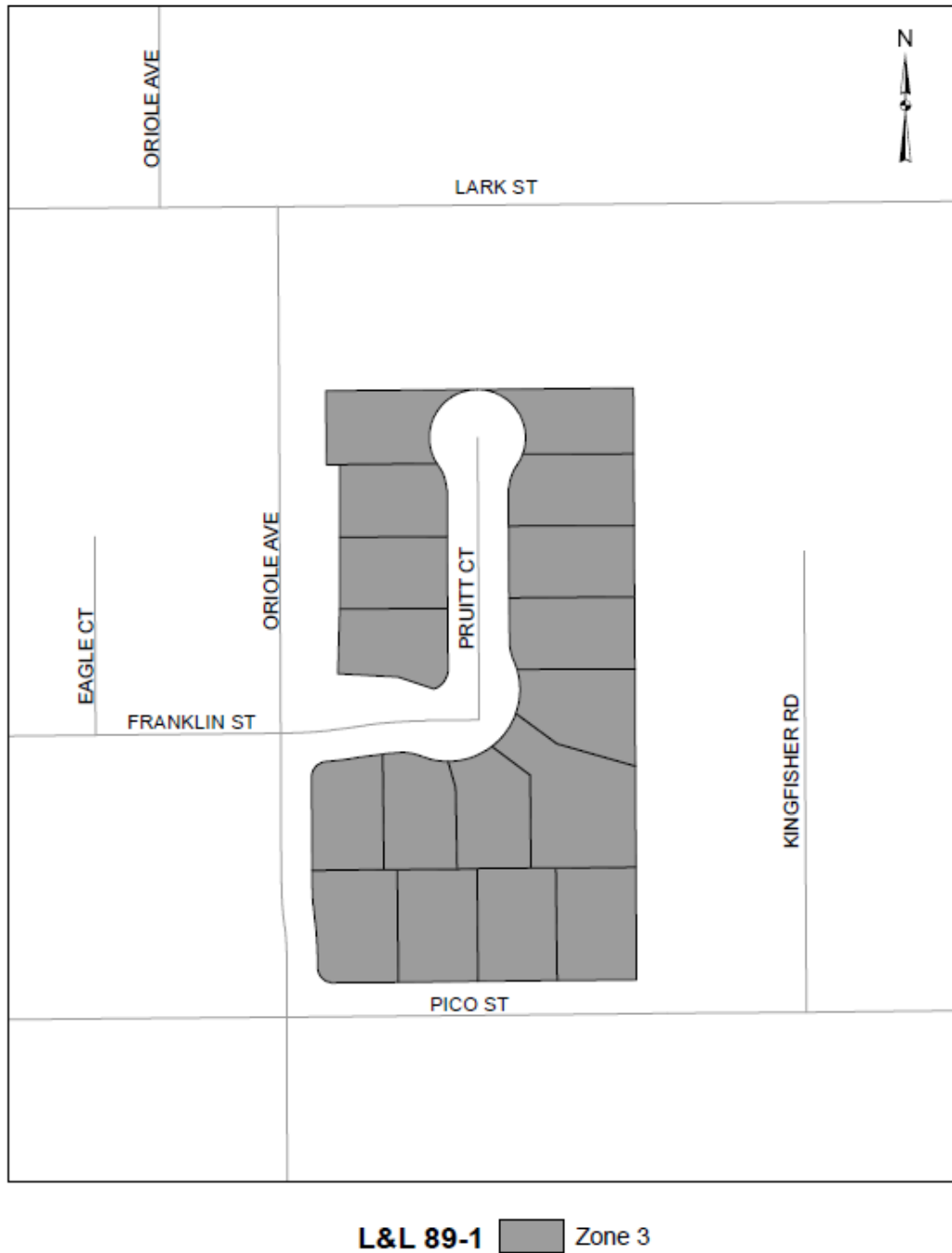
The description of each lot or parcel is part of the records of the Assessor of the County of San Bernardino and these records are, by reference, made part of this Report. The proposed assessment and the amount of assessment for Fiscal Year 2024/2025 apportioned to each lot or parcel is shown below.

CITY OF GRAND TERRACE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1 ZONES 1 & 2



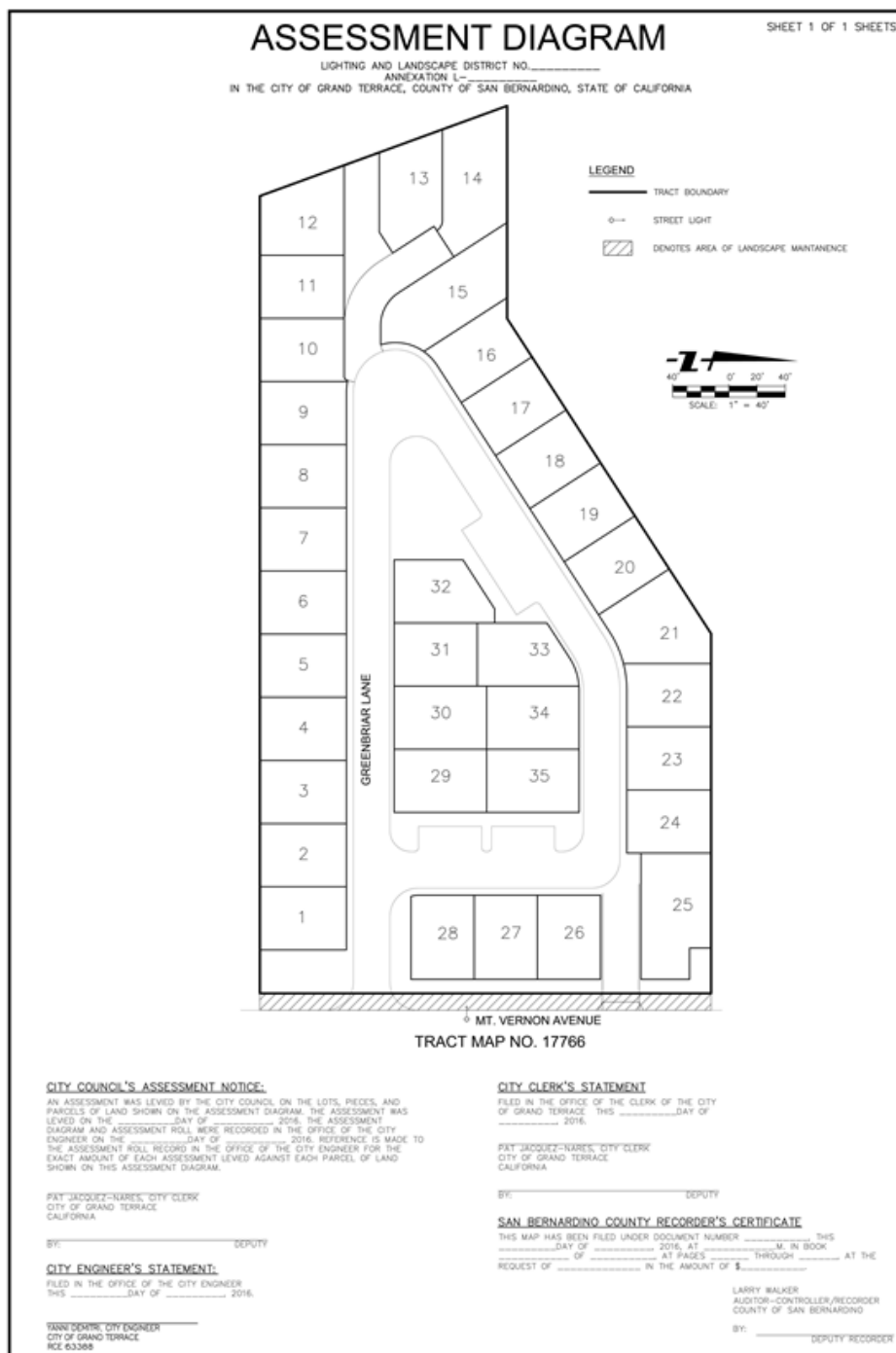
Attachment: Tract Maps Zone 1-7 (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE **LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1** **ZONE 3**



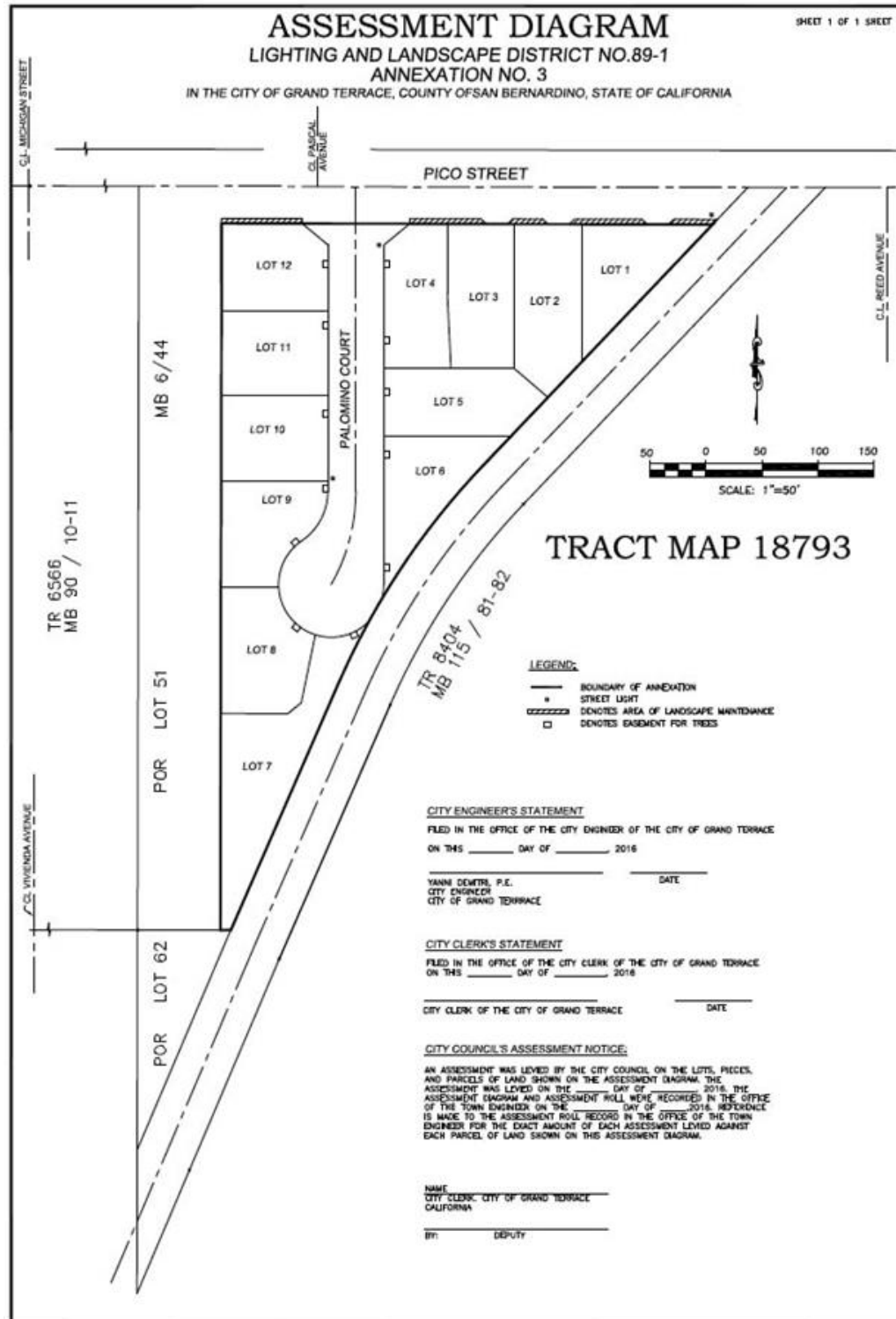
Attachment: Tract Maps Zone 1-7 (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 4



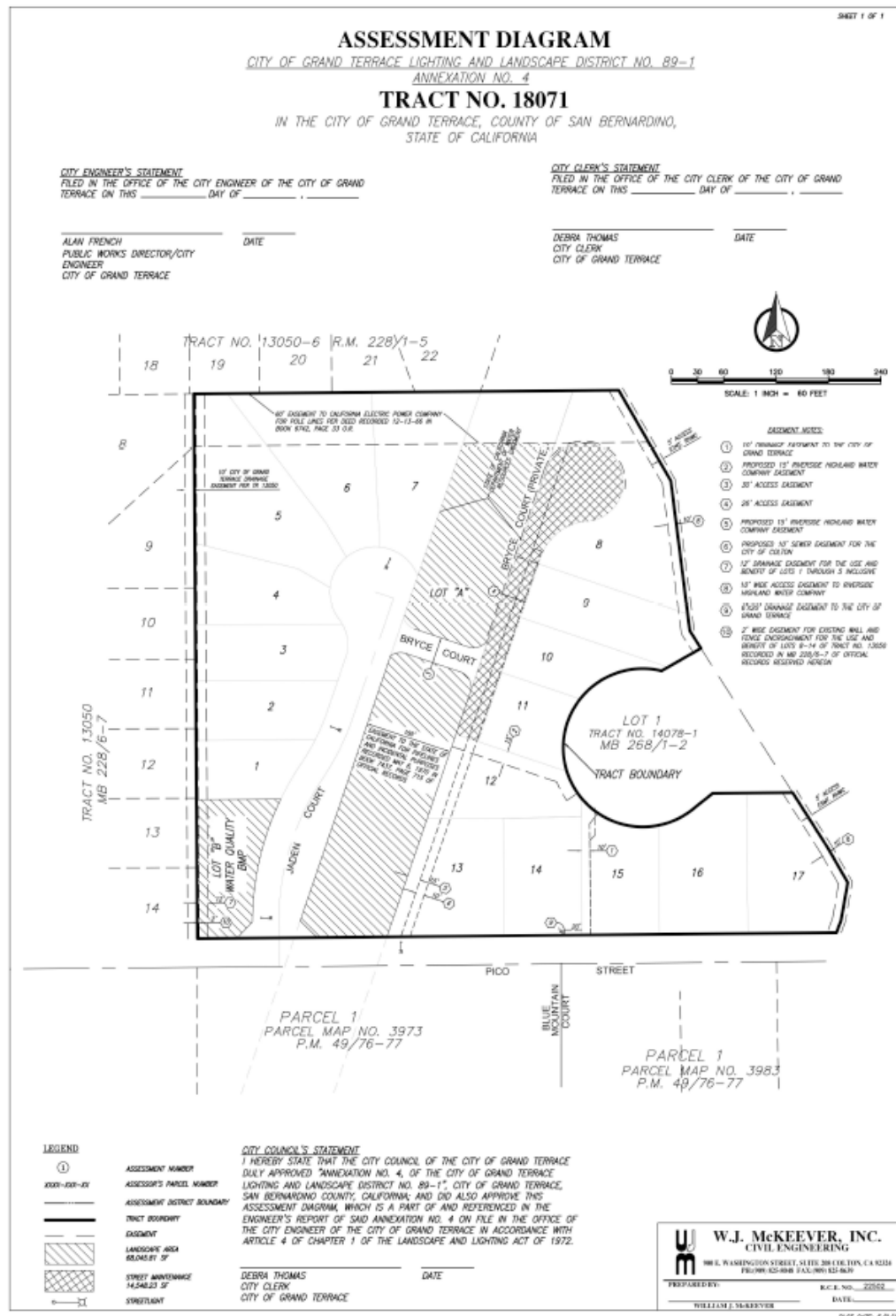
Attachment: Tract Maps Zone 1-7 (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 5

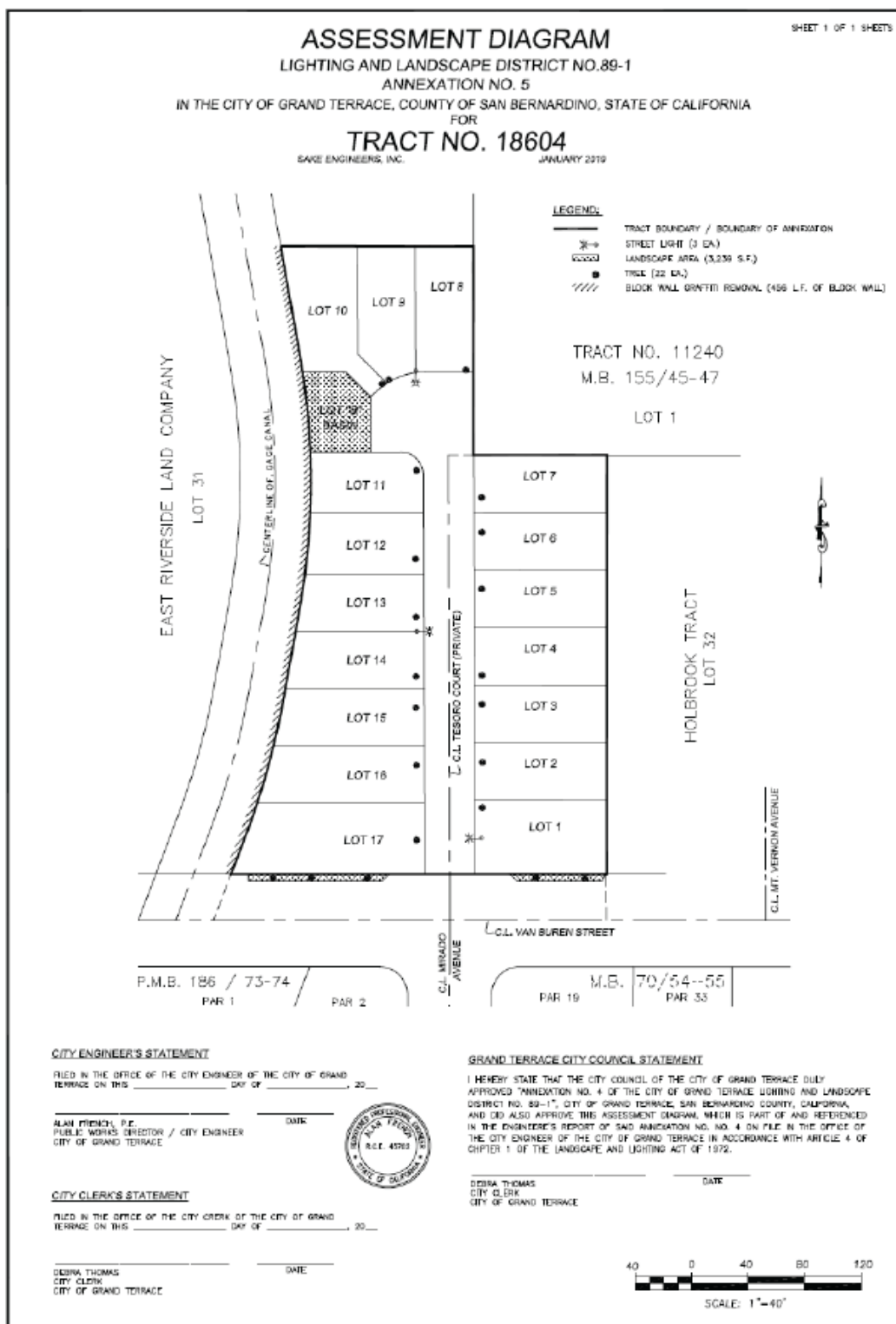


Attachment: Tract Maps Zone 1-7 (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT Zone 6



CITY OF GRAND TERRACE LANDSCAPE AND LIGHTING ASSESMENT DISTRICT ZONE 7



Attachment: Tract Maps Zone 1-7 (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE, CALIFORNIA, APPROVING THE ENGINEER'S REPORT FOR THE CITY OF GRAND TERRACE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1 AND CONFIRMING THE DIAGRAM AND ASSESSMENT AND ORDERING THE LEVY AND COLLECTION OF THE ASSESSMENTS FOR FISCAL YEAR 2024-2025

WHEREAS, the CITY COUNCIL of the CITY OF GRAND TERRACE, CALIFORNIA, (hereinafter referred to as "City Council") pursuant to the provisions of Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code (hereafter referred to as the "Act") has by previous resolutions initiated proceedings, declared its intention to levy and collect annual assessments and preliminarily approved the Engineer's Report (hereinafter referred to as the "Report") for the annual levy of assessments, consisting of plans and specifications, an estimate of the cost, a diagram of the district, and an assessment relating to what is now known and designated as:

CITY OF GRAND TERRACE

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 89-1

(hereinafter referred to as the "District"); and,

WHEREAS, by its Resolutions Nos. 2024-14, 2024-15, and 2024-16 adopted May 28, 2024, the City Council preliminarily approved the Report, declared its intention to levy an assessment in connection with the District for Fiscal Year 2024-2025, and called a public hearing on the assessment for July 23, 2024 (the "Hearing"); and

WHEREAS, at the Hearing, which was noticed as required by law, all interested persons were afforded the opportunity to hear and be heard and the City Council considered all oral and written statements and all written protests made or filed by any interested person pursuant to Chapter 3, Section 22629 of the Act; and

WHEREAS, this City Council has now carefully examined and reviewed the Report as presented, considered all testimony and evidence, is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the proposed assessments, on a preliminary basis, have been spread in accordance with the benefits received from the maintenance to be performed, as set forth in said Report; and

WHEREAS, the City Council now desires to complete proceedings to levy the Fiscal Year 2024-2025 assessment in connection with the District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grand Terrace does hereby resolve, determine and order as follows:

SECTION 1. That the above recitals are all true and correct and incorporated herein by this reference.

SECTION 2. The City Council has considered each and every part of the Engineer's Report, which consists of the following:

- A. Plans and specifications;
- B. Method of Apportionment;
- C. Estimate of cost;
- D. Assessment Diagram of the District;
- E. Assessment of the estimated cost.

Based thereon, the City Council hereby approves the Report and the assessments contained therein, and finds that the assessments so described comply with the provisions of the California Constitution Article XIID.

SECTION 3. The public interest and convenience requires the ordering of the levy of the assessments for the District for fiscal year 2024-2025 and the City Council hereby orders the levy of assessments therein, as set forth and described in the Resolution of Intention, this Resolution, and the Engineer's Report.

SECTION 4. The Report and this Resolution is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection. The City Clerk shall certify the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

SECTION 5 The City Clerk is directed to file the diagram and assessment, or a certified copy thereof, with the San Bernadino County Auditor-Controller, together with a certified copy of this Resolution upon its adoption in accordance with Chapter 4, Article 1, Section 22641 of the Act. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

SECTION 6. That the adoption of this Resolution shall constitute the District levy of the assessment for Fiscal Year 2024-2025.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution and it shall become effective immediately.

PASSED, APPROVED AND ADOPTED this day of 23rd July 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Debra L. Thomas
City Clerk

Bill Hussey
Mayor, City of Grand Terrace

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF GRAND TERRACE)

I, Debra L. Thomas, City Clerk of the CITY OF GRAND TERRACE, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2024- _____ was duly passed, approved, and adopted by the City Council, approved and signed by the Mayor, and attested by the City Clerk, all at the regular meeting of said City Council held on the 23rd day of July 2024, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Executed this 23rd day of July 2024, at Grand Terrace, California.

Debra L. Thomas

City Clerk for the City of Grand Terrace

[SEAL]



AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
 AGREEMENT FOR COLLECTION OF SPECIAL
 TAXES, FEES, AND ASSESSMENTS
 FISCAL YEAR 2024-25

THIS AGREEMENT is made and entered into this ____ day of _____, 2024,
 by and between the COUNTY OF SAN BERNARDINO, hereinafter referred to as "County"
 and the _____, hereinafter referred to as "District".

WITNESSETH:

WHEREAS, Government Code Sections 29304 and 51800 authorize the County to recoup its collection costs when the County collects taxes, fees, or assessments for any city, school district, special district, zone or improvement district thereof; and

WHEREAS, the District and County have determined that it is in the public interest that the County, when requested by District, collect on the County tax rolls the special taxes, fees, and assessments for District.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. County agrees, when requested by District as hereinafter provided to collect on the County tax rolls the special taxes, fees, and assessments of District, and of each zone or improvement District thereof.
2. When County is to collect District's special taxes, fees, and assessments, District agrees to notify in writing the Auditor-Controller (268 W. Hospitality Lane, 4TH floor, San Bernardino, CA 92415) of the County on or before the 10th day of August of each fiscal year of the Assessor's parcel numbers and the amount of each special tax, fee, or assessment to be so collected. Any such notice, in order to be effective, must be received by the Auditor-Controller by said date.
3. County may charge District an amount per parcel for each special tax, fee, or assessment that is to be collected on the County tax rolls by the County for the District, not to exceed County's actual cost of collection.
4. District warrants that the taxes, fees, or assessments imposed by District and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to, Articles XIIIC and XIID of the California Constitution (Proposition 218).
5. District hereby releases and forever discharges County and its officers, agents, and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of District's responsibility under

this agreement, or other action taken by District in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees or assessments as contemplated in this agreement.

6. The County Auditor-Controller has not determined the validity of the taxes or assessments to be collected pursuant to this contract, and the undersigned District hereby assumes any and all responsibility for making such a determination. The undersigned District agrees to indemnify, defend, and hold harmless the County and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this contract or the imposition of the taxes or assessments collected pursuant to this contract, and for any costs or expenses incurred by the County on account of any claim therefore, except where such indemnification is prohibited by law. If any judgment is entered against County or any other indemnified party as a result of action taken to implement this Agreement, District agrees that County may offset the amount of any judgment paid by County or by any indemnified party from any monies collected by County on District's behalf, including property taxes, special taxes, fees, or assessments. County may, but is not required to, notify District of its intent to implement any offset authorized by this paragraph.

7. District agrees that its officers, agents and employees will cooperate with County by answering inquiries made to District by any person concerning District's special tax, fee, or assessment, and District agrees that its officers, agents, and employees will not refer such individuals making inquiries to County officers or employees for response.

8. District shall not assign or transfer this agreement or any interest herein and any such assignment or transfer or attempted assignment or transfer of this agreement or any interest herein by District shall be void and shall immediately and automatically terminate this agreement

9. This agreement shall be effective for the 2024-25 fiscal year.

10. Either party may terminate this agreement for any reason upon 30 days written notice to the other party. The County Auditor-Controller shall have the right to exercise County's right and authority under this contract including the right to terminate the contract.

11. County's waiver of breach of any one term, covenant, or other provision of this agreement, is not a waiver of breach of any other term, nor subsequent breach of the term or provision waived.

12. Each person signing this agreement represents and warrants that he or she has been fully authorized to do so.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

District: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

ENSEN MASON CPA, CFA,
AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
SAN BERNARDINO COUNTY

By Authorized Deputy: _____

Printed Name: Franciliza Zyss

Title: Chief Deputy, Property Tax

Date: _____

Attachment: City - County Agreements (Public Hearing for 2024-25 Landscape & Lighting Assessment District 89-1)



AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
 AGREEMENT FOR COLLECTION OF SPECIAL
 TAXES, FEES, AND ASSESSMENTS
 FISCAL YEAR 2024-25

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5. City hereby releases and forever discharges County and its officers, agents, and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of City's responsibility under this

agreement, or other action taken by City in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees or assessments as contemplated in this agreement.

6. The County Auditor-Controller has not determined the validity of the taxes or assessments to be collected pursuant to this contract, and the undersigned City hereby assumes any and all responsibility for making such a determination. The undersigned City agrees to indemnify, defend, and hold harmless the County and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this contract or the imposition of the taxes or assessments collected pursuant to this contract, and for any costs or expenses incurred by the County on account of any claim therefore, except where such indemnification is prohibited by law. If any judgment is entered against County or any other indemnified party as a result of action taken to implement this Agreement, City agrees that County may offset the amount of any judgment paid by County or by any indemnified party from any monies collected by County on City's behalf, including property taxes, special taxes, fees, or assessments. County may, but is not required to, notify City of its intent to implement any offset authorized by this paragraph.

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City: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

ENSEN MASON CPA, CFA,
AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
SAN BERNARDINO COUNTY

By Authorized Deputy: _____

Printed Name: Franciliza Zyss

Title: Chief Deputy, Property Tax

Date: _____



AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
 AGREEMENT FOR COLLECTION OF SPECIAL
 TAXES, FEES, AND ASSESSMENTS
 FISCAL YEAR 2024-25

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District: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

ENSEN MASON CPA, CFA,
AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
SAN BERNARDINO COUNTY

By Authorized Deputy: _____

Printed Name: Franciliza Zyss

Title: Chief Deputy, Property Tax

Date: _____



AGENDA REPORT

MEETING DATE: July 23, 2024 *Council Item*

TITLE: Public Hearing Regarding Objections to Collecting Delinquent Refuse and Sewer Fees on the Tax Rolls for Affected Properties; Adoption of Resolutions to Collect Said Delinquent Fees on the Tax Roll and for the Placement of Assessments for Delinquent Fees on Properties Located in the City for Fiscal Year 2024-25

PRESENTED BY: Shanita Tillman, Senior Management Analyst

RECOMMENDATION: Conduct a public hearing to hear objections or protests regarding delinquent fees proposed for adoption and assessment on the tax rolls of the county tax assessor for FY 2024-25.

Adopt a resolution of the City Council of the City of Grand Terrace, County of San Bernardino, State of California, adopting a report of delinquent refuse and sewer user fees for FY 2024-25 and directing that such delinquent fees be collected on the tax roll and be imposed as an assessment upon property within the City of Grand Terrace.

2030 VISION GOAL STATEMENT:

This staff report supports Goal #1 "Ensure Our Fiscal Viability" by ensuring appropriate cost for recovery sewer, trash and rental inspection services previously rendered.

BACKGROUND:

In 1981, the City Council created Ordinance No. 51, which set up rules for sewer user charges. This means that anyone using the city's sewer system must pay a fee.

In 1996, the City Council adopted Ordinance No. 162, which established Municipal Code Chapter 5.42 (Integrated Waste Management). This code aimed to control waste management services and prevent illegal dumping. It made it mandatory for the franchise hauler, Burrtec Waste Industries, Inc. (Burrtec), to collect all trash and to make efforts to collect fees for the service.

DISCUSSION:

Refuse and Sewer Delinquencies

Municipal Code Sections 5.42.120 and 13.08.130 detail the responsibility of property owners for paying refuse and sewer fees and the consequences of non-payment. When property owners fail to pay these fees, the City employs legal remedies to recover the amounts owed.

Outstanding fees are reported by Burrtec for both residential trash and sewer and by the City of Colton for commercial sewer services. These unpaid fees are then included in the property tax assessments and collected concurrently with property taxes.

As of June 30th, there were 190 overdue residential trash and sewer accounts, totaling \$94,550, and 29 overdue commercial sewer accounts, totaling \$11,860. The final delinquency list, to be submitted by August 15, 2024, will have revised amounts added to the tax rolls.

Noticing

Annually, the City notifies property owners via certified mail about a public hearing where they can contest overdue fees and discuss their accounts. Owners have the opportunity to pay outstanding fees to be removed from the delinquency list before it is forwarded to the County Tax Assessor.

A billing agreement with San Bernardino County for the collection of these fees for Fiscal Year 2024-25 must be finalized and submitted prior to including properties on the tax rolls. This agreement is detailed in the staff report.

FISCAL IMPACT:

Payments collected by the County Tax Assessor for these assessments will be forwarded to the City. The table below provides estimated amounts for the fees to be collected; however, the final figures will be confirmed in the list submitted on August 15, 2024.

<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
23-303-90	REFUNDABLE DEPOSIT TRUST FUND - Delinquent Sewer Services / Tax Roll Collection	\$ 11,860.61
23-302-90	REFUNDABLE DEPOSIT TRUST FUND - Delinquent Trash Services/ Tax Roll Collection	\$ 94,550.17

ATTACHMENTS:

- Exhibit A: Delinquent Residential Trash and Sewer Accounts (PDF)
- Exhibit B - Delinquent Commercial Sewer Accounts (PDF)
- Resolution for Levy of Accounts - Trash and Sewer (DOCX)

APPROVALS:

Shanita Tillman	Completed	07/16/2024 1:00 PM
Finance	Completed	07/16/2024 2:22 PM
City Manager	Completed	07/17/2024 9:55 AM
City Council	Pending	07/23/2024 6:00 PM

Grand Terrace FY 2024-2025 Preliminary Delinquent Account List

CustList	Parcel Num	Property City	Zip	Trash	Sewer	Admin Fee	Total Amount
13598841	0275083150000	Grand Terrace CA	92313	\$ 340.70	\$ 340.70	\$ 35.00	\$ 716.40
13535107	0275083310000	Grand Terrace CA	92313	\$ 376.65	\$ 376.65	\$ 35.00	\$ 788.30
13594341	0275083370000	Grand Terrace CA	92313	\$ 182.73	\$ 182.73	\$ 35.00	\$ 400.45
13604560	0275212120000	Grand Terrace CA	92313	\$ 66.28	\$ 66.28	\$ 35.00	\$ 167.56
13535718	0275231170000	Grand Terrace CA	92313	\$ 136.76	\$ 136.76	\$ 35.00	\$ 308.52
13536341	0275241170000	Grand Terrace CA	92313	\$ 340.70	\$ 340.70	\$ 35.00	\$ 716.40
13604814	0275321070000	Grand Terrace CA	92313	\$ 578.50	\$ 578.50	\$ 35.00	\$ 1,191.99
13591826	0275331040000	Grand Terrace CA	92313	\$ 136.76	\$ 136.76	\$ 35.00	\$ 308.52
13536409	0276181080000	Grand Terrace CA	92313	\$ 340.70	\$ 340.70	\$ 35.00	\$ 716.40
13535536	0276192090000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534792	0276202780000	Grand Terrace CA	92313	\$ 36.76	\$ 36.76	\$ 35.00	\$ 108.52
13535599	0276213170000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536358	0276213330000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13536443	0276222050000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13592098	0276223060000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534190	0276231010000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13570394	0276234040000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536335	0276242050000	Grand Terrace CA	92313	\$ 449.97	\$ 449.97	\$ 35.00	\$ 934.93
13537056	0276242060000	Grand Terrace CA	92313	\$ 197.77	\$ 197.77	\$ 35.00	\$ 430.53
13536492	0276247050000	Grand Terrace CA	92313	\$ 50.54	\$ 50.54	\$ 35.00	\$ 136.08
13534821	0276247120000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13604396	0276263100000	Grand Terrace CA	92313	\$ 468.38	\$ 468.38	\$ 35.00	\$ 971.76
13536861	0276264020000	Grand Terrace CA	92313	\$ 41.59	\$ 41.59	\$ 35.00	\$ 118.18
13534216	0276264040000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13599820	0276271020000	Grand Terrace CA	92313	\$ 183.01	\$ 183.01	\$ 35.00	\$ 401.01
13536652	0276271060000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536317	0276282050000	Grand Terrace CA	92313	\$ 495.46	\$ 495.46	\$ 35.00	\$ 1,025.91
13594071	0276283010000	Grand Terrace CA	92313	\$ 105.46	\$ 105.46	\$ 35.00	\$ 245.91
13535212	0276283060000	Grand Terrace CA	92313	\$ 55.23	\$ 55.23	\$ 35.00	\$ 145.45
13536224	0276284050000	Grand Terrace CA	92313	\$ 205.54	\$ 205.54	\$ 35.00	\$ 446.08
13535411	0276285260000	Grand Terrace CA	92313	\$ 208.28	\$ 208.28	\$ 35.00	\$ 451.56
13557157	0276331410000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13590982	0276343140000	Grand Terrace CA	92313	\$ 136.76	\$ 136.76	\$ 35.00	\$ 308.52
13535012	0276343250000	Grand Terrace CA	92313	\$ 48.31	\$ 48.31	\$ 35.00	\$ 131.61
13600480	0276344010000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13600654	0276345080000	Grand Terrace CA	92313	\$ 40.70	\$ 40.70	\$ 35.00	\$ 116.40
13574558	0276351010000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535208	0276352050000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534955	0276382170000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13599271	0276411030000	Grand Terrace CA	92313	\$ 240.70	\$ 240.70	\$ 35.00	\$ 516.40
13534291	0276421130000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535211	0276431060000	Grand Terrace CA	92313	\$ 98.33	\$ 98.33	\$ 35.00	\$ 231.66
13534039	0276451130000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13536618	0276451300000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13607053	0276481110000	Grand Terrace CA	92313	\$ 187.20	\$ 187.20	\$ 35.00	\$ 409.40
13596422	0276531010000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56

Attachment: Exhibit A: Delinquent Residential Trash and Sewer Accounts (Annual Levy Assessments for Delinquent Refuse and Sewer

Grand Terrace FY 2024-2024 Preliminary Delinquent Account List

CustList	Parcel Num	Property City	Zip	Trash	Sewer	Admin Fee	Total Amount
13536460	0276531150000	Grand Terrace CA	92313	\$ 71.15	\$ 71.15	\$ 35.00	\$ 177.30
13535353	0276531300000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13537590	1167141170000	Grand Terrace CA	92313	\$ 317.58	\$ 317.58	\$ 35.00	\$ 670.15
13536811	1167161100000	Grand Terrace CA	92313	\$ 77.04	\$ 77.04	\$ 35.00	\$ 189.07
13573743	1167171060000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535126	1167191040000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535309	1167201230000	Grand Terrace CA	92313	\$ 75.91	\$ 75.91	\$ 35.00	\$ 186.82
13536718	1167201370000	Grand Terrace CA	92313	\$ 155.54	\$ 155.54	\$ 35.00	\$ 346.08
13600662	1167211220000	Grand Terrace CA	92313	\$ 71.26	\$ 71.26	\$ 35.00	\$ 177.52
13535914	1167211470000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13571426	1167211580000	Grand Terrace CA	92313	\$ 202.68	\$ 202.68	\$ 35.00	\$ 440.35
13573607	1167211630000	Grand Terrace CA	92313	\$ 73.43	\$ 73.43	\$ 35.00	\$ 181.85
13536183	1167211700000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13600836	1167211730000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13604201	1167241010000	Grand Terrace CA	92313	\$ 213.20	\$ 213.20	\$ 35.00	\$ 461.40
13535613	1167241020000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534913	1167241510000	Grand Terrace CA	92313	\$ 98.12	\$ 98.12	\$ 35.00	\$ 231.24
13535731	1167251150000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13570680	1167251450000	Grand Terrace CA	92313	\$ 181.62	\$ 181.62	\$ 35.00	\$ 398.24
13537137	1167251500000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13537030	1167251560000	Grand Terrace CA	92313	\$ 209.82	\$ 209.82	\$ 35.00	\$ 454.63
13604973	1167251640000	Grand Terrace CA	92313	\$ 374.49	\$ 374.49	\$ 35.00	\$ 783.98
13535810	1167261070000	Grand Terrace CA	92313	\$ 57.98	\$ 57.98	\$ 35.00	\$ 150.96
13535443	1167261090000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535895	1167261140000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13573307	1167261320000	Grand Terrace CA	92313	\$ 36.76	\$ 36.76	\$ 35.00	\$ 108.52
13535360	1167261340000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535803	1167261560000	Grand Terrace CA	92313	\$ 82.00	\$ 82.00	\$ 35.00	\$ 198.99
13535344	1167261800000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13574579	1167271220000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536915	1167271250000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536891	1167271280000	Grand Terrace CA	92313	\$ 175.63	\$ 175.63	\$ 35.00	\$ 386.26
13599851	1167271630000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535883	1167281060000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534495	1167281080000	Grand Terrace CA	92313	\$ 30.54	\$ 30.54	\$ 35.00	\$ 96.08
13535487	1167281160000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13554095	1167281170000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536835	1167281230000	Grand Terrace CA	92313	\$ 398.32	\$ 398.32	\$ 35.00	\$ 831.63
13604028, 1	1167281300000	Grand Terrace CA	92313	\$ 87.29	\$ 87.29	\$ 35.00	\$ 209.58
13534951	1167281330000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534994	1167281450000	Grand Terrace CA	92313	\$ 66.90	\$ 66.90	\$ 35.00	\$ 168.80
13604489	1167291090000	Grand Terrace CA	92313	\$ 34.05	\$ 34.05	\$ 35.00	\$ 103.10
13570205	1167301010000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536821	1167301190000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13534733	1167301330000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13537127	1167301360000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56

Attachment: Exhibit A: Delinquent Residential Trash and Sewer Accounts (Annual Levy Assessments for Delinquent Refuse and Sewer

Grand Terrace FY 2024-2024 Preliminary Delinquent Account List

CustList	Parcel Num	Property City	Zip	Trash	Sewer	Admin Fee	Total Amount
13536105	1167301400000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535582	1167301430000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535348	1167301500000	Grand Terrace CA	92313	\$ 233.28	\$ 233.28	\$ 35.00	\$ 501.56
13535669	1167301650000	Grand Terrace CA	92313	\$ 34.57	\$ 34.57	\$ 35.00	\$ 104.13
13534716	1167301770000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13606963	1167311080000	Grand Terrace CA	92313	\$ 71.45	\$ 71.45	\$ 35.00	\$ 177.90
13599774	1167321130000	Grand Terrace CA	92313	\$ 50.00	\$ 50.00	\$ 35.00	\$ 135.00
13534645	1167321280000	Grand Terrace CA	92313	\$ 118.38	\$ 118.38	\$ 35.00	\$ 271.76
13604780	1167321430000	Grand Terrace CA	92313	\$ 70.95	\$ 70.95	\$ 35.00	\$ 176.90
13536072	1167321460000	Grand Terrace CA	92313	\$ 205.98	\$ 205.98	\$ 35.00	\$ 446.96
13536773	1167321640000	Grand Terrace CA	92313	\$ 26.66	\$ 26.66	\$ 35.00	\$ 88.32
13535952	1167321650000	Grand Terrace CA	92313	\$ 205.98	\$ 205.98	\$ 35.00	\$ 446.96
13536609	1167322150000	Grand Terrace CA	92313	\$ 340.70	\$ 340.70	\$ 35.00	\$ 716.40
13554861	1167331100000	Grand Terrace CA	92313	\$ 133.28	\$ 133.28	\$ 35.00	\$ 301.56
13535678	1167331140000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535050	1167331230000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536249	1167331380000	Grand Terrace CA	92313	\$ 205.98	\$ 205.98	\$ 35.00	\$ 446.96
13534269	1167341080000	Grand Terrace CA	92313	\$ 283.28	\$ 283.28	\$ 35.00	\$ 601.56
13595457	1167341280000	Grand Terrace CA	92313	\$ 424.66	\$ 424.66	\$ 35.00	\$ 884.31
13574847	1167342020000	Grand Terrace CA	92313	\$ 192.73	\$ 192.73	\$ 35.00	\$ 420.46
13571712	1167351260000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536654	1167351350000	Grand Terrace CA	92313	\$ 308.28	\$ 308.28	\$ 35.00	\$ 651.56
13536403	1167351400000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535574	1167361250000	Grand Terrace CA	92313	\$ 150.00	\$ 150.00	\$ 35.00	\$ 335.00
13536897	1167361280000	Grand Terrace CA	92313	\$ 358.28	\$ 358.28	\$ 35.00	\$ 751.56
13536496	1167361450000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13595199	1167371050000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534736	1167371220000	Grand Terrace CA	92313	\$ 399.08	\$ 399.08	\$ 35.00	\$ 833.15
13594122	1167371290000	Grand Terrace CA	92313	\$ 328.32	\$ 328.32	\$ 35.00	\$ 691.63
13534360	1167371640000	Grand Terrace CA	92313	\$ 273.18	\$ 273.18	\$ 35.00	\$ 581.35
13536352	1167371710000	Grand Terrace CA	92313	\$ 205.62	\$ 205.62	\$ 35.00	\$ 446.24
13536495	1167381120000	Grand Terrace CA	92313	\$ 273.23	\$ 273.23	\$ 35.00	\$ 581.45
13537074	1167381140000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535252	1167381290000	Grand Terrace CA	92313	\$ 181.62	\$ 181.62	\$ 35.00	\$ 398.24
13535710	1167381320000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534959	1167381330000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534760	1167381550000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13601069	1167381620000	Grand Terrace CA	92313	\$ 136.37	\$ 136.37	\$ 35.00	\$ 307.73
13535980	1178022020000	Grand Terrace CA	92313	\$ 205.98	\$ 205.98	\$ 35.00	\$ 446.96
13536035	1178022380000	Grand Terrace CA	92313	\$ 34.33	\$ 34.33	\$ 35.00	\$ 103.66
13536389	1178022530000	Grand Terrace CA	92313	\$ 205.98	\$ 205.98	\$ 35.00	\$ 446.96
13536080	1178022690000	Grand Terrace CA	92313	\$ 137.32	\$ 137.32	\$ 35.00	\$ 309.64
13588012	1178031160000	Grand Terrace CA	92313	\$ 136.76	\$ 136.76	\$ 35.00	\$ 308.52
13536925	1178031260000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535700	1178031290000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536530	1178031480000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56

Attachment: Exhibit A: Delinquent Residential Trash and Sewer Accounts (Annual Levy Assessments for Delinquent Refuse and Sewer

Grand Terrace FY 2024-2024 Preliminary Delinquent Account List

CustList	Parcel Num	Property City	Zip	Trash	Sewer	Admin Fee	Total Amount
13535062	1178041010000	Grand Terrace CA	92313	\$ 100.00	\$ 100.00	\$ 35.00	\$ 235.00
13536661	1178041040000	Grand Terrace CA	92313	\$ 273.12	\$ 273.12	\$ 35.00	\$ 581.24
13535743	1178041250000	Grand Terrace CA	92313	\$ 66.90	\$ 66.90	\$ 35.00	\$ 168.80
13588295	1178041340000	Grand Terrace CA	92313	\$ 91.97	\$ 91.97	\$ 35.00	\$ 218.93
13536952	1178051010000	Grand Terrace CA	92313	\$ 68.44	\$ 68.44	\$ 35.00	\$ 171.88
13535020	1178051040000	Grand Terrace CA	92313	\$ 203.60	\$ 203.60	\$ 35.00	\$ 442.20
13536517	1178051230000	Grand Terrace CA	92313	\$ 68.04	\$ 68.04	\$ 35.00	\$ 171.08
13599624	1178071330000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13537110	1178071360000	Grand Terrace CA	92313	\$ 166.36	\$ 166.36	\$ 35.00	\$ 367.72
13536648	1178071500000	Grand Terrace CA	92313	\$ 273.12	\$ 273.12	\$ 35.00	\$ 581.24
13535917	1178091270000	Grand Terrace CA	92313	\$ 273.06	\$ 273.06	\$ 35.00	\$ 581.11
13536397	1178101230000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13554273	1178101250000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535807	1178101470000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536758	1178101600000	Grand Terrace CA	92313	\$ 153.52	\$ 153.52	\$ 35.00	\$ 342.04
13536299	1178101640000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13536836	1178101660000	Grand Terrace CA	92313	\$ 158.56	\$ 158.56	\$ 35.00	\$ 352.11
13537021	1178111480000	Grand Terrace CA	92313	\$ 77.19	\$ 77.19	\$ 35.00	\$ 189.37
13535794	1178111740000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13536824	1178111780000	Grand Terrace CA	92313	\$ 43.00	\$ 43.00	\$ 35.00	\$ 121.00
13534281	1178151070000	Grand Terrace CA	92313	\$ 183.28	\$ 183.28	\$ 35.00	\$ 401.56
13592659	1178151330000	Grand Terrace CA	92313	\$ 190.70	\$ 190.70	\$ 35.00	\$ 416.40
13537145	1178151400000	Grand Terrace CA	92313	\$ 190.70	\$ 190.70	\$ 35.00	\$ 416.40
13535458	1178151510000	Grand Terrace CA	92313	\$ 205.54	\$ 205.54	\$ 35.00	\$ 446.08
13596812	1178151540000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13555186	1178161160000	Grand Terrace CA	92313	\$ 157.82	\$ 157.82	\$ 35.00	\$ 350.63
13536806	1178161330000	Grand Terrace CA	92313	\$ 136.76	\$ 136.76	\$ 35.00	\$ 308.52
13535515	1178161350000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13534407	1178161430000	Grand Terrace CA	92313	\$ 424.63	\$ 424.63	\$ 35.00	\$ 884.25
13537020	1178161440000	Grand Terrace CA	92313	\$ 351.33	\$ 351.33	\$ 35.00	\$ 737.66
13534941	1178171070000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13572388	1178171100000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13537043	1178171170000	Grand Terrace CA	92313	\$ 150.63	\$ 150.63	\$ 35.00	\$ 336.26
13535600	1178171250000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13594593	1178171260000	Grand Terrace CA	92313	\$ 23.28	\$ 23.28	\$ 35.00	\$ 81.56
13534827	1178171270000	Grand Terrace CA	92313	\$ 340.70	\$ 340.70	\$ 35.00	\$ 716.40
13535292	1178171580000	Grand Terrace CA	92313	\$ 67.32	\$ 67.32	\$ 35.00	\$ 169.63
13536238	1178171600000	Grand Terrace CA	92313	\$ 72.77	\$ 72.77	\$ 35.00	\$ 180.53
13535830	1178171620000	Grand Terrace CA	92313	\$ 283.28	\$ 283.28	\$ 35.00	\$ 601.56
13591561	1178181490000	Grand Terrace CA	92313	\$ 258.28	\$ 258.28	\$ 35.00	\$ 551.56
13593686	1178181520000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535472	1178201340000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535277	1178201480000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535808	1178201610000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13603718	1178221460000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535434	1178221520000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76

Attachment: Exhibit A: Delinquent Residential Trash and Sewer Accounts (Annual Levy Assessments for Delinquent Refuse and Sewer

Grand Terrace FY 2024-2024 Preliminary Delinquent Account List

CustList	Parcel Num	Property City	Zip	Trash	Sewer	Admin Fee	Total Amount
13536932	1178221570000	Grand Terrace CA	92313	\$ 208.28	\$ 208.28	\$ 35.00	\$ 451.56
13536832	1178221790000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535361	1178231140000	Grand Terrace CA	92313	\$ 68.38	\$ 68.38	\$ 35.00	\$ 171.76
13535446	1178231280000	Grand Terrace CA	92313	\$ 408.28	\$ 408.28	\$ 35.00	\$ 851.56
13535384	1178231410000	Grand Terrace CA	92313	\$ 175.63	\$ 175.63	\$ 35.00	\$ 386.26
190 Parcels				\$ 43,967.58	\$ 43,967.58	\$ 6,615.00	\$ 94,550.17

Attachment: Exhibit A: Delinquent Residential Trash and Sewer Accounts (Annual Levy Assessments for Delinquent Refuse and Sewer

Delinquent Rental Program Accounts
2023-24

47 RESHESKE, JAMES	12794 REED AVE	\$	95.00	NOT PAID	Payment Requested
166 DAVID & SANDRA SADLER	22175 DE BERRY ST	\$	95.00	NOT PAID	Denied
468 GROUP 111 SGV PROPERTIES, LTD	23269 PALM AVE	\$	95.00	NOT PAID	Payment Requested
638 DAVID VEGA	11785 HOLLY ST	\$	95.00	NOT PAID	Payment Requested
691 DAVID & EDNA CISSNER	22830 CARDINAL ST	\$	247.00	NOT PAID	Payment Requested
736 ANAND & ROSE ROBERTS	22435 FRANKLIN ST	\$	95.00	NOT PAID	Payment Requested
777 BETRAM & MARIE CHAN	22656 LARK ST	\$	247.00	NOT PAID	Payment Requested
778 GERALD & TAMARA AVILA	22254 LARK ST	\$	247.00	NOT PAID	Payment Requested
856 JULIE ANN NELSON	12742 REED AVE	\$	95.00	NOT PAID	Payment Requested
904 IH6 PROPERTY WEST LP	12403 VIVIENDA AVE	\$	95.00	NOT PAID	Payment Requested
909 GRAND TERRACE R.E.	22092 VIVIENDA AVE	\$	47.50	NOT PAID	Payment Requested
910 CAROLYN CROWE, GRAND TERRACE R.E.	22110 VIVIENDA AVE	\$	28.50	NOT PAID	Payment Requested
929 SWH 2017-1 BORROWER LP	11822 ARLISS CT	\$	47.50	NOT PAID	Payment Requested
934 JAVONN & ASHLEY ASKINS	12620 CONDOR CT	\$	237.50	NOT PAID	Payment Requested
952 MICHAEL AND DAVONNA TORRENCE	11821 HOLLY ST	\$	71.25	NOT PAID	Payment Requested
977 ANNIE ESTRADA	22544 PICO ST	\$	95.00	NOT PAID	Payment Requested
1053 JASON & STEPHEN LEUNG	21900 AND 21902 GRAND TERRACE RD	\$	96.00	NOT PAID	Payment Requested
1074 KC TERRACE HOLDINGS LLC	22303-22309 MCCLARREN ST	\$	241.00	NOT PAID	Payment Requested
1217 WF PROPERTIES LLC	12005 ASPEN CIR	\$	240.00	NOT PAID	Payment Requested
1219 WF PROPERTIES LLC	12012 ASPEN CIR	\$	240.00	NOT PAID	Payment Requested
1249 CAROLYN CROWE- G.T. REAL ESTATE	21899 DE BERRY ST	\$	24.00	NOT PAID	Payment Requested
1259 CAROLYN CROWE, GRAND TERRACE R.E.	22055 NEWPORT AVE	\$	192.00	NOT PAID	Payment Requested
1357 SHIRLEY M BAKER	22271 MCCLARREN ST	\$	96.00	NOT PAID	Payment Requested
1361 MASOUD RAHIMIAN	22789 PALM AVE UNIT H	\$	120.00	NOT PAID	Payment Requested
1362 GARY TSAO	22779 PALM AVE UNIT G	\$	48.00	NOT PAID	Payment Requested
1372 GRAND TERRACE TRUST	22660 DE SOTO ST	\$	47.50	NOT PAID	Payment Requested
1449 DANIEL HUNT	22246 MAVIS ST	\$	247.00	NOT PAID	Payment Requested
1667 GARRETT & DEBBIE MCKEEMAN	22789 PALM AVE UNIT E	\$	49.00	NOT PAID	Payment Requested
2067 BLUE MOUNTAIN SENIOR VILLAS	22627 GRAND TERRACE RD	\$	1,440.00	NOT PAID	Payment Requested
2189 MASOUD RAHIMIAN	22833 FINCH ST	\$	237.50	NOT PAID	Payment Requested
2194 2017-1 IH BORROWERS LP	22680 FLAMINGO ST	\$	95.00	NOT PAID	Payment Requested
2253 ROY FARGO	22364 BLUE LUPINE CIR	\$	24.00	NOT PAID	Payment Requested
2335 MELISSA HOLDEN	11834 KINGSTON ST	\$	95.00	NOT PAID	Payment Requested
2351 SLADE A JOHNSON	22234 DOVE ST	\$	95.00	NOT PAID	Payment Requested

Delinquent Rental Program Accounts
2023-24

2551 JOY TSOU	22441 PICO ST	\$ 247.00	NOT PAID	Payment Requested
2549 JENNIFER TORRES	12435 PASCAL AVE	\$ 95.00	NOT PAID	Payment Requested
2646 2017-1 IH BORROWER LP	22725 KENTFIELD ST	\$ 28.50	NOT PAID	Payment Requested
2671 2017-1 IH BORROWER LP	12528 VIVIENDA AVE	\$ 28.50	NOT PAID	Payment Requested
2681 IH5 PROPERTY WEST LP	22537 THRUSH ST	\$ 95.00	NOT PAID	Payment Requested
2702 JEFFREY MCCONNELL	11818 BURNS AVE	\$ 47.50	NOT PAID	Payment Requested
3214 THE HIGHLANDS OF GRAND TERRACE	11750 MOUNT VERNON AVE	\$ 10,000.00	NOT PAID	Payment Requested
3411 2017-1 IH BORROWERS LP	12798 FREMONTIA AVE	\$ 28.50	NOT PAID	Payment Requested
3412 2017-1 IH BORROWERS LP	11902 PASCAL AVE	\$ 28.50	NOT PAID	Payment Requested
3413 2017-2 IH BORROWERS LP	12428 WARBLER AVE	\$ 12.00	NOT PAID	Payment Requested
3471 GROUP I EL MONTE PROPERTIES LTD	12365 VIVIENDA AVE	\$ 95.00	NOT PAID	Payment Requested
3711 CAROLYN CROWE, GRAND TERRACE R.E.	21877 DE BERRY ST	\$ 96.00	NOT PAID	Payment Requested
3904 Arthur & Debbie Chavez	22795 LARK ST	\$ 95.00	NOT PAID	Payment Requested
3935 ROY FARGO	22346 BLUE LUPINE CIR	\$ 24.00	NOT PAID	Payment Requested
4145 MARK WADELL AND HONG CAO	11844 GREENBRIER LN	\$ 49.00	NOT PAID	Payment Requested
4149 ZHENGHUA LIU	12640 THOMAS CT	\$ 95.00	NOT PAID	Payment Requested
		\$ 16,624.75		

RESOLUTION NO. 2024- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A REPORT OF DELINQUENT REFUSE AND SEWER USER FEES AND DIRECTING THAT SUCH DELINQUENT FEES BE LEVIED ON THE TAX ROLL AND BE IMPOSED AS AN ASSESSMENT UPON PROPERTY WITHIN THE CITY OF GRAND TERRACE

WHEREAS, pursuant to Section 5.42.120(A) of the Grand Terrace Municipal Code every person required to arrange for refuse collection or the collection of recyclable or compostable shall be liable for the service access fees and charges for such collection, whether or not collection services are utilized; and

WHEREAS, pursuant to Section 5.42.120(B) of the Grand Terrace Municipal Code, the owner, occupant or other person responsible for day-to-day operation of the premises shall make arrangements for collection of refuse to meet the requirements of this chapter (Chapter 5.42 "Integrated Waste Management"). If service fees and charges are not paid as required, the owner and occupant each shall be jointly and severally liable for this payment. The City may collect the fees and charges plus any interest or penalties on the property tax roll; and

WHEREAS, pursuant to Sections 13.08.050 of the Grand Terrace Municipal Code, sewer bills shall be sent to the owner, occupant or other applicant for sewer service of the property to be served. Those parties shall be responsible for the payment thereof. The property owner, occupant or other party making application for sewer service may, if they wish, make special arrangements with the city for bills to be sent to other persons, rather than that applicant. Thereafter, the parties shall be liable, jointly or severally, for the payment of the sewer bills; and

WHEREAS, pursuant to Section 13.08.130 of the Grand Terrace Municipal Code, delinquent charges, plus penalties, both of which shall be established by resolution of the City Council, shall constitute a lien upon the real property served, and such lien shall continue until the charge and all penalties thereon are fully paid, or the property sold therefor; and

WHEREAS, City staff notified property owners, via certified mail, of a public hearing to determine the delinquent fees for trash and sewer and to provide the owners with an opportunity to object or protest to the amounts owed at the City Council public hearing. Notice of the public hearing was also published in a newspaper of general circulation; and

WHEREAS, the City Clerk shall file with the County Auditor and/or County Recorder a copy of the report prepared with a statement endorsed on the report over his or her signature that the report has been finally adopted by the City Council and that the County Auditor and/or County Recorder shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll; and

WHEREAS, the amount of charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed; and

WHEREAS, the County Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties; and

WHEREAS, the City Council has sufficiently considered all evidence and testimony presented to them, including without limitation all oral and written objections and protests, in order to make the following determination.

NOW, THEREFORE, the City Council of the City of Grand Terrace, does hereby resolve as follows:

Section 1. Based on evidence, testimony and information presented during the July 23, 2024 public hearing, the accounts set forth in the Delinquent Refuse and Sewer Users List, attached hereto as Exhibit "A" and "B" and incorporated by reference and which contains a APN or account number of each parcel of real property and the amount of the delinquent refuse and sewer service fees for the fiscal year 2024-25, are determined to be delinquent and hereby declared to constitute special assessments against the respective parcels of land.

Section 2. The Delinquent Refuse and Sewer Users List attached hereto as Exhibit "A" and "B" is hereby approved and adopted.

Section 3. The Delinquent Refuse and Sewer Users List includes accounts that were delinquent as of June 30, 2024. Property owners and users may settle any outstanding balances by or before August 8, 2024. The Senior Management Analyst shall file with the Auditor Controller a copy of the Delinquent Refuse and Sewer Users List once a final list of delinquent accounts is compiled on August 15, 2024, with a statement endorsing the signature of the City Clerk that it has been fully adopted by the City Council, together with a certified copy of this Resolution.

Section 4. The Senior Management Analyst is hereby authorized and directed to record with the Auditor Controller assessment liens on the properties described in Exhibit "A" and "B" for the amount of such delinquent fees as determined by the August 15, 2024 final list of delinquent accounts, and to take any necessary actions related thereto to effectuate the recordation of said liens.

Section 5. The amounts specified in Exhibit "A and B" as determined by the August 15, 2024 final list of delinquent accounts shall be collected on the tax roll for fiscal year 2023-2024 in the same manner, by the same person, at the same time, together with and not separately from, the general taxes.

Section 6. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Grand Terrace at a regular meeting held on the 23th day of July, 2024.

Billy Hussey
Mayor

ATTEST:

Debra L. Thomas
City Clerk

APPROVED AS TO FORM:

Adrian R. Guerra
City Attorney

EXHIBIT A

ATTACHED
REFUSE AND SEWER USE FEE DELINQUENT LIST
FOR FISCAL YEAR 2023-2024



AGENDA REPORT

MEETING DATE:	July 23, 2024	<i>Council Item</i>
TITLE:	The Gateway at Grand Terrace Specific Plan Project - Final Environmental Impact Report (State Clearinghouse No. 2021020110), Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (ENV 17-10), General Plan Amendment (17-01), Specific Plan (17-01), Zone Change (17-02), Zone Change Amendment (24-01), Development Agreement (Agmt), Tentative Tract Map 20501 (18-01)	
PRESENTED BY:	Scott Hutter, Planning & Development Services Director	
RECOMMENDATION:	Conduct a Public Hearing for The Gateway at Grand Terrace Specific Plan Project and take the following actions: - Adopt a Resolution certifying the Final EIR and making findings for the Statement of Overriding Considerations and making findings for and adopting the MMRP (Attachment 1). - Adopt a Resolution making findings for and adopting the General Plan Amendment 17-01 (Attachment 2). - Introduction and 1st Reading by title only with further reading waived an Ordinance adopting the Gateway at Grand Terrace Specific Plan 17-01 (Attachment 3). - Adopt a Resolution making findings for and adopting the Zone Change 17-02 and Zone Change Amendment 24-01 (Attachment 4). - Introduction and 1st Reading by title only with further reading waived an Ordinance adopting the Development Agreement (Attachment 5). - Adopt a Resolution making findings for and approving the Tentative Tract Map 20501 18-01 (Attachment 6).	

2030 VISION STATEMENT

This project supports Goal 3 to Promote Economic Development:

- *Develop proactive economic development plan to attract new businesses,*
- *Invest in infrastructure needed to support businesses and residents,*

- Allow design flexibility to attain superior quality and excellence in design, sustainability, architecture, and site amenities.

BACKGROUND INFORMATION:

Location

The Project area consists of 32 parcels on approximately 112 acres and is located in the southwest portion of the City and bounded by Commerce Way and an existing commercial parking lot to the north; the northern portion of Grand Terrace High School to the south; commercial and residential uses to the east; and I-215 to the west. The southern boundary of the Project area is also approximately 0.27 mile north of Main Street.

Background

Since the City's incorporation in 1978, most of the Project area has been used for citrus production. Over the years, some land was converted to dry farming or left vacant. For more than two decades, the City has attempted to foster development in the Project area (also known as the Southwest Commercial area). However, the lack of local and regional drainage facilities and roadway access has hampered development. In 2010, the General Plan was updated to re-designate the Project area as Mixed Use on the General Plan Land Use Map. The General Plan Land Use Element requires that all Mixed Use projects shall be required to submit a Specific Plan or Planned Development. Approximately 53 acres of the Project's total acreage was acquired by the Grand Terrace Community Redevelopment Agency (RDA) between 2000 and 2011 with RDA tax increment funds. With the dissolution of redevelopment agencies in 2011, the City, as the Successor Agency for the RDA, developed a Long-Range Property Management Plan (LRPMP) to control the disposition of its real property assets.

In December 2016, the City and Lewis Land Developers, LLC (Project Applicant) entered into a Disposition and Development Agreement (DDA) in which Lewis purchased approximately 55 acres of land from the City. The vision was to incorporate the 55 acres of land with the rest of the adjacent Lewis property. As part of the DDA, Lewis agreed to prepare The Gateway at Grand Terrace Specific Plan.

In April 2017, the City and Lewis entered into a Memorandum of Understanding (MOU), identifying the obligations of the parties relative to the street improvements, storm drain improvements, and fee credits/reimbursement, amongst other things. Subsequently, the City and Lewis entered into a 1st Amendment to the MOU in January 2020, clarifying the terms of the obligations and providing additional detail.

PROJECT AREA AND SURROUNDINGS:

The 112-acre Project area is currently designated Mixed Use. Surrounding land use designations and zoning are as follows:

Location	Existing Land Use Designation	Proposed Zoning		
	ateway%20- %20%20Staff%20Report%20G ateway%20Specific%20PlanIG ateway%20Specific%20Plan%			

	20Council%20Staff%20Report %207.23.2024(999599.1).docx> Existing Zoning <file:///L:\Gateway %20- %20%20Staff%20Report%20G ateway%20Specific%20Plan\G ateway%20Specific%20Plan% 20Council%20Staff%20Report %207.23.2024(999599.1).docx> Proposed Land Use			
Project Site	Mixed Use	Commercial Manufacturing (CM) Restricted Manufacturing (RM) Industrial (M-2)	Gateway at Grand Terrace Specific Plan (GSP)	Gateway at Grand Terrace Specific Plan (GSP)
North	General Commercial Industrial	General Commercial (C2) Commercial Manufacturing (CM)	N/A	N/A
South	Industrial Public	Restricted Manufacturing (MR) Industrial (M-2) Public Facilities (PUB)	N/A	N/A
East	General Commercial Low Density Residential Industrial Public	Single Family (R1-7.2) Commercial Manufacturing (CM) Restricted Manufacturing (MR) Public Facilities (PUB)	N/A	N/A
West	Industrial Park Light Industrial	Industrial Park (I-P) Light Industrial (M-1)	N/A	N/A

Proposal

Lewis Land Developers, LLC ("Applicant") is requesting the approval of The Gateway at Grand Terrace Specific Plan for a 112-acre Project area encompassing both developed and undeveloped land, including portions of Van Buren Street, De Berry Street, and Taylor Street (see **Figure 1.3-3 "Vicinity Map" on page 1-4 of the Gateway at Grand Terrace Specific Plan provided as Attachment 2 to this agenda staff report**).

Project Summary

The Project proposes the future development of residential, commercial, public utilities, and public park and open space uses, including associated on- and off-site infrastructure improvements (detention basin, roadway improvements, sewer, water, storm drain, dry utilities), under the guidance of the proposed Specific Plan. Future development would consist of the following land use areas within 22 Planning

Areas (PAs) (see **Figure 3.1-1 “The Gateway at Grand Terrace Specific Plan - Planning Areas” on page 3-2 of The Gateway at Grand Terrace Specific Plan provided as Attachment 2 to this agenda staff report**):

- Approximately 39 net developable acres of residential development (up to 695 Dwelling Units)
- Approximately 25 acres of general commercial development (up to 335,700 square feet)
- Development and/or improvement of drainage facilities, utilities, and public streets with enhanced landscaping
- A newly constructed park that includes a lighted baseball field with a tot-lot/playground.
- A detention basin with open space overlay.

Construction of these land uses and associated features, including recordation of final subdivision map(s) and design review, would be conducted within two phases, provided that vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety.

The Project includes requests for the following discretionary approvals:

General Plan Amendment No. 17-01 proposes to change the existing General Plan land use designation from Mixed Use to The Gateway at Grand Terrace Specific Plan (GSP). The land use designations within the GSP Zone would include Medium-High Density Residential 8 - 20 dwelling units per acre (MHDR 8-20), High Density Residential 12 - 20 dwelling units per acre (HDR 12-20), General Commercial (GC), Park, Open Space, Drainage Facilities, Utilities, Roads. In addition, the Project area would include Utility/R 4-20, Utility/General Commercial, and Open Space Overlays.

Specific Plan No. 17-01 proposes the adoption of The Gateway at Grand Terrace Specific Plan document that establishes the necessary plans, development standards, regulations, zoning, infrastructure requirements, design guidelines and implementation programs on which subsequent project-related development activities (i.e., future implementing development projects) are to be founded. It is intended that Site and Architectural Review, grading permits and building permits, or any other permitting actions applicable to this area be consistent with the Specific Plan.

Zone Change No. 17-02 proposes to change the existing zones from CM - Commercial Manufacturing, M2 - Industrial, and MR - Restricted Manufacturing to The Gateway at Grand Terrace Specific Plan (GSP).

Zone Change Amendment No. 24-01 proposes to amend the Zoning Map to incorporate the new Gateway at Grand Terrace Specific Plan (GSP) zoning designation.

Development Agreement identifies parties responsible for the construction of major infrastructure improvements, phasing schedule of development and infrastructure improvements, financial commitments for the construction of the infrastructure improvements, vesting of applicable codes and standards, vesting of development impact fees for a specified term and appropriate extension metrics, and the terms and conditions for the exchange of developer owned land for city property.

Tentative Parcel Map No. 20501 (18-01) facilitates development of the Planning Areas with the Specific Plan, a Tentative Tract Map for Conveyance Purposes is proposed in order to establish legal parcels for the PAs, dedicate right-of-way for public roadway construction, and establish easements for public utilities and other facilities. Subsequent maps would be required for any future development on the PAs to occur.

The Gateway at Grand Terrace Specific Plan will establish a policy environment that would promote the comprehensive development of the 112-acre Project Site with locally serving businesses, amenities, and urban living opportunities.

CEQA Compliance

A Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2021020110) was prepared for the Project in accordance with CEQA Guidelines Section 15064 and addressed the buildout of the Specific Plan area and its related actions in compliance with CEQA Guidelines §15168. All future activities that relate to and follow the Specific Plan must be examined for consistency with the EIR to determine if additional environmental analysis is warranted. Later activities which have been adequately analyzed under the EIR may not require additional environmental documentation. If an activity may result in additional effects, or new mitigation measures are needed, a subsequent or supplemental EIR, or mitigated negative declaration must be prepared (CEQA Guidelines §15162 and 15163).

All subsequent approvals to develop the Project area shall be consistent with the Specific Plan and associated environmental documents. Additional environmental documentation will be required in the future if significant changes are found to have occurred pursuant to Sections 15162 and 15182 of the CEQA guidelines.

GENERAL PLAN CONSISTENCY ANALYSIS:

The project supports the following goals of the 2010 General Plan:

General Plan Policy ^[1]	Project Consistency
Land Use Element	
<i>Goal 2.1: Provide for balanced growth which seeks to provide a wide range of employment and housing opportunities and maintenance of a healthy, diversified community.</i>	
Policy LU 2.1.6 - Mixed use development which can demonstrate superior use of land, more efficient utilization of public facilities, and more effective conservation of natural resources shall be strongly encouraged by the City of Grand Terrace.	The Project proposes mixed-use land uses in support of the City's desire for more mixed-use development in the City. Therefore, the Project would comply with this Policy.
Policy LU 2.1.7 - The City shall continually refine population growth forecasts to ensure adequate planning for anticipated increased levels of sewerage, water, and other necessary community services.	Section 4.17, Utilities and Service Systems discusses the Project's demand on water and sewer as well as other dry utility hookups. Buildout of the Project would incrementally increase demands on public utilities; however, the increases were determined to be within the anticipated growth patterns and within the capacity of existing and planned resources.

	Therefore, the Project would comply with this Policy.
<i>Goal 2.2: Preserve and enhance the quality and character of the City's residential neighborhoods.</i>	
Policy LU 2.2.2 - All residential developments shall comply with the goals and policies of the Housing Element of the General Plan.	The Project proposes residential uses that would comply with all applicable goals and policies set in the housing element. Additionally, all residential development would adhere to the development standards and design standards contained in the Grand Terrace MC and Specific Plan document. Refer to consistency with the pertinent goals and policies in the Housing Element below. Therefore, the Project would comply with this Policy.
<i>Goal 2.3: Provide a wide range of retail and service commercial opportunities designed to meet the needs of the City's residents, businesses, and visitors while also providing employment opportunities.</i>	
Policy LU 2.3.1 - Commercially designated freeway frontage shall be master planned to ensure a comprehensive commercial development pattern that will serve as a scenic entry into the City.	The Project's commercial uses would be located near the I-215 freeway off-ramp at Barton Road. Commercial development would be subject to Grand Terrace MC and Specific Plan design standards and guidelines to ensure that all commercial development serves as a scenic entry into the City via Barton Road/Commerce Way. Therefore, the Project would comply with this Policy.
Policy LU 2.3.2 - Maintenance and continued development of Grand Terrace's established commercial areas, as an encouragement of new commercial development.	The Project includes the establishment of new commercial development. Therefore, the Project would comply with this Policy.
Policy LU 2.3.3 - Additional freeway service-oriented commercial uses shall be encouraged.	The Project's commercial land uses are sited near the I-215 north-south off ramps via Barton Road. Therefore, the Project would comply with this Policy.
Policy LU 2.3.5 - Measures to reduce potential land use incompatibility between commercially designated areas and all other plan areas will be given special consideration. Specific features could include increased setbacks, walls, berms, and landscaping.	Applicable Specific Plan design standards and features would be considered on a project-by-project basis so residential and nonresidential land uses are developed cohesively. All development would be subject to the Specific Plan design standards for residential and nonresidential development and any other applicable Grand Terrace MC development standards. Therefore, the Project would

	comply with this Policy.
General Plan Policy ^[1]	Project Consistency
<i>Goal 2.5: Provide for the preservation of natural resources and open space.</i>	
Policy LU 2.5.3 - Energy efficiency shall be encouraged in all future development.	Future development facilitated by this Project would be designed in compliance with applicable federal, state, and local regulatory which includes, but is not limited to, the current California Green Building Standards Codes in regard to energy usage. If necessary, future development would perform subsequent environmental analysis to determine project-specific energy demand impacts. Therefore, the Project would comply with this Policy.
Circulation Element	
<i>Goal 3.1: Provide a comprehensive transportation system that provides for the current and long-term efficient movement of people and goods within and through the City.</i>	
Policy C 3.1.1 - Provide a transportation system which supports planned land uses and improves the quality of life.	The Project proposes a circulation plan that includes improvements to the local circulation (i.e., roadways, pedestrian walkways, and bicycle facilities). The circulation plan for the Project improves local circulation and provides for new development. Refer to Exhibit 3-12, Conceptual Circulation Plan and Section 4.15, Transportation for further details. Therefore, the Project would comply with this Policy.
Policy C 3.1.2 - An arterial street system shall be established that provides for the collection of local traffic and provide for the efficient movement of people and goods through the City.	The proposed circulation plan would provide partial improvements to Taylor Street, Van Buren Street, and De Berry Street, that include street extensions, utility easements, installation of bike lanes, sidewalks, and a variety of street cross sections that will serve the various land uses and create a visually appealing and functional roadway system for vehicle and pedestrian uses. This will improve local circulation for traffic and provide efficient movement of people and goods through the City. Additionally, Taylor Street shall be extended towards Commerce Way along the Riverside Canal. Therefore, the Project would comply with this Policy.
Policy C 3.1.3 - Commerce Way shall provide for the movement of traffic associated with commercial and business traffic.	Refer to Policy C 3.1.2 above, Exhibit 3-12 , and Exhibit 3-7, Construction Phasing Plan which illustrates the proposed Commerce Way/Taylor Street extension/connection and

	improvements as part of the Specific Plan. Therefore, the Project would comply with this Policy.
Goal 3.2: Provide for a well-maintained roadway system.	
Policy C 3.2.2 - The City shall require that street improvements be constructed at the time that development occurs on vacant or underutilized property.	Circulation improvements are anticipated to occur within two phases and would be considered on a project-by-project basis. Therefore, the Project would comply with this Policy.
Goal 3.3: Provide for a safe circulation system.	
Policy C 3.3.2 - The City shall require that new developments provide adequate off street parking in order to minimize the need for on street parking.	Both on-site and off-site parking requirements will be determined on a project-by-project but would be designed in accordance with all applicable state and local regulations, including the design standards within the Specific Plan document. Future development would be required to provide adequate parking as determined by City staff. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
Policy C 3.3.3 - The City shall ensure that local street improvements are designed with proper attention to community appearance and aesthetics as well as the need to move traffic safely and efficiently.	The Specific Plan standards include private roads and alleys should be visually distinguishable from public streets through the use of a variety of materials and colors. Refer to Policy 3.1.1 above and Section 4.15, Transportation for more information. Therefore, the Project would comply with this Policy.
Goal 3.5: Provide for efficient alternative modes of travel.	
Policy C 3.5.1 - Promote measures, which reduce reliance on single occupant vehicle usage by enforcement of the Traffic Control Measures (TCM) ordinance, which addresses development standards, land use patterns, employer based rideshare programs and bicycle/pedestrian facilities.	Travel Demand Management (TDM) measures determined most appropriate for the Specific Plan include providing car- sharing, bike sharing, and ride-sharing programs, developing bicycle connections that will provide access to proposed bicycle facilities, and providing telecommuting or work-at- home programs, where appropriate. Refer to Section 4.15, Transportation that contains a discussion regarding travel demand measures that would serve to further assist in reducing VMT. Therefore, the Project would comply with this Policy.
Open Space and Conservation Element	
Goal 4.1: That the Open Space needed for outdoor recreation in the City of Grand	

<i>Terrace be provided and thereby, improve the quality of life for the residents of the City.</i>	
Policy OPC 4.1.1 - A park standard of five (5) acres per 1,000 population shall be used to determine the total acreage of developed parks and recreation areas for the City.	The Project would develop open space and recreational uses that would meet park facilities demands of the planned generated population growth, including the development of additional recreational facilities and would comply with Policy 4.1.1. The Project would directly generate population growth and would develop and would develop new recreational, public facilities, and open space development into the planning area. Therefore, the Project would comply with this Policy.
<i>Goal 4.3: Public health and safety in the City of Grand Terrace shall be protected, in part, through open space areas.</i>	
Policy OPC 4.3.3 - Open space shall be used to protect public health and safety resulting from flood hazard conditions in the City of Grand Terrace.	The Project proposes open space land uses in PA 5 that would be utilized to protect the proposed residential and commercial uses from flooding hazards that could result from the overflow of the Riverside Canal. In addition, development would include best management practices (BMPs) as required by NPDES permitting that would minimize flood hazard impacts. Therefore, the Project would comply with this Policy.
<i>Goal 4.7: Support air quality planning through land use policies, outreach efforts, and participation in regional air quality planning.</i>	
Policy OPC 4.7.1 - The City shall evaluate and implement traffic flow improvements and construction management practices that reduce locally generated vehicle emissions.	TDM measures determined most appropriate for the Specific Plan include providing car-sharing, bike sharing, and ride-sharing programs, developing bicycle connections that will provide access to proposed bicycle facilities, and providing telecommuting or work-at-home programs, where appropriate. These travel demand measures would serve to further assist in reducing VMT and thereby vehicular emissions. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
Policy OPC 4.7.3 - The City shall encourage land use planning and urban design that reduces vehicle trips through mixed use development, consolidation of commercial uses along arterial highways,	The Project's proposed circulation plan would improve circulation for the new development by reinforcing a pedestrian-friendly environment. New Class II on-street bike lanes, sidewalks and streets would cohesively connect the mixed-use

and pedestrian connection between residential and commercial uses.	areas with the residential neighborhoods, parks and schools and provide circulation within the residential communities. In addition, the Project would travel demand measures to lower VMT. Therefore, the Project would comply with this Policy.
Policy 4.7.5 - The City shall encourage employers to develop and implement trip reduction plans including alternate work schedules, rideshare programs, telecommuting, and employee education programs.	TDM measures determined most appropriate for the Specific Plan include providing car-sharing, bike sharing, and ride-sharing programs, developing bicycle connections that will provide access to proposed bicycle facilities, and providing telecommuting or work-at-home programs, where appropriate. These travel demand measures would serve to further assist in reducing VMT. Therefore, the Project would comply with this Policy.
<i>Goal 4.8: Achieve regional water quality objectives and protect the beneficial uses of the regions surface and groundwater.</i>	
Policy OPC 4.8.1 - Evaluate all proposed land use and development plans for their potential to create groundwater contamination hazards from point and non-point sources, and cooperate with other appropriate agencies to assure appropriate mitigation.	All future development projects within the Project site would be required to implement a SWPPP and WQMP that contains BMPs to minimize groundwater contamination hazards. Therefore, the Project would comply with this Policy.
Policy OPC 4.8.2 - Comply with the requirements of the National Pollutant Discharge Elimination System (NPDES).	All site-specific development would be subject to the requirements of the NPDES permitting process. Therefore, the Project would comply with this Policy. Therefore, the Project would comply with this Policy.
<i>Goal 4.9: Comply with state and federal regulations to ensure the protection of historical, archaeological, and paleontological resources.</i>	
Policy OPC 4.9.1 - The City shall take reasonable steps to ensure that cultural resources are located, identified and evaluated to assure that appropriate action is taken as to the disposition of these resources.	The Project would implement mitigation measures that would minimize impacts to any unknown cultural resources discovered on site. Therefore, the Project would comply with this Policy.
Public Health and Safety Element	
<i>Goal 5.1: Minimize the risk to public health and safety, social and economic welfare of the City resulting from geologic and seismic hazards.</i>	
Policy PHS 5.1.1 - All new development shall comply with current seismic design	All development projects would be designed in accordance with the latest California Building

standards.	Codes to ensure that impacts from seismic activity is minimized. Therefore, the Project would comply with this Policy.
Policy PHS 5.1.2 - All proposed developments shall be evaluated for impacts associated with geologic and seismic hazards.	All development would be subject to applicable Grand Terrace MC design standards, including City approval of final geotechnical reports, and mitigation measures provided in this EIR which includes the presence of a qualified geotechnical engineer during all grading activity. Therefore, the Project would comply with this Policy.
Policy PHS 5.1.4 - Grading plans for development projects shall include an approved drainage and erosion control plan to minimize the impacts from erosion and sedimentation during grading.	All development projects would be subject to this Policy. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
<i>Goal 5.3: Reduce the risk to life and property in areas designated as flood hazard areas.</i>	
Policy PHS 5.3.4 - The City shall require all development projects to comply with the National Pollutant Discharge Elimination System (NPDES) and implement appropriate Best Management Practices.	All site-specific development would be subject to the requirements of the NPDES permitting process. Therefore, the Project would comply with this Policy.
<i>Goal 5.6: Minimize the exposure of residents, business owners, and visitors to the impacts of urban and wildland fires.</i>	
Policy PHS 5.6.2 - Continue the weed abatement program to ensure clearing of dry vegetation areas.	The Project is located in an LRA and would comply with the City's Local Hazard Mitigation Plan. Therefore, the Project would comply with this Policy.
Policy PHS 5.6.3 - Encourage the use of fire-resistive construction materials.	The Project would comply with the California Building Code which regulates the design, construction, and quality of materials, etc. for development. Therefore, the Project would comply with this Policy.
Noise Element	
<i>Goal 6.1: Protect the citizens of Grand Terrace and sensitive land uses from annoying and excessive noise generated by non-transportation-oriented uses and activities.</i>	
Policy N 6.1.2 - Construction noise on adjacent land uses shall be minimized by limiting the permitted hours of activity.	All future project construction activity would occur within the permitted hours of activity consistent with this Policy. Therefore, the Project would comply with this Policy.
<i>Goal 6.2: Prevent and mitigate the adverse impacts of excessive exposure to</i>	

<i>residential and commercial land uses.</i>	
Policy N 6.2.1 - The City shall evaluate potential noise impacts as part of the land use planning process to mitigate or avoid detrimental impacts and enforce the local noise ordinance.	Project development would be consistent with the Grand Terrace MC Noise development standards to reduce noise impacts near residential land uses and is further discussed in Section 4.11, Noise . Therefore, the Project would comply with this Policy.
Policy N 6.2.3 - New residential developments located in close proximity to existing commercial / industrial operations shall be evaluated for potential noise impacts and interior noise mitigation.	All proposed mixed use/ commercial development near residential land uses would be designed in accordance with applicable Grand Terrace MC Noise standards. Therefore, the Project would comply with this Policy.
Policy N 6.2.4 - Commercial uses developed as part of any mixed-use project including residential component shall not be noise intensive. Mixed-use structures shall be designed to prevent commercial noise impacts to the project's residential uses.	All proposed mixed use/ commercial development near residential land uses would be designed in accordance with applicable Grand Terrace MC Noise standards, as well as mitigation measures included in this EIR to reduce impacts to nearby sensitive receptors. Therefore, the Project would comply with this Policy.
Policy N 6.2.5 - New commercial/industrial operations located in proximity to existing or proposed residential areas shall incorporate noise mitigation into project design.	All proposed commercial development near the proposed residential land uses would be designed in accordance with applicable Grand Terrace MC Noise standards, as well as mitigation measures included in this EIR to reduce impacts to nearby sensitive receptors. Therefore, the Project would comply with this Policy.
Policy N 6.2.6 - Impacts of construction noise and vibration on adjacent land uses shall be regulated through limiting the permitted hours of activity.	All future project construction activity would occur within the permitted hours of activity consistent with this Policy. Therefore, the Project would comply with this Policy.
Policy N 6.2.7 - The City shall evaluate potential ground-borne vibration impacts as part of the land use planning process to mitigate or avoid detrimental impacts on adjacent land uses.	Pursuant to MM NOI-3 in this EIR, should construction activities requiring operation of vibratory rollers take place within 26 feet of a structure, a Project-specific vibration impact analysis shall be conducted. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
Public Services Element	
<i>Goal 7.1: Coordinate and balance the provision of public services with existing and planned development to eliminate service gaps, maximize the use of existing public facilities and services, provide a high level of quality public services at a reasonable</i>	

cost, and maintain adequate services to meet the needs of current and future City residents and businesses.

Policy PS 7.1.1 - All proposed development shall be evaluated to determine whether current public services and facilities can meet with their needs. If determined that current services and facilities are inadequate to meet the needs of new development, appropriate mitigation measures shall be applied to the new development to assure an adequate level of service.	Fire protection and police protection would remain efficient in serving the proposed project. The Project is required to adhere to Grand Terrace MC Chapter 4.80 Development Impact Fees, which would require each applicant to pay a development impact fee (determined by the table provided in Chapter 4.80) imposed by the City to pay for all or a portion of costs of providing public services associated with new development. Therefore, the Project would comply with this Policy.
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Goal 7.7: In cooperation with the Colton Joint Unified School District, provide adequate public education facilities and programs.

Policy PS 7.7.2 - Cooperate with the School District in the collection of school impact mitigation fees for all new developments within the City.	The Project would pay these fees in compliance with the California Government Code Section 65995 and Education Code and Grand Terrace MC Chapter 4.80. Therefore, the Project would comply with this Policy.
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Housing Element

Goal 8.1: Provide and encourage a supply of housing suitable to the needs and sufficient in number to serve existing and projected residents of Grand Terrace.

Policy H 8.1.1 - Promote and encourage development of housing, which varies by type, design, form of ownership and size.	The proposed residential uses would contain a variety of housing types which include a variety of attached and detached residential including cluster product, duplexes, townhomes, small-lot single family, stacked flats and supportive recreational amenities. Therefore, the Project would comply with this Policy
Policy H 8.1.2 - Maximize use of remaining vacant land suitable for residential development	The Project would convert primarily vacant land for residential uses. Therefore, the Project would comply with this Policy.
Policy H 8.1.3 - Promote and encourage infill housing development and more intensive use of underutilized land for residential construction.	The Project proposes residential development on underutilized land. Therefore, the Project would comply with this Policy.
Policy H 8.1.4 - Encourage the use of innovative land use techniques and construction methods to minimize housing costs without compromising basic health, safety and aesthetic considerations.	The residential land uses would contain a variety of housing types to create individual neighborhoods, provide architectural interest and housing choices. All residential development would subject to the residential design standards within the Specific Plan and

	applicable state design standards. Therefore, the Project would comply with this Policy.
<i>Goal 8.2: Promote and encourage housing opportunities, accessible to employment centers and quality community services for all economic segments of the community including designated very low, low, and moderate income households.</i>	
Policy H 8.2.2 - Encourage a wide range of housing types, prices and ownership forms in new construction.	See Policy H 8.1.1 and H 8.1.4 above.
Policy H 8.2.3 - Emphasize and promote the role of the private sector in the construction of low-and moderate-income housing.	The Project would adhere to the California Planning and Zoning Law which would assist in the development of adequate housing to meet the needs of low-and moderate- income households. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
Policy H 8.2.4 - Support the development of cost saving and energy conserving construction techniques.	All housing development would be developed in accordance with the latest California Building and Energy Codes. Pursuant to the California Solar Mandate, all housing development would also be developed with solar systems that would help reduce electricity costs. Therefore, the Project would comply with this Policy.
Policy H 8.1.10 - Promote mixed use development that includes provisions for affordable housing.	See Policy H 8.2.3 above. The Project would comply with this Policy.
<i>Goal 8.3: Promote and encourage the rehabilitation of deteriorated dwelling units and the conservation of the currently sound housing stock.</i>	
Policy H 8.3.4 - Upgrade community facilities and municipal services as community needs warrant.	The Project proposes public facility land uses that includes improvements to existing community facilities and municipal services. Therefore, the Project would comply with this Policy.
Policy H 8.3.11 - Preserve the physical character of existing neighborhoods.	The Specific Plan contains development standards that would ensure that streetscapes and buildings convey a cohesive, high-quality community identity while minimizing negative impacts to nearby neighborhoods. Therefore, the Project would comply with this Policy.
<i>Goal 8.4: Conserve and improve the condition of existing affordable housing stock.</i>	
Policy H 8.4.5 - Encourage the incorporation or energy conservation features in the design of all new housing developments and the addition of energy	The Project would adhere to the California Green Building Standards Code of Regulations, Title 24, Part 11. Therefore, the Project would comply with this Policy.

conservation devices/practices in existing residential developments.	
Sustainable Development Element	
<i>Goal 9.2: Reduce the total quantity of waste generated within the City requiring landfill disposal to meet or exceed the State waste diversion goals.</i>	
Policy SD 9.2.2 - Require all new development projects to recycle construction and demolition wastes.	All development projects will be required to recycle or handle construction and demolition wastes, consist with this Policy and in accordance with applicable state regulations regarding the use, handling, storage, and transportation of waste. Therefore, the Project would comply with this Policy.
<i>Goal 9.3: Reduce the total quantity of waste generated within the City requiring landfill disposal to meet or exceed the State waste diversion goals.</i>	
Policy SD 9.3.1 - Incorporate “green” building practices into the review of all new or renovated development projects.	All future development would be designed in accordance with the latest California Building Code and Energy Code standards, including the Specific Plan’s residential and non- residential development standards. Therefore, the Project would comply with this Policy.
Policy SD 9.3.2 - Site and building design in new developments should maximize opportunities for efficient energy performance.	All future development would be designed in accordance with the latest California Building Code and Energy Code standards, including the Specific Plan’s residential and non- residential development standards. Therefore, the Project would comply with this Policy.
<i>Goal 9.7: Reduce the City’s per capita demand for water consumption.</i>	
Policy SD 9.7.2 The City shall incorporate water conservation into the development review process.	All development Projects would be required to incorporate water conservation design features and landscaping to minimize water consumption. Therefore, the Project would comply with this Policy.
General Plan Policy ^[1]	Project Consistency
<i>Goal 9.8: The City shall lead the development community by example in green building, and energy and resource conservation practices.</i>	
Policy SD 9.8.1 - The City shall support green development standards for new or rehabilitated public buildings and facilities.	The Project would adhere to the California Green Building Standards Code of Regulations, Title 24, Part 11. Therefore, the Project would comply with this Policy.

ZONING CONSISTENCY ANALYSIS:

Zone Change No. 17-02 proposes to change the existing zones from CM - Commercial Manufacturing, M2 - Industrial, and MR - Restricted Manufacturing to The Gateway at Grand Terrace Specific Plan

(GSP) to implement a mixed-use development of residential, commercial, and public facilities. Under the GSP zoning, the land use plan, policies, development standards, and design guidelines provide the site-specific requirements for future development within the area. The GSP designation would allow design flexibility to attain superior quality and excellence in design, sustainability, architecture, and site amenities. Upon approval of the proposed zone change, the future development on the Project site would be compliant with all applicable Grand Terrace Municipal Code zoning requirements. Any amendments to the existing land use plan designations and/or zoning that would be required for Project implementation would be subject to additional analysis for consistency with the City's General Plan when those legislative actions are processed in the foreseeable future.

FINDINGS:

1. The proposed Project will be consistent with the latest adopted City of Grand Terrace General Plan.

The Gateway at Grand Terrace Specific Plan would guide the development and revitalization of under-utilized land in the southwest portion of the City. While the City's General Plan is the primary guide for City-wide growth and development, the Specific Plan would allow design flexibility and provide a plan for amenities that would be consistent with the General Plan. Upon approval of the proposed General Plan Amendment, the future development within the Project area would be compliant with applicable goals and policies of the General Plan.

The Specific Plan was prepared in accordance with California Government Code Sections 65450 through 65457 for the purpose of implementing goals and policies of the Grand Terrace General Plan. The Specific Plan acts as a regulatory document, which implements development standards and goals over a portion of the City in keeping with the overall goals of the General Plan.

Upon adoption, the Specific Plan would serve as the new General Plan land use and zoning designations and as the regulatory document for The Gateway at Grand Terrace Specific Plan area, presenting development regulations for the included properties.

Further the proposed uses would be consistent with the City's General Plan including the following General Plan goals:

- Goal 2.1. Provide for balanced growth which seeks to provide a wide range of employment and housing opportunities and maintenance of a healthy, diversified community.
- Goal 2.3 Provide a wide range of retail and service commercial opportunities designed to meet the needs of the City's residents, businesses, and visitors while also providing employment opportunities.

2. The proposed Project will be consistent with the City of Grand Terrace Municipal Code.

While the Municipal Code Title 18 establishes development standards for the entire City's overall zones, The Gateway at Grand Terrace Specific Plan would establish land uses, development standards, regulations, infrastructure requirements, design guidelines and implementation programs within the Specific Plan area on which subsequent project-related development activities are to be founded. It is intended that site and architectural review, grading permits and building permits, or any other action requiring ministerial or

discretionary approval applicable to the area be consistent with the Specific Plan.

The Gateway at Grand Terrace Specific Plan was prepared to be consistent with the Municipal Code. The Specific Plan would promote strategic growth throughout the Specific Plan area through the inclusion of mixed-use development and the streamlining of environmental review for implementing projects. Future development would be reviewed on a case-by-case basis in order to determine consistency with the Municipal Code.

ENVIRONMENTAL REVIEW:

A Program EIR was prepared and analyzed potential impacts of the Specific Plan at buildout. Future development within the Specific Plan area will be reviewed in light of the Program EIR to determine if additional environmental analysis is warranted. Future activities that are determined to be consistent with the Program EIR would not require additional environmental documentation. If an activity may result in additional effects, or new mitigation measures, a subsequent or supplemental EIR, or mitigated negative declaration would be prepared (CEQA Guidelines §15162 and 15163).

Pursuant to CEQA Guidelines §15082, the City circulated a Notice of Preparation (NOP) advising public agencies, districts, and members of the public that an EIR for the Project was being prepared. The NOP was distributed on February 8, 2021, to solicit comments related to the construction and operation of the Project. The NOP was circulated with a 30-day public review period ending on March 9, 2021.

The Draft EIR was circulated for a minimum of 45-day public review beginning June 26, 2023, and concluding August 14, 2023, and was also sent to the Governor's Office of Planning and Research (OPR) for posting on CEQA.net, the OPR's clearinghouse for environmental documents. A total of 11 comments were received including comments from tribes, agencies, and groups/individuals. A summary of comments received are presented below:

Comments From Tribes

Tribes	Comment Letter Received	Summary of Response	Conclusion
Pala Band of Mission Indians	June 27, 2023	Project is not within the boundaries of the recognized Pala Indian Reservation and is beyond the territory that the tribe considers its traditional use area. No objection to the project at this time.	No action necessary
Agua Caliente Band of Cahuilla Indians	June 28, 2023	The project area is within the Tribe's Traditional Use Area and requests a copy of the records search and cultural resource document.	City provided tribe with cultural reports on 6/7/23.
San Manuel Band	June 29, 2023	Requested Cultural Report,	City provided tribe with

of Mission Indians		Geotechnical Report, and project plans showing depth of disturbance.	cultural report and geotechnical report on 6/7/23.
Augustine Band of Cahuilla Indians	June 30, 2023	Requested update to mailing address. Unaware of specific cultural resources that could be affected by the proposed project. Should cultural resources be discovered during development, please contact tribe immediately.	City updated address on-file

Comments From Agencies

Agency	Comment Letter Received	Summary of Comments	Conclusion
SCAQMD	June 30, 2023	Requested CalEEMod input files, live EMFAC output files, emission calcs, AERMOD input/output files, HARP input/output files, all other files related to post-processing.	Provided requested information
City of Colton	August 14, 2023	Keep City informed of all staff report, hearings, etc. Public works requested wastewater study for the existing 10-inch and smaller lines. Developer to provide rehabilitation including lining of existing 18" sewer main crossing the I-215. Mitigate traffic impacts identified in the Nov. 2022 TIA, by implementing all recommendations discussed therein.	Response to comments prepared and submitted 10-days prior to public hearing (see Attachment C, Final EIR).
City of Riverside	August 14, 2023	Electronic freeway sign, discussed in 4.1-Aesthetics, is not included in project description. Update PD to include details of sign and include analysis of sign in Section 4.1. MM AQ-2 needs modification as consultation is not effective at reducing trips. Unclear in PD whether the existing six residential structures would remain. EIR needs to address SB 330 and 8.	Response to comments prepared and submitted 10-days prior to public hearing (see Attachment C, Final EIR).

		Riverside Canal is mistakenly referred to as the Gage Canal; no connections are allowed to the Riverside Canal. Conceptual Storm Drain Plan is confusing and not consistent with text description. Riverside Canal is not designated to handle storm flows as presented in the analysis. Project shall demonstrate that runoff would not enter RPU's facilities. Cage Park would not provide ponding for project. General comments: Riverside Canal is incorrectly labeled as Gage Canal. The Battery Storage System Facility could leak contaminants into the Riverside Canal and Santa Ana River both of which are used for local water; potential impacts need to be mitigated.	
Colton Joint Unified School District	August 14, 2023	The District requests the Project to form a Mello-Roos District to finance school facility improvements at Grand Terrace Elementary and Terrace Hills Middle, off-site pedestrian facilities between the Project and assigned schools, and crossing guards at the Vivienda Avenue/Commerce Way at Barton Road and De Berry Street at Mt. Vernon Avenue intersections. The District also requests the Project to fully mitigate the indirect significant traffic impact at Grand Terrace High's western driveway at the Titan Way/Sanriva Avenue at Main Street intersection.	Response to comments prepared and submitted 10-days prior to public hearing (see Attachment C, Final EIR).

Comments From Individuals/Organizations

Individuals/ Organizations	Comment Letter	Summary of Response	Conclusion
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	Received		
SWMSRCC - Steven Thong, Paralegal Mitchell M. Tsai, Attorney at Law	June 27, 2023	Received NOA, mailing address has changed.	Email address updated with City
SAFER	August 10, 2023	DEIR fails as an informational document, fails to analyze all of the Project's significant impacts, and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Planning and Development Services Department address these shortcomings in a revised draft environmental impact report and recirculate the revised DEIR prior to considering approvals for the Project.	Response to comments prepared and submitted 10-days prior to public hearing (see Attachment C, Final EIR).
SWMSRCC	August 14, 2023	The City should require that future development subject to the Project be built using local workers from a Joint Labor-Management Apprenticeship Program. The DEIR fails to provide a feasibility analysis for mitigation measures that could conceivably reduce the Project's impacts to the requisite less than significant levels. The DEIR fails to support its findings with substantial evidence. The project violates the state planning and zoning law and the City's general plan.	Response to comments prepared and submitted 10-days prior to public hearing (see Attachment C, Final EIR).

The Mitigation Measure BIO-3 in the Final EIR Errata (Section 3) addresses surveying for the Crotch bumble bee. The Applicant's biologist did go out and do a survey and that survey report is provided as *Attachment 7*. No bees were observed within the Specific Plan area.

Comments Received After Review Period

Comments received after the 45-day review period. A comment from the Agua Caliente Band of Cahuilla Indians was received after the 45-day review period. In a letter dated August 25, 2023, the tribe requested they receive updates to the project, and to be made aware of any changes to the project scope. A comment from the Advocates for the Environment was received over a month after the 45-day review period of the environmental document occurred.

It was too late to include it in the final environmental document. However, as an act of good faith a written response, is provided as *Attachment 8* to this agenda staff report along with the letter. A comment from the Western Sates Regional Council of Carpenters' was received on June 6, 2024, regarding the Final EIR, and is provided as *Attachment 9* along with a response.

Following the EIR public review period, written responses to all comments received on the Draft were prepared. Those written responses, and any necessary changes to the Draft EIR, constitute the Final EIR and shall be submitted to the City of Grand Terrace City Council (City Council) for their consideration. If the City Council finds that the Final EIR is "adequate and complete" in accordance with the CEQA Guidelines, the City Council may certify the EIR. The City Council will also consider the adoption of Findings of Fact concerning the EIR, a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan (MMRP). Upon review and consideration of the Final EIR, the City Council will take action on the Project.

PLANNING COMMISSION / SITE AND ARCHITECTURAL REVIEW BOARD

On June 6, 2024, the Planning Commission/Site and Architectural Review Board conducted a duly noticed public hearing on the Project and concluded the hearing on said date by adopting Resolution No. 2024-04 subject to eleven (11) comments from the Planning Commission to the Applicant. subject to the following eleven (11) recommendations. The Applicant made changes to the Specific Plan document per the Planning Commission's recommendations. The **RED** responses below address where the changes can be found in the Specific Plan document.

- 1) Recommendation: That the funding source for police service costs associated with the Specific Plan at full buildout which are identified as \$360,000.00 on page 3-32 of The Gateway at Grand Terrace Specific Plan be identified.

Response: Revised by the Applicant, see p.3-32. Also added Appendices C1 and C2 - Fiscal Impacts Memos for clarity.

- 2) Recommendation: That the current June 2024 draft of The Gateway at Grand Terrace Specific Plan be revised to reflect changes made in the Final Environmental Impact Report (FEIR).

Response: Revised throughout the Specific Plan document by the Applicant and the latest Specific Plan document is now dated July 2024.

- 3) Recommendation: That the City and Applicant explore the beautification of Planning Area 4 in The Gateway at Grand Terrace Specific Plan because its frontage is highly visible along the 215 Freeway.

Response: Noted by the Applicant.

- 4) Recommendation: That Table 4.1-1 on pages 4-5 to 4-8 of The Gateway at Grand Terrace Specific Plan be reviewed for grammatical and formatting misprints.

Response: Revised by the Applicant in the Specific Plan document dated July 2024.

- 5) Recommendation: That Table 4.2-1 on pages 4-10 to 4-14 of The Gateway at

Grand Terrace Specific Plan be reviewed to ensure that all columns in the table have proper headers.

Response: Revised by the Applicant in the Specific Plan document dated July 2024.

- 6) Recommendation: That The Gateway at Grand Terrace Specific Plan ensures that the commercial areas in the Specific Plan do not manifest as strip malls.

Response: Revised by the Applicant, please see p.5-27 in the Specific Plan document dated July 2024.

- 7) Recommendation: That The Gateway at Grand Terrace Specific Plan should firmly state that monumentation signage is a part of the Specific Plan so as not to be misinterpreted as being optional.

Response: Revised by the Applicant, please see p.5-53 in the Specific Plan document dated July 2024. Changed from "should" to "shall."

- 8) Recommendation: That The Gateway at Grand Terrace Specific Plan ensure traffic calming measures are implemented to address speeding concern on straight streets.

Response: Revised by the Applicant, please see p.3-16 in the Specific Plan Document dated July 2024.

- 9) Recommendation: That The Gateway at Grand Terrace Specific Plan enhances the bicycle infrastructure where feasible above and beyond the typical street bikes lanes with signs and striping and explore curbed bike lanes and two-way bike lanes in medians.

Response: Revised by the Applicant, please see p.3-16 in the Specific Plan document dated July 2024.

- 10) Recommendation: That The Gateway at Grand Terrace Specific Plan ensures that the Phasing of the Specific Plan does not result in any orphaned pieces of infrastructure within the City.

Response: Noted by the Applicant.

- 11) Recommendation: That the Landscape Lighting and Maintenance Districts (LLMDs) identified on page 6-5 of The Gateway at Grand Terrace Specific Plan include all split rail fencing within the Specific Plan.

Response: Revised by the Applicant, please see p.6-5 in the Specific Plan document dated July 2024.

Resolution No. 2024-04 included Planning Commission recommendation on the following actions to the City Council:

- a. Recommend the City Council certify the Final Environmental Impact Report (Final EIR)

(SCH #2021020110); and

- b. Recommend the City Council adopt the Findings of Fact and Statement of Overriding Considerations; and
- c. Recommend the City Council adopt the Mitigation Monitoring and Reporting Program; and d. Recommend the City Council approve The Gateway at Grand Terrace Specific Plan (1701); General Plan Amendment (17-01), Zone Change (17-02), Zone Change Amendment (24-01), Tentative Tract Map 20501 (18-01); and
- d. Planning Commission adjourned the June 6, 2024, public hearing to a date certain, June 20, 2024, and continued the consideration of the development agreement to the same date.

On June 20, 2024, the Planning Commission re-opened the adjourned duly noticed public hearing, received all of the information presented by staff, Developer, heard public testimony and considered all of the background information, and closed the public hearing. The Planning Commission adopted Resolution No. 2024-05 recommending the City Council approve a Development Agreement by and between the City of Grand Terrace and Lewis Land Developers, LLC A Delaware Limited Liability Company Pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7, Sections 65864 through 65869.5 of the Government Code and Article XI, Section 2 of the California Constitution.

PUBLIC HEARING NOTICE:

Public notice of the Project was published in the *Grand Terrace City News*, posted at three public places, on the City website, mailed to Tribal Nations, government agencies and utilities, all property owners in the Specific Plan, all property owners within a 1,500-foot radius of the Specific Plan for both the Planning Commission meeting on June 6, 2024, and again for the City Council meeting on July 23, 2024. For the City Council meeting on July 23, 2024, all commenters on the Draft EIR were also notified via email with a notice that the City Council will be considering approval of the Specific Plan project which includes certifying the Final EIR, make Findings for the Statement of Overriding Considerations, and adopt the MMRP at the July 23, 2024, City Council Meeting. The public hearing notice included a weblink to access the Final EIR and Gateway Specific Plan documents on the City's website. An email in support from A Storage Place was received and is provided as *Attachment 10*.

FISCAL IMPACT:

At this time, it is projected that the City will receive \$798,000 in revenue and incur an additional \$694,300 in expenditures.

RECOMMENDATION:

The proposed Project, The Gateway at Grand Terrace Specific Plan, was reviewed for consistency with the City's General Plan goals and policies as well as the City's Municipal Code. Approving The Gateway at Grand Terrace Specific Plan would support the development of commercial services and residential uses near the I-215 Freeway and would facilitate the economic development needs of the City in 2024 and beyond. The Planning Commission and City Staff hereby recommend City Council adoption of the Project by the City Council.

ATTACHMENTS:

- Gateway Specific Plan attachments page (DOCX)

APPROVALS:

Scott Hutter	Completed	07/18/2024 10:15 AM
City Clerk	Completed	07/18/2024 1:09 PM
Finance	Completed	07/18/2024 3:20 PM
City Manager	Completed	07/18/2024 3:21 PM
City Council	Pending	07/23/2024 6:00 PM

THE GATEWAY AT GRAND TERRACE SPECIFIC PLAN PROJECT

ATTACHMENTS

(click on Attachment # to open)

[Attachment 1](#) – Resolution Certifying Final Environmental Impact Report (FEIR) & Findings of Fact (FOF) and Statement of Overriding Considerations (SOOC)

[Attachment 2](#) – Resolution – General Plan Amendment (GPA) 17-01

[Attachment 3](#) – Ordinance – Gateway Specific Plan (GSP) 17-01

[Attachment 4](#) – Ordinance – Zone Change (ZC) 17-02 & Zone Change Amendment (ZCA) 24-01

[Attachment 5](#) – Ordinance – Development Agreement

[Attachment 6](#) – Resolution Tentative Tract Map (TTM) 20501 (18-01)

[Attachment 7](#) – Bumblebee Suitability Assessment Report

[Attachment 8](#) – Advocates for Environmental Letter & Response

[Attachment 9](#) – Western States Regional Council of Carpenters

[Attachment 10](#) – A Storage Place Email

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AGENDA REPORT

MEETING DATE:

July 23, 2024

Council Item

TITLE:

Introduction and First Reading of an Ordinance Approving Zone Change Amendment (ZCA) 24-03 Amending City of Grand Terrace Municipal Code Title 18 (Zoning) to Add New Residential Land Uses Called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations”, to the Allowable Residential Land Uses Listed in Chapter 18.10 (Residential Districts); to Add Nonresidential Hours of Operation and to Consolidate All Nonresidential Land Uses Identified Under Section 18.06.032 and Chapters 18.30 – AP Administrative Professional District, 18.33 – C2 General Business District, 18.36 – CM Commercial Manufacturing District, 18.39 – MR Restricted Manufacturing District, 18.40 – M2 Industrial District, 18.43 – PUB Public Facilities District into a Table Format Under a New Chapter 18.27 (Nonresidential Districts); to Add New Nonresidential Land Uses Called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a Cocktail Lounge, Bar, Entertainment or Dancing”, and “Establishments with On-Site Alcohol Beverage Sales and Consumption that Are Not Bona Fide Eating Establishments (Bars, Taverns, Cocktail Lounges, Breweries, Distilleries And/Or Wine Making Facilities with Sales for On-Site and Off-Site Consumption)” CEQA: the Adoption of the Proposed Ordinance is Not a “Project” that is Subject to CEQA Review Because it Will Not Result in Direct Physical Change in the Environment, or a Reasonably Foreseeable Indirect Physical Change in the Environment. (See, §15061(B)(3) – Common Sense Exemption.)

PRESENTED BY:

Scott Hutter, Planning & Development Services Director

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1) Conduct a public hearing; and

2) Introduce an Ordinance approving Zone Change Amendment (ZCA) 24-03 to amend the Grand Terrace Municipal Code Title 18 (Zoning) to add new residential land uses called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations”, to the allowable residential land uses listed in Chapter 18.10 (Residential

Districts); to add nonresidential hours of operation and to consolidate all nonresidential land uses identified under Section 18.06.032 and Chapters 18.30 - AP Administrative Professional District, 18.33 - C2 General Business District, 18.36 - CM Commercial Manufacturing District, 18.39 - MR Restricted Manufacturing District, 18.40 - M2 Industrial District, 18.43 - PUB Public Facilities District into a table format under a new Chapter 18.27 (Nonresidential Districts); to add new nonresidential land uses called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a cocktail lounge, bar, entertainment or dancing”, and “Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption)” and find an environmental exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines; and

3) Direct Planning & Development Services Director to bring back directly to the City Council within ninety (90) days an Ordinance for a Zone Change Amendment making Municipal Code modifications to bring consistency between all Municipal Code Sections pertaining to hours of operation for business activities and hours applicable to noise related activities.

2030 VISION STATEMENT:

This project supports Goal 3 to promote economic development by preparing for future development by updating the zoning and development codes to ensure land use and operation standards are current per the Land Use Element Implementation Plan Goals 2.1 and 2.3 and Policies 2.1.4 and 2.3.5.

SUMMARY:

The City of Grand Terrace proposes an Ordinance to approve Zone Change Amendment (ZCA) 24-03 (*Attachment 1*) to bring specific additions and deletions for residential and non-residential land uses to the Planning Commission and City Council for inclusion in the Municipal Code. It will also codify clear hours of operation and a process to request after hours.

BACKGROUND:

Title 18 of the Municipal Code regulates what land uses can occur in the City's residential and nonresidential zoning districts. For the residential zoning districts and

special districts there are tables that make this exercise quick and efficient. However, for the City's nonresidential zoning districts there is no table. Instead, each individual nonresidential zone has a Chapter in Title 18 with land uses written out in paragraph format. Additionally, there is no clear section in the Municipal Code that established standard hours of operation for nonresidential land uses. Instead, some specific land uses are listed as being subject to "after hours" while other land uses are left ambiguous. Lastly, the land uses listed in Title 18 Zoning of the Municipal Code need to be modified periodically to ensure they are current with the business environment. Several land uses currently not listed in the Municipal Code that have been the point of inquiries with Planning Staff recently are "Heavy Equipment Rentals", "Bar", "Restaurants with a bar", and "Congregate Living Health Facilities."

On June 20, 2024, the Planning Commission / Site Architectural Review Board conducted a Public Hearing on the Project at the Grand Terrace City Council Chambers located at 22795 Barton Road, Grand Terrace, California 92313 and concluded the hearing on said date with adoption of Planning Commission Resolution No. 2024-07 subject to the following five (5) recommendations:

- 1) Format the headers on Table 18.27.010 so make them more spaced out and legible.
- 2) Revise a misprint on Section 18.27.010 from "residential" to "nonresidential."
- 3) Alphabetize Table 18.27.010 so the "vehicle" uses are in the right spot.
- 4) Revise "vehicle" land uses to separate vehicles from boats, trailers and camper by reading as follows: "Vehicles related to services including but limited to motorcycles, recreation vehicles. And service related to boats, trailers, and campers."
- 5) Include "electric vehicle charging stations" as a land use in the land use tables.

On July 9, 2024, the City Council conducted a Public Hearing on the Project at the Grand Terrace City Council Chambers located at 22795 Barton Road, Grand Terrace, California 92313. The Council adjourned the public hearing and continued it to July 23, 2024, and directed Staff to address the following three (3) recommendations:

- 1) Adjust standard hours from 6 a.m. to 11:00 p.m. to 7:00 a.m. to 11:00 p.m.
- 2) Adjust dimension of 301 feet for a nonresidential land use to operate 24/7 from a residential land use to 501 feet.
- 3) Add a robust definition for "Congregate Living Health Facility" to the land use table.
- 4) Bring consistency between hours of operation and noise sections within the Municipal Code.

This Zone Change Amendment (ZCA) 24-03 represents Planning Staffs proposed edits, the Planning Commission/Site and Architectural Review Boards recommendation, and the City Council comments 1, 2, and 3 to Zone Change Amendment (ZCA) 2024-03 amending Title 18 of the Municipal Code. Staff is requesting the City Council comment 4 be brought back directly to City Council as its own Zone Change Amendment within ninety (90) days.

ANALYSIS:

The Zone Change Amendment (ZCA) 24-03 amends the City's Municipal Code to consolidate the non-residential land use regulations that are written under each individual non-residential zoning district into a new easily accessible table format. The new table is to be created and placed in the Municipal Code as Chapter 18.27. Furthermore, Chapter 18.27 will include hours of operation for all non-residential land uses which are being extracted from the non-residential land use regulations where "after-hours" requirements are sporadically referenced.

Notable modifications proposed in ZCA 24-03 to land use regulations are:

Electric Vehicle Charging Stations: The Planning Commission's request for "Electric Vehicle Charging Stations" as an accessory land use is being incorporated into the residential and nonresidential land use tables. In addition, it has its own footnote in the land use tables referencing compliance with State statutes. The Electric Vehicle Charging Stations are proposed as a "P" permitted land use by right in all zoning districts.

Heavy Equipment Rentals: The Zoning Code currently identifies "Heavy Equipment sales and service" as a land use for both indoor and outdoor" in the Industrial (M2) Zone, with indoors being "P" permitted and outdoors being "C" conditional use permit with through the Planning Commission. ZCA 23-04 adds "rentals" to the mix and extends the revised land use "Heavy Equipment Rentals, Sale And Service" to the Commercial Manufacturing (CM) Zone and Restricted Manufacturing (MR) Zone with Indoor activities as "P" permitted and outdoor activities as "C" conditional use permit.

Congregate Living Health Facilities (CLHF): A Congregate Living Health Facility per State Statute is a residential home that provides inpatient care/medical supervision/24-hour skilled nursing supportive care, pharmacy, dietary, social, and recreation. Residents can be ventilator dependent, diagnosis of terminal / life threatening illness or both, persons who are catastrophically/severely disabled. Congress has been added to the multifamily zones as "C" conditional use permit and the Objective Design Standards (ODS). The multifamily zones are Low Medium Density Residential (R2), Medium Density Residential (R3), Medium Family, Senior Citizen (R3-S), Medium High Density Residential (R3-20, and High Density Residential (R3-24) Zones.

The City Council did asked that the Planning & Development Services Director incorporate a clear definition of the land use in the Municipal Code. A definition derived from the State's Health & Safety Code has been incorporated into the land use table as a footnote for a CLHF. The CLHF definition reads as follows:

"A State license is required to operate as a Congregate Living Health Facility (CLHF) in California. A CLHF means a residential home with a capacity of no more than 18 beds (except a facility operated by a city and county for purposes of delivering services may have a capacity of 59 beds; or, a facility not operated by a city and county servicing

persons who are terminally ill, persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons, or located in a county of the 16th class pursuant to Section 28020 of the Government Code, may have not more than 25 beds for the purpose of serving persons who are terminally ill) that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of the following service:

- (A) Services for persons who are mentally alert, persons with physical disabilities, who may be ventilator dependent.*
- (B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon. A "life-threatening illness" means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by his or her attending physician and surgeon.*
- (C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is catastrophically disabled shall include, but not be limited to, speech, physical and occupational therapy."*

Restaurants: With a cocktail lounge, bar, entertainment or dancing: The Zoning Code currently identifies "Restaurants: With incidental serving of beer and wine (without a cocktail lounge, bar, entertainment or dancing) and "P" permitted in the General Business District (C2), Commercial Manufacturing District (CM) and Restricted Manufacturing District (MR) Zones. The Zoning Code does not identify a restaurant that does have a cocktail lounge, bar, entertainment or dancing so this ZCA 24-03 adds that land use subject to a "C" conditional use permit in the above referenced zones.

Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption): The Zoning Code currently does not address business establishments that service alcohol that are not restaurants. This land use is being added as "C" conditional use permit to the Administrative Professional District (AP), General Business District (C2), Commercial Manufacturing District (CM) and Restricted Manufacturing District (MR) Zones. In addition, it has a footnote in the nonresidential land use table that defines clearly what a bona fide eating establishment so a distinction can be made from restaurant that serves liquor and a business establishment that serves liquor but is not a restaurant.

Hours of Operation: The Zoning Code currently does not establish standard normal business hours of operation. It does define after hours of operation which is any time between 11:00 p.m. and 6:00 p.m. This draft ZCA 24-03 proposed by Staff defined the

standard hours of operation as being between 6:00 a.m. and 11:00 p.m. Furthermore, the Zoning Code currently has two processes for some businesses to request after hours operation based on the business suite size. If the business is under 2,000 square feet, the Director can approve after hours of operation between 11:00 p.m. and 6:00 a.m. subject to an Administrative Conditional Use Permit. If the business is greater than 2,000 square feet, then a Conditional Use Permit through the Planning Commission is necessary for after-hours operation. This ZCA 24-03 requires any business located within 300 feet of a residential zoned property seeking after hours operation between 11:00 p.m. and 6:00 a.m. to obtain a Conditional Use Permit through the Planning Commission. The Administrative Conditional Use Permit and 2,000 square foot rule is being eliminated. Furthermore, for any business greater than 301 feet or more from a residentially zoned property can have the standard hours of operation of 24/7 unless otherwise limited by a Conditional Use Permit.

City Council Direction on Hours of Operation: City Council direction at the July 9, 2024, Public Hearing was to set the standard hours as 7:00 a.m. to 11:00 p.m. for businesses. Additionally, City Council provided direction that the distance of 301 feet between a nonresidential business land use operating 24/7 from a residential zoned property should be increased to 501 feet. Both the standard business hours and the separation in feet have been revised in the Ordinance approving Zone Change Amendment 24-03 per the City Council direction.

The City Council did ask that the Planning & Development Services Director bring back additional Municipal Code modification with this Ordinance approving Zone Change 24-03. The requested changes were to ensure consistency between all Municipal Code Sections pertaining to hours of operation for business activities and hours applicable to noise-related activities. Following the July 9th City Council Meeting, a review of the Municipal Code revealed over a dozen sections spread across multiple Titles within the Municipal Code that need to be conserved for revision. The exercise to much more robust than initially anticipated and Planning Staff recommend that it be brought back as a standalone Zone Change Amendment. To expedite the matter, the Planning & Development Services Director can commit to bringing back said Zone Change Amendment directly to the City Council within ninety (90) days of July 23, 2024, Council meeting. The ninety (90) days would also give Staff the window needed to properly notice the Zone Change Amendment to the public that identifies what sections and titles in the Municipal Code are to be modified.

A full accounting of the proposed modifications to the Title 18 - Zoning in tracked changes red lined format is provided in *Attachment 2* to this agenda staff report.

Upon receiving a recommendation from the Planning Commission/Site Architectural Review Board regarding the proposed Zone Change Amendment 24-03, the City Council shall act as follows:

- A. If the Planning Commission's recommendation is for approval, the City Council shall hold a Public Hearing on the proposed Zone Change Amendment. Said

Public Hearing shall be duly noticed. After conducting a Public Hearing, the City Council may approve, modify, or disapprove the recommendation of the Planning Commission, provided that any modification of the proposed amendment by the City Council not previously considered by the Planning Commission during its hearing, shall first be referred back to the Planning Commission for its consideration and recommendation. Such consideration resulting from a City Council referral shall require a Public Hearing. Failure by the Planning Commission to report to the City Council on the proposed modification within 40 days, or such longer period as the City Council may designate, shall be deemed an approval of the proposed modification by the Planning Commission.

- B. If the Planning Commission's recommendation is for denial, the City Council shall not be required to take any further action, unless the applicant, any member of the City Council or any other person affected by the decision, within ten (10) calendar days after the action of the Planning Commission, files an application for appeal, accompanied by the appropriate fee, with the City Clerk.

Upon providing direction at the July 9, 2024, City Council meeting it was the City Council's desire for the Planning & Development Services Director to bring this Ordinance approving Zone Change Amendment (ZCA) 24-03 directly back to the City Council with Council's comments incorporated.

ENVIRONMENTAL REVIEW:

Zone Change Amendment (ZCA) 24-03 is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) - *Common Sense Exemption*. The Zone Change Amendment activity is covered by the 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 Zone Change Amendment activity in question may have a significant effect on the environment, the Zone Change Amendment activity is not subject to CEQA. The project will not have a significant effect on the environment because the amendment only clarifies hours of operation for nonresidential land uses and established a land use table for all nonresidential land uses in the Municipal Code. A Notice of Exemption (NOE) is provided as *Attachment 3* to this agenda staff report and will be filed with the County and State should the City Council approve this Ordinance for Zone Change Amendment (ZCA) 24-03.

NOTIFICATION:

The Public Hearing Notice for the Project was published in compliance with the City's Municipal Code and the City's "Expanded Public Noticing and Outreach Policy for Public Hearings and Public Workshops." The Public Hearing Notice was published at the *Grand Terrace City News*, posted in three public places, including Grand Terrace News Paper, City Hall Lobby and Kiosk. To date, staff has not received any comments.

FINDINGS:

Municipal Code Section §18.90.040 - *Planning Commission Public Hearing and Recommendation*, lists the findings of fact that must be made by the Planning Commission and City Council when amending Title 18 “Zoning. The Planning Commission made all necessary findings, and they are detailed in the draft Ordinance approving Zone Change Amendment (ZCA) 24-03 which is provided as *Attachment 1* to this agenda staff report.

CONCLUSION:

This Ordinance approving Zone Change Amendment (ZCA) 24-03 is consistent with the spirit and intent of the Implementation Plan Goals 2.1 and 2.3 in that is the City conducting a periodical review of the Zoning Code land use standards to assure effective regulation of land uses. Not having clear hours of operation and a comprehensive list of land uses listed in the Municipal Code can create ambiguity and confusion when determining what land use can occur in what zone. ZCA 24-03 will streamline and clarify existing land uses and add several new land uses to the residential and non-residential land use tables. There is no foreseeable detriment to the persons working or living within the City resulting from the proposed ZCA 24-03 as new Chapter 18.27 will make the exercise of determining what non-residential land use is permitted is what non-residential zoning district quicker for staff, residents, businesses, and development applicants in contrast to the current format of text spread across multiple sections which references in on itself.

Planning Commission / Site and Architectural Review Board recommended that City Council approve the Ordinance for Zone Change Amendment (ZCA) 24-03 and determine that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) - Common Sense Exemption. Staff is in support of the Planning Commission’s recommendation that City Council approve the Ordinance for Zone Change Amendment (ZCA) 24-03 with the inclusion of the five (5) Planning Commission recommendations.

City Council comments to adjust standard hours to 7:00 a.m. to 11:00 p.m. and to increase the 301 feet distance between a 24/7 nonresidential land use and a residential land use to 501 feet have been incorporated into the Ordinance for Zone Change Amendment (ZCA) 24-03. Staff supports City Councils recommendations. Regarding the expansion of Zone Change Amendment (ZCA) 24-03 to address the need for consistency between hours of operations and noise, staff requests that the Council consider that as a separate Zone Change Amendment given many sections across multiple titles in the Municipal Code would likely need to be modified. To expedite that future Zone Change Amendment, and to allow adequate notification for public hearing, staff believes that they could bring it back directly to the City Council within ninety (90) days for consideration. That would allow the Ordinance approving Zone Change Amendment 2024-03 to be approved with the changes requested by the Planning Commission and City Council incorporated.

ATTACHMENTS:

- Attachment 1 Draft Ordinance for ZCA 24-03 CC 7.23 (PDF)
- Attachment 2 Tracked Text Edits for ZCA 24-03 CC 7.23 (PDF)
- Attachment 3 CEQA Notice of Exemption for ZCA 24-03 (PDF)

APPROVALS:

Scott Hutter	Completed	07/18/2024 8:13 AM
City Manager	Completed	07/17/2024 3:48 PM
City Council	Pending	07/23/2024 6:00 PM

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF GRAND TERRACE, CALIFORNIA, APPROVING ZONE CHANGE AMENDMENT (ZCA) 24-03, TO AMEND THE GRAND TERRACE MUNICIPAL CODE TITLE 18 (ZONING) TO ADD NEW RESIDENTIAL LAND USES CALLED “CONGREGATE LIVING HEALTH FACILITIES” AND “ELECTRIC VEHICLE CHARGING STATIONS”, TO THE ALLOWABLE RESIDENTIAL LAND USES LISTED IN CHAPTER 18.10 (RESIDENTIAL DISTRICTS); TO ADD NONRESIDENTIAL HOURS OF OPERATION AND TO CONSOLIDATE ALL NONRESIDENTIAL LAND USES IDENTIFIED UNDER SECTION 18.06.032 AND CHAPTERS 18.30 – AP ADMINISTRATIVE PROFESSIONAL DISTRICT, 18.33 – C2 GENERAL BUSINESS DISTRICT, 18.36 – CM COMMERCIAL MANUFACTURING DISTRICT, 18.39 – MR RESTRICTED MANUFACTURING DISTRICT, 18.40 – M2 INDUSTRIAL DISTRICT, 18.43 – PUB PUBLIC FACILITIES DISTRICT INTO A TABLE FORMAT UNDER A NEW CHAPTER 18.27 (NONRESIDENTIAL DISTRICTS); TO ADD NEW NONRESIDENTIAL LAND USES CALLED “HEAVY EQUIPMENT RENTALS (INDOOR AND OUTDOOR)”, “ELECTRIC VEHICLE CHARGING STATIONS”, “RESTAURANTS WITH A COCKTAIL LOUNGE, BAR, ENTERTAINMENT OR DANCING”, AND “ESTABLISHMENTS WITH ON-SITE ALCOHOL BEVERAGE SALES AND CONSUMPTION THAT ARE NOT BONA FIDE EATING ESTABLISHMENTS (BARS, TAVERNS, COCKTAIL LOUNGES, BREWERIES, DISTILLERIES AND/OR WINE MAKING FACILITIES WITH SALES FOR ON-SITE AND OFF-SITE CONSUMPTION).”

WHEREAS, the City of Grand Terrace (“City”) adopted a Zoning Code as set forth in Title 18 of the Grand Terrace Municipal Code, which has been amended from time to time; and

WHEREAS, the City wishes to protect and preserve the quality of life throughout the City through effective land use and planning; and

WHEREAS, Zoning is a local law that regulates various aspects of how land can be used and Title 18 the Grand Terrace Zoning Code specifies what type of land uses are “P” permitted, “C” conditional use permit, and “-“ prohibited on a property pursuant to its zoning designation; and

WHEREAS, Zone Change Amendment (ZCA) 24-03 proposes to add a new residential land use called “Congregate Living Health Facilities” and “Electric Vehicle Charging Stations” to the allowable residential land uses listed in Chapter 18.10 (Residential Districts); to add nonresidential hours of operation and to consolidate all nonresidential land uses identified under Chapters 18.30 – AP Administrative Professional District, 18.33 – C2 General Business District, 18.36 – CM Commercial Manufacturing District, 18.39 – MR Restricted Manufacturing District, 18.40 – M2 Industrial District, 18.43 – PUB Public Facilities District into a table format under a new Chapter 18.27 (Nonresidential Districts); to add new nonresidential land uses called “Heavy Equipment Rentals (Indoor and Outdoor)”, “Electric Vehicle Charging Stations”, “Restaurants with a cocktail lounge, bar, entertainment or dancing”, and “Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption) in an effort to clarify and streamline the Zoning Code; and

WHEREAS, state law requires that the City’s Zoning Code (Title 18 of the Grand Terrace

Ordinance No. ____

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Municipal Code) conform with the General Plan's goals and policies, and

WHEREAS, pursuant to Sections 65800 and 65850 of the California Government Code, the City may adopt ordinances to establish requirements for the regulation of land uses, in compliance with the California Government Code, and

WHEREAS, notice of the City Council Public Hearing concerning this Ordinance was duly published in a local newspaper at least ten (10) days prior to the Public Hearing and posted by the City Clerk in compliance with the City's Zoning Code and City Council Resolution No. 2019-24, Expanded Public Noticing and Outreach Policy for Public Hearings and Public Workshops; and

WHEREAS, Ordinance No. ____ approving Zone Change Amendment (ZCA) 24-03 is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – *Common Sense Exemption* in that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment and the Zoning Code update to land use tables and hours of operation standards will not have a significant effect on the environment because the amendment clarifies Zoning Code regulations; and

WHEREAS, on June 20, 2024, the Planning Commission / Site and Architectural Review Board of the City of Grand Terrace conducted a duly noticed Public Hearing on Zone Change Amendment (ZCA) 24-03, and considered testimony and evidence presented by the public, city staff, and other interested parties, at the Public Hearing held within respect thereto; and

WHEREAS, on June 20, 2024, the Planning Commission / Site and Architectural Review Board concluded the Public Hearing with adoption of Planning Commission / Site and Architectural Review Board Resolution 2024-07 recommending City Council approval of Zone Change Amendment (ZCA) 24-03 subject to the following five (5) recommendations:

- 1) Format the headers on Table 18.27.010 so make them more spaced out and legible.
- 2) Revise a misprint on Section 18.27.010 from "residential" to "nonresidential."
- 3) Alphabetize Table 18.27.010 so the "vehicle" uses are in the right spot.
- 4) Revise "vehicle" land uses to separate vehicles from boats, trailers and camper by reading as follows: "Vehicles related to services including but limited to motorcycles, recreation vehicles. And service related to boats, trailers, and campers."
- 5) Include "electric vehicle charging stations" as a land use in the land use tables.

WHEREAS, on July 9, 2024, the City Council of the City of Grand Terrace introduced and conducted a first reading of this Ordinance, held a duly noticed Public Hearing with respect thereto, and considered testimony and evidence at the Public Hearing continued the consideration of the Zone Change Amendment 24-03 to the July 23, 2024, Council meeting date; and

WHEREAS, on July 23, 2024, the City Council re-opened the adjourned duly notice public hear, received all of the information presented by staff, heard public testimony and considered all of the background information, and closed the public hearing; and

WHEREAS, on August ____, 2024, the City Council of the City of Grand Terrace conducted a second reading and adoption of the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred; and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAND TERRACE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby specifically finds that all the facts set forth in the above Recitals are true and correct and incorporated herein by this reference and made a part hereof.

SECTION 2. Based upon the forgoing and all oral and written testimony by members of the public and City staff (including, but not limited to, staff reports and attachments) made at the Public Hearing, the City Council hereby finds that the Project “Zone Change Amendment (ZCA) 24-03” is not subject to environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines as follows:

Finding: A project is exempt from CEQA if the activity is covered by the commonsense 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, the activity is not subject to CEQA.

Facts in Support of Finding: The City of Grand Terrace has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if the Zone Change Amendment (ZCA) 24-03 project is exempt from CEQA. Since it can be seen with certainty that the proposed Zone Change Amendment (ZCA) 24-03 solely proposes to clarify permitted land uses and hours of operation, it has no foreseeable potential to have a significant adverse effect on the environment. The City of Grand Terrace has determined that the proposed Zone Change Amendment (ZCA) 24-03 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) - Common Sense Exemption. The project is exempt under the “common sense” exemption because it does not involve any grading, demolition, or construction activities that will have a significant effect on the environment. The project is strictly a text update to the City’s land use standards found within the Zoning Code. It can be said with certainty that the project will not have a significant effect on the environment. As such, the proposed project is exempt from CEQA, or not subject to CEQA, pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption.

A Notice of Exemption (NOE) has been prepared for the project in that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The project will not have a significant effect on the environment because the amendments only update land use regulations in the Zoning Code.

SECTION 3. Based upon the forgoing and all oral and written testimony by members of the public and City staff (including, but not limited to, staff reports and attachments) made at the Public Hearing, the City Council determines the findings for Zone Change Amendment (ZCA) 24-03 pursuant to Grand Terrace Municipal Code Section §18.90.040 can be made supporting the project application as follows:

- 1) **Finding:** The proposed amendment will not be detrimental to the health, safety, morals, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City.

Facts in Support of Finding: The Zone Change Amendment (ZCA) 24-03 amends the City's Municipal Code to consolidate the non-residential land use regulations that are written under each individual non-residential zoning district into a new table format. The new table is to be created and placed in the Municipal Code as new Chapter 18.27. Furthermore, Chapter 18.27 will include hours of operation for all non-residential land uses which are being extracted from the non-residential land use regulations where "after-hours" requirements are sporadically referenced. ZCA 24-03 will also be adding a new residential land uses to the existing residential land use table for residential districts in Chapter 18.10, and new non-residential land uses to the newly created Chapter 18.27. Updating land uses listed and not listed in the zoning code will specify their status as permitted, conditionally permitted, or prohibited and ensure the Municipal Code is current and applicable to land uses of the day. Not having land uses listed in the Municipal Code can create ambiguity and confusion when determining what land use can occur in what zone. Zone Change Amendment (ZCA) 24-03 is clarifying existing land uses and adding additional to the residential and non-residential land use tables. There is no foreseeable detriment to the persons working or living within the City resulting from the proposed Zone Change Amendment (ZCA) 24-03 as new Chapter 18.27 will make the exercise of determining what non-residential land use is permitted is what non-residential zoning district quicker for staff, residents, businesses, and development applicants in contrast to the current format of text spread across multiple sections which references in on itself.

- 2) **Finding:** The proposed amendment will not be: Injurious to property or improvements in the neighborhood or within the City.

Facts in Support of Finding: The Zone Change Amendment (ZCA) 24-03 to amend the City's Zoning Code will not be injurious to property improvements within neighborhoods in the City because Zone Change Amendment (ZCA) 24-03 is clarifying Title 18 Zoning Code for all who reference it so no confusion exists with respect to land uses and hours of operation. Currently, hours of operation are sporadically noted as "after-hours" for some land uses leaving other land uses with no clarity on what, if any, hours apply to them. Under new Chapter 18.27, hours of operation for all non-residential land uses will be clarified with respect to what are normal hours and what are after hours. This way any non-residential land use has standard hours and a Conditional Use Permit process via the Planning Commission / Site and Architectural Review Board to processes all requests for "after hours." The current process was a mix of ministerial Administrative Conditional Use Permit and Public Hearing Conditional Use Permit to modify hours of operation. For clarity and uniformity, Zone Change Amendment (ZCA) 24-03 clarifies only one process, the Public Hearing Conditional Use Permit process, to modify or extend any hours of operation beyond the standard hours. Lastly, updating land uses permitted, conditionally permitted, and prohibited in residential and non-residential zoning districts is necessary so that the Municipal Code is effective current.

- 3) **Finding:** The proposed amendment will be consistent with the latest adopted general plan.

Facts in Support of Finding: The Land Use Element's Implementation Plan for the City of Grand Terrace addresses the administrative aspects of the Element. The Implementation Plan includes goals and polices, specifically:

The Implementation Plan includes Goal 2.1 "Provide for balanced growth which seeks to provide a wide range of employment and housing opportunities and maintenance of a

healthy, diversified community” and Policy 2.1.4 “Conduct a survey of vacant and underutilized lands. Where appropriate, proposed changes to a specific property’s General Plan designation and / or zoning shall be submitted to the Planning Commission and City Council for appropriate action” which support having an up-to-date land use table for residential and non-residential zoning districts in the Zoning Code.

The Implementation Plan includes Goal 2.3 “Provide a wide range of retail and service commercial opportunities designed to meet the needs of the City’s residents, businesses, and visitors while also providing employment opportunities” and Policy 2.3.5 “Review and modify the Zoning Ordinance to provide requirements for buffering between commercial and residential land uses” which support having an up-to-date land use table for residential and non-residential zoning districts in the Zoning Code.

This Zone Change Amendment (ZCA) 24-03 is consistent with the spirit and intent of the Implementation Plan Goal 2.1 and Policy 2.1.4 in that is the City conducting a periodical review of the Zoning Code land use standards to bring specific additions and deletions for residential and non-residential land uses to the Planning Commission and City Council for inclusion in the Municipal Code.

SECTION 4. Section 18.06.032 “After-hours operation” of Chapter 18.06 – Definitions in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“18.06.032 After-hours operation.

"After-hours operation" means any use that has hours of operation at any time between 11:00 p.m. and 7:00 a.m.”

SECTION 5. A new Chapter 18.27 “Nonresidential Districts” comprised of Sections 18.27.010 “Nonresidential Use Regulations” and 18.27.020 “Nonresidential Hours of Operation” is proposed to be added to Title 18 – Zoning of the Grand Terrace Municipal Code to read in its entirety as follows:

“Chapter 18.27 NONRESIDENTIAL DISTRICTS

Sections:

18.27.010 Nonresidential Use regulations.

Uses listed in Table 18.27.010 shall be allowed in one or more of the nonresidential districts as indicated in the columns below each district heading. Permitted uses are indicated by the letter "P" while the letter "C" indicates uses which require a conditional use permit. A “-” indicates uses which are prohibited.

**TABLE 18.27.010
NONRESIDENTIAL LAND USE REGULATIONS**

Permitted Uses^a	AP	C2	CM	MR	M2	PUB
Agricultural and nursery supplies and services	-	-	-	P	P	-
Amateur “HAM” radio antenna structures (Subject to Chapter 18.72)	P	P	P	P	P	P

Permitted Uses^a

	AP	C2	CM	MR	M2	PUB
Antique shops	C	P	P	P	-	-
Apparel stores	C	P	P	P	-	-
Appliance stores and repair	-	P	P	P	-	-
Art, music and photographic studios and supply stores	-	P	P	P	-	-
Athletic and health clubs and weight-reducing clinics	-	P	P	P	-	-
Bakeries (retail only)	C	P	P	P	-	-
Bakeries (wholesale)	-	-	-	-	P	-
Banks, financial services and institutions	P	-	-	-	-	-
Barber and beauty shops	-	P	P	P	-	-
Bicycle shops	-	P	P	P	-	-
Book, gift and stationary stores (other than adult related material)	C	-	-	-	-	-
Building maintenance services	-	-	C	P	P	-
Building supplies and sales	-	-	C	C	-	-
Building supplies sales, enclosed	-	-	-	P	-	-
Building supplies sales (wholesale and retail), indoor	-	-	-	-	P	-
Building supplies sales (wholesale and retail), outdoor	-	-	-	-	C	-
Building supplies and sales, outdoor	-	-	-	C	-	-
Business and office services	P	-	-	-	-	-
Business and office facilities	-	-	P	P	-	-
Business support services	-	-	P	P	-	-
Camera shop and film processing services	-	P	P	P	-	-
Candy and confectionery stores (retail only)	C	P	P	P	-	-
Carpet and floor covering stores	-	P	P	P	-	-
China and glassware stores	C	P	P	P	-	-
Cleaning and pressing establishments	-	P	P	P	-	-
Computer and software stores	C	P	P	P	-	-
Communication services	-	-	P	P	P	-
Contractor's office and storage yards, indoor	-	-	-	-	P	-
Contractor's office and storage yards, outdoor	-	-	-	C	C	-
Convenience stores	C	P	P	P	-	-
Curtain and drapery shops	-	P	P	P	-	-
Day care centers	C	C	C	C	-	-
Delicatessens and specialty food stores	-	P	P	P	-	-
Drug stores and pharmacies	C	P	P	P	-	-
Emergency shelters subject to Chapter 18.78	-	-	-	-	P	-
Equipment sales and services, indoor	-	-	-	P	-	-
Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption) ^b	C	C	C	C	-	-
Florist shops	C	P	P	P	-	-
Funeral homes (without crematory services)	-	-	-	C	-	-
Funeral homes (with crematory services)	-	-	-	-	C	-
Furniture stores	C	P	P	P	-	-
General assembly facilities (other than church facilities)	P	-	-	-	-	-
Government offices and service facilities	-	-	-	-	-	P
Grocery stores and supermarkets	C	P	P	P	-	-
Hardware stores	C	P	P	P	-	-

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Permitted Uses^a

	AP	C2	CM	MR	M2	PUB
Heavy equipment rentals, sales and services, indoor	-	-	P	P	P	-
Heavy equipment rentals, sales and services, outdoor	-	-	C	C	C	-
Hobby and craft shops	C	P	P	P	-	-
Ice cream and yogurt shops	-	P	P	P	-	-
Jewelry stores	C	P	P	P	-	-
Laundry (self-service)	-	P	P	P	-	-
Laundry and cleaning services	-	-	-	P	-	-
Laundry and dry-cleaning facilities	-	-	-	-	P	-
Leather goods and luggage stores	C	P	P	P	-	-
Liquor stores	C	P	P	P	-	-
Mail order services	-	-	-	P	P	-
Manufacturing, light facilities	-	-	C	P	P	-
Manufacturing, medium facilities	-	-	-	-	P	-
Medical and dental offices and related health clinics	P	-	-	-	-	-
Modular units for office purpose only	-	-	-	C	-	-
Modular units for business office or headquarter purposes only	-	-	-	-	C	-
Motels and hotels	-	C	C	C	-	-
Nurseries and garden supply stores	C	P	P	P	-	-
Nursing and retirement home facilities	C	-	-	-	-	-
Office supplies store	-	P	P	P	-	-
Outdoor displays/uses shall take place in front of business on site, which have been approved with a conditional use permit. Under special circumstances outdoor uses/displays are allowed without conditional use permits during two citywide events (the Grand Terrace Days in June and Tour De Terrace Bike Event in October), and in connection with business grand openings. Temporary special event permits will be required for display of associated balloons, banners and special event signs.	-	C	C	C	-	-
Paint, glass and wallpaper stores	C	P	P	P	-	-
Pet shops	-	P	P	P	-	-
Photography and film processing facilities	-	-	-	-	P	-
Plant nurseries, wholesale, outdoor	-	-	-	-	C	-
Printing, blueprinting and reproduction services	-	P	P	P	P	-
Private School Facilities	C	-	-	-	-	-
Public and quasi-public facilities	C	-	-	-	-	-
Public library facilities	-	-	-	-	-	P
Public parks and recreational facilities	-	-	-	-	-	P
Public schools facilities	-	-	-	-	-	P
Public storage facilities, indoor	-	-	P	P	P	-
Public storage facilities, outdoor	-	-	C	C	C	-
Public utility facilities and services	-	-	C	C	C	P
Record, tape and video stores (sales and rental)	-	P	P	P	-	-
Recreational facilities	-	-	C	C	C	-
Recreation vehicle storage, indoor	-	-	-	-	P	-
Recreation vehicle storage, outdoor	-	-	-	-	C	-
Research and development facilities	-	-	P	P	-	-
Research services	-	-	-	P	-	-

Permitted Uses^a

	AP	C2	CM	MR	M2	PUB
Restaurants: With incidental serving of beer and wine (without a cocktail lounge, bar, entertainment or dancing)	-	P	P	P	-	-
Restaurants: With a cocktail lounge, bar, entertainment or dancing)	-	C	C	C	-	-
Restaurants: Fast food (without a drive-thru)	-	P	P	P	-	-
Restaurants: With entertainment and/or serving of alcoholic beverages (other than beer and wine)	-	C	C	C	-	-
Restaurants: Fast food (with a drive-thru)	-	C	C	C	-	-
Secondhand sales	-	C	C	C	-	-
Shoe stores (sales and repair)	-	P	P	P	-	-
Sporting goods stores	C	P	P	P	-	-
Tailor shops	-	P	P	P	-	-
Temporary uses which are determined by the community development director not to have significant long-term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review)	-	P	P	P	P	-
Television, radio, VCR, stereo and CD component stores (sales and repair)	-	P	P	P	-	-
Toy stores	C	P	P	P	-	-
Variety department stores	C	P	P	P	-	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): electric vehicle charging stations (accessory use) ^c	P	P	P	P	P	P
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): parts and supplies (retail)	-	P	P	P	P	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): parts and supplies (wholesale)	-	-	-	-	P	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): rentals	-	C	C	C	P	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): repair	-	-	-	C	P	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): sales (new and used vehicles)	-	C	C	C	C	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): service stations	-	C	C	C	C	-
Veterinary clinic (completely contained in a building)	-	C	C	P	P	-
Watch and clock shops (sales and repair);	C	P	P	P	-	-

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Permitted Uses^a

	AP	C2	CM	MR	M2	PUB
Wireless communication facilities subject to Chapter 18.71	C	C	C	C	C	C
Wholesale, storage and distribution facilities	-	-	-	P	P	-
Yardage goods stores	-	P	P	P	-	-

Footnotes:

- a. Land uses subject to Chapter 18.27.020 Nonresidential Hours of Operation.
- b. "Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to "guests" for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking and an assortment of foods which may be required for ordinary "meals", the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. In addition, the following, and offerings similar to them, do not meet the meal requirement:

- Snacks such as pretzels, nuts, popcorn, pickles, and chips
- Food ordinarily served as appetizers or first courses such as cheese sticks, fried calamari, chicken wings, pizza bites (as opposed to a pizza), egg rolls, pot stickers, flautas, cups of soup, and any small portion of a dish that may constitute a main course when it is not served in a full portion or when it is intended for sharing in small portions
- Side dishes such as bread, rolls, French fries, onion rings, small salads (green, potato, macaroni, fruit), rice, mashed potatoes, and small portions of vegetables
- Reheated refrigerated or frozen entrees
- Desserts

"Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

- c. Nonresidential Electric Vehicle Charging Stations shall be processed by the City in compliance with AB 970 (McCarty, 2021) subject to the specific binding timelines for the expedited, streamlined, ministerial review and approval of Electric Vehicle Charging Station (EVCS) permit applications per Assembly Bill 1236 (Chiu, 2015). The review periods for Electric Vehicle Charging Stations are determined based on the size of the proposed project.

Application Completeness

- 1-25 Electric Vehicle Charging Stations at a single site: 5 business days
- 26 or more stations at a single site: 10 business days

Application Approval

- 1-25 Electric Vehicle Charging Stations at a single site: 20 business days
- 26 or more stations at a single site: 40 business days

Conditions of Approval for Expedited Review

- All proposed Electric Vehicle Charging Stations and equipment shall conform with the City of Grand Terrace Objective Design Standards (ODS)
- Electric Vehicle Charging Station equipment including transformers, generating stations, energy storage units, and any other electric vehicle charging station related equipment must be adequately screened from visible view to the satisfaction of the City by one or combination of the following:
 - o Permanent masonry enclosure with decorative block wall and metal roof covering. Access gates/doors to be lockable and secure.
 - o Shrink wrap material acceptable to the City's objective design standards

18.27.020 Nonresidential Hours of Operation.

The standard hours of operation between 7:00 a.m. and 11:00 p.m. shall be applicable to all non-residential land use located within 500 feet of any residentially zoned property within the City of Grand Terrace. A Conditional Use Permit (CUP) approved by the Planning Commission/Site and Architectural Review Board is required for any non-residential land use located within 500 feet of any residentially zoned property within the City of Grand Terrace seeks after-hours operation. "After-hours operation" means any use that has hours of operation at any time between 11:00 p.m. and 7:00 a.m.

The standard hours of operation of any non-residential land use located more than 501 feet or further away from any residentially zoned property within the City of Grand Terrace is permitted to operate 24 hours a day / seven days a week unless hours of operation are limited by a Conditional Use Permit."

SECTION 6. Section 18.10.030 "Use Regulations" of Chapter 18.10 – Residential Districts in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

"18.10.030 Use regulations.

Uses listed in Table 18.10.030 shall be allowed in one or more of the residential districts as indicated in the columns below each district heading. Permitted uses are indicated by the letter "P" while the letter "C" indicates uses which require a conditional use permit.

**TABLE 18.10.030
LAND USE REGULATIONS**

Permitted Uses	RH	R1-20	R1-10	R1-7.2	R2	R3	R3-S	R3-20 / R3-24
A. Residential Uses								
Single-Family (Detached), Full Sized	P	P	P	P	P ^a	P ^b	-	-
Second Units (Subject to Chapter 17.30 and 18.65)	P ^g	P ^g	P ^g	P ^g	-	-	-	-
Two-Unit Developments (Subject to Chapter 17.30 and 18.65)	P ^g	P ^g	P ^g	P ^g	-	-	-	-
Single-Family (Attached) (Duplexes, Triplexes, and Fourplexes)	-	-	-	-	P	P	-	P
Multiple Family Units	-	-	-	-	P	P	-	P

Permitted Uses	RH	R1-20	R1-10	R1-7.2	R2	R3	R3-S	R3-20 / R3-24
Manufactured Housing (As Permitted Per Chapter 18.66)	P	P	P	P	P	P	-	-
Mobile Home Park	-	-	-	-	C	C	-	-
Senior Citizen Housing							P ^d	P
B. Residential Accessory Structures								
Accessory Structure	P	P	P	P	P	P	P ^d	P
Accessory Dwelling Unit (Subject to Chapter 17.30 and 18.69)	P	P	P	P	P	P	P	P
Junior Accessory Dwelling Unit (Subject to Chapter 17.30 and 18.69)	P	P	P	P	P	P	-	-
Guest House	C	C	C	C	C	C	-	-
Private Garage	P	P	P	P	P	P	-	P
Private Swimming Pool	P	P	P	P	P	P	P ^d	P
Home occupation (As Permitted Per Chapter 5.06)	P	P	P	P	P	P	P ^d	P
Keeping of Cats and Dogs (Maximum of Two Each)	P	P	P	P	P	P	P ^d	P
Other Accessory Uses (As Approved by the Planning Director)	P	P	P	P	P	P	P ^d	P
C. Other Uses								
Churches (Minimum Three-Acre Parcel) ^e	C	C	C	C	C	C	-	-
Electric Vehicle Charging Stations (accessory use) ⁱ	P	P	P	P	P	P	P	P
Schools (Private and Parochial) ^e	C	C	C	C	C	C	-	-
Public Park and Playground ^e	P	P	P	P	P	P	-	-
Public Facilities (And Quasi- Public) ^e	C	C	C	C	C	C	-	-
Family Day Care (Eight or Less Children) ^e	P	P	P	P	P	P	-	-
Family Day Care Center (Nine or More Children) ^e	C	C	C	C	C	C	-	-
Residential Care Facility (Six or Less Persons)	P	P	P	P	P	P	P	P
Residential Care Facility (Seven or More Persons) ^f					C	C	-	-
State Licensed Congregate Living Health Facility (CLHF) ^h	-	-	-	-	C	C	C	C
Single Room Occupancy					C	C	-	-
Utility or Service Facility ^e	C	C	C	C	C	C	-	-
Outdoor Recreation Facility ^e	C	C	C	C	C	C	-	-
D. Temporary uses								
Temporary Uses (As approved by Planning Director)	P	P	P	P	P	P	P ^d	P
Temporary Trailers (As Approved by Planning Director)	P	P	P	P	P	P	P ^d	P

Footnotes:

- a. A second single-family detached unit (full-sized single-family detached dwelling) shall be permitted in the R2 zone provided that the lot or parcel in question meets the minimum area requirement for the R2 zone and that said lot or parcel is developed with no more than one single-family detached dwelling. A site and architectural review application for the second-family detached unit in accordance with Chapter 18.63 of the Zoning Code shall be required

to be approved prior to the issuance of building permits. In addition, all development standards of the underlying zone must be adhered to; and any division in ownership among the structures on the lot or parcel in question shall conform to the subdivision laws of the state and city.

- b. A second-family detached unit (full sized single-family detached dwelling) shall be permitted in the R3 zone provided that the lot or parcel in question meets the minimum area requirements for the R3 zone and that said lot or parcel is developed with no more than one single-family detached dwelling. A site and architectural review application for the second-family detached unit in accordance with Chapter 18.63 of the Zoning Code shall be required to be approved prior to the issuance of building permits. In addition, all development standards of the underlying zone must be adhered to; and any division in ownership among the structures on the lot or parcel in question shall conform to the subdivision laws of the state and city.
- c. "P" stands for "Permitted Use" where the use is permitted by right; and "C" stands for "Conditional Use" where the use requires a conditional use permit.
- d. Senior citizen housing is allowed in the R3-S up to a maximum density of twenty unit/acre. A specific plan will be required for all senior citizen housing projects in this zone. Some accessory and temporary uses as indicated will be allowed in the R3-S zone with the approval of the Community Development Director.
- e. Notwithstanding anything indicating otherwise in this Table, this use is prohibited on a parcel that was created by an urban lot split, pursuant to Subsection 17.30.050(A).
- f. Subject to administrative conditional use permit.
- g. Notwithstanding anything indicating otherwise in this Table, this use shall be prohibited if the finding of a specific, adverse impact is made in accordance with Subsection 18.65.020(C).
- h. CLHF's are required to comply with the City's Objective Design Standards (ODS) and a State license is required to operate as a Congregate Living Health Facility (CLHF) in California. A CLHF means a residential home with a capacity of no more than 18 beds (except a facility operated by a city and county for purposes of delivering services may have a capacity of 59 beds; or, a facility not operated by a city and county servicing persons who are terminally ill, persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons, or located in a county of the 16th class pursuant to Section 28020 of the Government Code, may have not more than 25 beds for the purpose of serving persons who are terminally ill) that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of the following service:

(A) Services for persons who are mentally alert, persons with physical disabilities, who may be ventilator dependent.

(B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon. A "life-threatening illness" means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by his or her attending physician and surgeon.

(C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is

catastrophically disabled shall include, but not be limited to, speech, physical and occupational therapy.

- i. Residential Electric Vehicle Charging Stations shall be processed by the City in compliance with AB 970 (McCarty, 2021) subject to the specific binding timelines for the expedited, streamlined, ministerial review and approval of Electric Vehicle Charging Station (EVCS) permit applications per Assembly Bill 1236 (Chiu, 2015). The review periods for Electric Vehicle Charging Stations are determined based on the size of the proposed project.

Application Completeness

- 1-25 Electric Vehicle Charging Stations at a single site: 5 business days
- 26 or more stations at a single site: 10 business days

Application Approval

- 1-25 Electric Vehicle Charging Stations at a single site: 20 business days
- 26 or more stations at a single site: 40 business days

Conditions of Approval for Expedited Review

- A completed Submittal Requirements Checklist.
- All proposed Electric Vehicle Charging Stations and equipment shall conform with the City of Grand Terrace Objective Design Standards (ODS)
- Electric Vehicle Charging Station equipment including transformers, generating stations, energy storage units, and any other electric vehicle charging station related equipment must be adequately screened from visible view to the satisfaction of the City by one or combination of the following:
 - o Permanent masonry enclosure with decorative block wall and metal roof covering. Access gates/doors to be lockable and secure.
 - o Shrink wrap material acceptable to the City's objective design standards

“

SECTION 7. Chapter 18.30 AP Administrative Professional District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.30 AP ADMINISTRATIVE PROFESSIONAL DISTRICT

Sections:

18.30.010 Purpose.

The purpose of the AP district is to provide for professional office uses, with site development standards compatible with those in residential districts, in order that such uses can be located in close proximity to residential uses.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.020 Permitted uses.

Permitted uses in the AP district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.30.030 Conditionally permitted uses.

Uses permitted in the AP district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.30.040 Site development standards.

Site development standards in the AP district are as follows:

Development Issue	Standard
Lot Area (Minimum square feet)	10,000
Lot Width (Minimum linear feet)	70
Lot Depth (Minimum linear feet)	100
Street Frontage (Minimum linear feet)	70
Setbacks (Minimum linear feet)	
front yard	15
rear yard (except when adjacent to a lot in an R District, then 10 feet)	0
side yard (except when adjacent to a lot in an R district, then 10 feet)	0
Height (Maximum linear feet)	35
Lot Coverage (Maximum percent) (less the required parking, setbacks and landscaping)	100

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.050 Storage and trash facilities.

All storage of cartons, containers and trash in the AP district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within forty feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)"18.30.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)

SECTION 8. Chapter 18.33 C2 General Business District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.33 C2 GENERAL BUSINESS DISTRICT

Sections:

18.33.010 Purpose.

The purpose of the C2 district is to promote and provide for the orderly development of general commercial uses desirous to the community as a whole as well as freeway generated consumers.

(Ord. 151 § 1(part), 1994: Ord. 148 § 1(part), 1994: Ord. 126 § 2, Exh. A(part), 1990)

18.33.020 Permitted uses.

Permitted uses in the C2 district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.33.030 Conditionally permitted uses.

Uses permitted in the C2 district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.33.040 Site development standards.

Site development standards in the C2 district are as follows:

<u>Development Issue</u>	<u>Standard</u>
Lot Area	10,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	25
rear yard (except when adjacent to a lot in an R District, then	0
10 feet)	
side yard (except when adjacent to a lot in an R district, then	0
10 feet)	
Height	35
(minimum linear feet)	

Lot Coverage 100
(maximum percent, less the required parking, setbacks, and landscaping)

(Ord. 148 § 1(part), 1994; Ord. 126 § 2, Exh. A(part), 1990)

18.33.050 Storage and trash facilities.

All storage of cartons, containers and trash in the C2 district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within 40 feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)"

SECTION 9. Chapter 18.36 CM Commercial Manufacturing District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.36 CM COMMERCIAL MANUFACTURING DISTRICT¹

Sections:

18.36.010 Purpose.

The purpose of the CM district is to provide for the development of combined commercial and light manufacturing uses. The regulations of this district are intended to allow limited light manufacturing uses which operate free of objectionable noise, dust, odor or other nuisances to locate in a mixed use development area along with commercial uses. Light manufacturing uses do not involve large container truck traffic or transport of large bulky items.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.020 Permitted uses.

Permitted uses in the CM district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.36.030 Conditionally permitted uses.

Uses permitted in the CM district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations. 18.36.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited to, pallet yard, and other wood products, and tire storage.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.050 Site development standards.

Site development standards in the CM district are as follows:

Development Issue	Standard
Lot Area	10,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	15, with 5' landscape setback
rear yard (except when adjacent to a lot in an R District, then 25 feet, with 10 foot landscape setback)	0
side yard (except when adjacent to a lot in an R district, then 25 feet, with 10 foot landscape setback)	0
street side yard	15, with 5' landscape setback
Height	35
(minimum linear feet)	
Lot Coverage	100
(maximum percent, less the required parking, setbacks, and landscaping)	

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.

- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.
 - D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.
 - E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.
- (Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.36.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)”

SECTION 10. Chapter 18.39 MR Restricted Manufacturing District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.39 MR RESTRICTED MANUFACTURING DISTRICT²

Sections:

18.39.010 Purpose.

The purpose of the MR district is to provide for the development of low intensity and low impact light manufacturing and industrial uses. The regulations of this district are intended to allow various manufacturing and industrial uses which operate free of objectionable noise, dust, odor or other nuisances to other (nonindustrial uses) in planned architecturally integrated building groups.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.020 Permitted uses.

Permitted uses in the MR district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.39.030 Conditionally permitted uses.

Uses permitted in the MR district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations. 18.39.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited to, pallet yard, and other wood products, and tire storage.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.050 Site development standards.

Site development standards in the MR district are as follows:

Development Issue	Standard
Lot Area (Minimum square feet)	20,000
Lot Width (Minimum linear feet)	70
Lot Depth (Minimum linear feet)	100
Street Frontage (Minimum linear feet)	70
Setbacks (Minimum linear feet)	
front yard	25, with 10' landscape setback
rear yard (except when adjacent to a lot in an R District, then 25 feet, with 10 foot landscape setback)	0
side yard (except when adjacent to a lot in an R district, then 25 feet, with 10 foot landscape setback)	0
street side yard	15, with 5' landscape setback
Height (Minimum linear feet)	35
Lot Coverage (Maximum percent, less the required parking, setbacks, and landscaping)	100

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.39.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.
- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.
- D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.

- E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the MR district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the MR district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the MR district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.39.100 Commercial modular units.

The provisions of Chapter 18.66 for commercial modular units shall apply in the MR district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)”

SECTION 11. Chapter 18.40 M2 Industrial District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.40 M2 INDUSTRIAL DISTRICT³

Sections:

18.40.010 Purpose.

The purpose of the M2 district is to provide for the development of medium manufacturing and industrial uses. The regulations of this district are intended to allow various manufacturing and industrial uses which operate free of overly excessive noise, dust, odor or other nuisances and can be made compatible to other (nonindustrial) districts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.020 Permitted uses.

Permitted uses in the M2 district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.40.030 Conditionally permitted uses.

Uses permitted in the M2 district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.40.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited, to pallet yard, and other wood products, and tire storage.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.050 Site development standards.

Site development standards in the M2 district are as follows:

Development Issue	Standard
Lot Area	20,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	25, with 10' landscape setback
rear yard (except when adjacent to a lot in an	0
R District, then 25 feet, with 10 foot landscape	
setback)	
side yard (except when adjacent to a lot in an	0
R district, then 25 feet, with 10 foot landscape	
setback)	
street side yard	15, with 5' landscape setback
Height	35
(Minimum linear feet)	
Lot Coverage	100
(Maximum percent, less the required parking,	
setbacks, and landscaping)	

(Ord. No. 329 , § 5, 1-28-2020; Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.
- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.

D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.

E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.40.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.40.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)18.40.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.100 Commercial modular units.

The provisions of Chapter 18.66 for commercial modular units shall apply in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

SECTION 12. Chapter 18.40 M2 Industrial District in Title 18 – Zoning of the Grand Terrace Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 18.43 PUB PUBLIC FACILITIES DISTRICT

Sections:

18.43.010 Purpose.

The purpose of the PUB district is to provide for the development of public facilities for public service uses such as government offices and services, public parks and school facilities.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.020 Permitted uses.

Permitted uses in the PUB district are listed under Table 18.27.010 – Nonresidential Use Regulations.

18.43.030 Conditionally permitted uses.

Uses permitted in the PUB district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.040 Site development standards.

Site development standards in the PUB district are as follows:

Development Issue	Standard
Lot Area (Minimum square feet)	10,000
Lot Width (Minimum linear feet)	70
Lot Depth (Minimum linear feet)	100
Street Frontage (Minimum linear feet)	70
Setbacks (Minimum linear feet)	
front yard	15
rear yard (except when adjacent to a lot in an R District, then 10 feet)	0
side yard (except when adjacent to a lot in an R district, then 10 feet)	0
Height (minimum linear feet)	35
Lot Coverage (maximum percent, less the required parking, setbacks, and landscaping)	100

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.050 Storage and trash facilities.

All storage of cartons, containers and trash in the PUB district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within 40 feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)18.43.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)18.43.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)”

SECTION 13. Based upon the forgoing and all oral and written communications from members of the public and City staff (including, but not limited to, all oral and written staff reports and attachments) presented at the July 9, 2024, and July 23, 2024, City Council Public Hearings,

the City Council hereby adopts Ordinance No. ____ approving Zone Change Amendment (ZCA) 24-03, and adopts and finds an environmental exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

SECTION 14. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase contained approved by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of Grand Terrace hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 15. First read at a regular meeting of the City Council held on the 23rd day of July 2024, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of August 2024.

SECTION 16. City staff is hereby authorized and directed to file a Notice of Exemption (NOE) with respect to the adoption of this Ordinance.

SECTION 17. The Mayor shall sign, and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

Signatures on the following page.

APPROVED AND ADOPTED by the City Council of the City of Grand Terrace, California,
at a regular meeting held on the ____ day of August 2024.

Mayor Bill Hussey

ATTEST:

Debra L. Thomas
City Clerk

APPROVED AS TO FORM:

Adrian R. Guerra
City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS.
CITY OF GRAND TERRACE)

I Debra Thomas, City Clerk of the CITY OF GRAND TERRACE, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance was duly passed, approved and adopted by the City Council at a regular meeting of said City Council held on the ____ day of August 2024, and that and that it was adopted by the called vote as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Executed this ____ day of August 2024, at Grand Terrace, California.

Debra L. Thomas
City Clerk

Attachment 2

18.06.032 After-hours operation.

"After-hours operation" means any use that has hours of operation at any time between 11:00 p.m. and 6:00 a.m.

Chapter 18.27 NONRESIDENTIAL DISTRICTS

Sections:

18.27.010 Nonresidential Use regulations.

Uses listed in Table 18.27.010 shall be allowed in one or more of the nonresidential districts as indicated in the columns below each district heading. Permitted uses are indicated by the letter "P" while the letter "C" indicates uses which require a conditional use permit. A "-" indicates uses which are prohibited.

TABLE 18.27.010
NONRESIDENTIAL LAND USE REGULATIONS

Permitted Uses^a	APC2CMMRM2PUB						
Agricultural and nursery supplies and services	-	-	-	P	P	-	-
Amateur "HAM" radio antenna structures (Subject to Chapter 18.72)	P	P	P	P	P	P	P
Antique shops	C	P	P	P	-	-	-
Apparel stores	C	P	P	P	-	-	-
Appliance stores and repair	-	P	P	P	-	-	-
Art, music and photographic studios and supply stores	-	P	P	P	-	-	-
Athletic and health clubs and weight-reducing clinics	-	P	P	P	-	-	-
Bakeries (retail only)	C	P	P	P	-	-	-
Bakeries (wholesale)	-	-	-	-	P	-	-
Banks, financial services and institutions	P	-	-	-	-	-	-
Barber and beauty shops	-	P	P	P	-	-	-
Bicycle shops	-	P	P	P	-	-	-
Book, gift and stationary stores (other than adult related material)	C	-	-	-	-	-	-
Building maintenance services	-	-	C	P	P	-	-
Building supplies and sales	-	-	C	C	-	-	-
Building supplies sales, enclosed	-	-	-	P	-	-	-
Building supplies sales (wholesale and retail), indoor	-	-	-	-	P	-	-
Building supplies sales (wholesale and retail), outdoor	-	-	-	-	C	-	-
Building supplies and sales, outdoor	-	-	-	C	-	-	-
Business and office services	P	-	-	-	-	-	-
Business and office facilities	-	-	P	P	-	-	-
Business support services	-	-	P	P	-	-	-
Camera shop and film processing services	-	P	P	P	-	-	-
Candy and confectionery stores (retail only)	C	P	P	P	-	-	-
Carpet and floor covering stores	-	P	P	P	-	-	-
China and glassware stores	C	P	P	P	-	-	-
Cleaning and pressing establishments	-	P	P	P	-	-	-
Computer and software stores	C	P	P	P	-	-	-
Communication services	-	-	P	P	P	-	-
Contractor's office and storage yards, indoor	-	-	-	-	P	-	-

Permitted Uses ^a	APC	2C	M	M	R	M	2P	PUB
Contractor's office and storage yards, outdoor	-	-	-	-	C	C	-	-
Convenience stores (After-Hours Operation as defined by Section 18.06.032)	C	P	P	P	-	-	-	-
Curtain and drapery shops	-	P	P	P	-	-	-	-
Day care centers	C	C	C	C	-	-	-	-
Delicatessens and specialty food stores	-	P	P	P	-	-	-	-
Drug stores and pharmacies (After-Hours Operation as defined by Section 18.06.032)	C	P	P	P	-	-	-	-
Emergency shelters subject to Chapter 18.78	-	-	-	-	-	P	-	-
Equipment sales and services, indoor	-	-	-	-	P	-	-	-
<u>Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (bars, taverns, cocktail lounges, breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption)^b</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
Florist shops	C	P	P	P	-	-	-	-
Funeral homes (without crematory services)	-	-	-	-	C	-	-	-
Funeral homes (with crematory services)	-	-	-	-	-	C	-	-
Furniture stores	C	P	P	P	-	-	-	-
General assembly facilities (other than church facilities)	P	-	-	-	-	-	-	-
Government offices and service facilities	-	-	-	-	-	-	P	-
Grocery stores and supermarkets (After-Hours Operation as defined by Section 18.06.032)	C	P	P	P	-	-	-	-
Hardware stores	C	P	P	P	-	-	-	-
Heavy equipment <u>rentals</u> , sales and services, indoor	-	-	<u>P</u>	<u>P</u>	P	-	-	-
Heavy equipment <u>rentals</u> , sales and services, outdoor	-	-	<u>C</u>	<u>C</u>	C	-	-	-
Hobby and craft shops	C	P	P	P	-	-	-	-
Ice cream and yogurt shops	-	P	P	P	-	-	-	-
Jewelry stores	C	P	P	P	-	-	-	-
Laundry (self-service)	-	P	P	P	-	-	-	-
Laundry and cleaning services	-	-	-	-	P	-	-	-
Laundry and dry cleaning facilities	-	-	-	-	-	P	-	-
Leather goods and luggage stores	C	P	P	P	-	-	-	-
Liquor stores	C	P	P	P	-	-	-	-
Mail order services	-	-	-	-	P	P	-	-
Manufacturing, light facilities	-	-	C	P	P	-	-	-
Manufacturing, medium facilities	-	-	-	-	-	P	-	-
Medical and dental offices and related health clinics	P	-	-	-	-	-	-	-
Modular units for office purpose only	-	-	-	-	C	-	-	-
Modular units for business office or headquarter purposes only	-	-	-	-	-	C	-	-
Motels and hotels (After-Hours Operation as defined by Section 18.06.032)	-	C	C	C	-	-	-	-
Nurseries and garden supply stores	C	P	P	P	-	-	-	-
Nursing and retirement home facilities	C	-	-	-	-	-	-	-
Office supplies store	-	P	P	P	-	-	-	-
Outdoor displays/uses shall take place in front of business on site, which have been approved with a conditional use permit. Under special circumstances outdoor uses/displays are allowed without conditional use permits during two citywide events (the Grand Terrace Days in June and Tour De Terrace Bike Event in October),	-	C	C	C	-	-	-	-

Permitted Uses^a**APC2CMMRM2PUB**

and in connection with business grand openings. Temporary special event permits will be required for display of associated balloons, banners and special event signs.

Paint, glass and wallpaper stores

C P P P - -

Pet shops

- P P P - -

Photography and film processing facilities

- - - - P -

Plant nurseries, wholesale, outdoor

- - - - C -

Printing, blueprinting and reproduction services ~~(After-Hours Operation as defined by Section 18.06.032)~~

- P P P P -

Private School Facilities

C - - - - -

Public and quasi-public facilities

C - - - - -

Public library facilities

- - - - - P

Public parks and recreational facilities

- - - - - P

Public schools facilities

- - - - - P

Public storage facilities, indoor

- - P P P -

Public storage facilities, outdoor

- - C C C -

~~Public utility facilities~~

- - - - - P

~~Public utilities and facilities~~

- - - - - C

Public utility facilities and services

- - C C C P

Record, tape and video stores (sales and rental)

- P P P - -

Recreational facilities

- - C C C -

Recreation vehicle storage, indoor

- - - - P -

Recreational vehicle storage, outdoor

- - - - C -

Research and development facilities

- - P P - -

Research services

- - - P - -

Restaurants: With incidental serving of beer and wine (without a cocktail lounge, bar, entertainment or dancing) ~~(After-hours operation as defined by Section 18.06.032)~~

- P P P - -

~~Restaurants: With a cocktail lounge, bar, entertainment or dancing)~~

- C C C - -

~~Restaurants: Fast food (without a drive-thru) (After-hours operation as defined by Section 18.06.032)~~

- P P P - -

~~Restaurants: With entertainment and/or serving of alcoholic beverages (other than beer and wine) (After-hours operation as defined by Section 18.06.032)~~

- C C C - -

~~Restaurants: Fast food (with a drive-thru) (After-hours operation as defined by Section 18.06.032)~~

- C C C - -

Secondhand sales

- C C C - -

Shoe stores (sales and repair)

- P P P - -

Sporting goods stores

C P P P - -

Tailor shops

- P P P - -

Temporary uses which are determined by the community development director not to have significant long-term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review)

- P P P P -

Television, radio, VCR, stereo and CD component stores (sales and repair)

- P P P - -

Permitted Uses^a**APC2CMMRM2PUB**

Toy stores	C	P	P	P	-	-
Variety department stores	C	P	P	P	-	-
Vehicle related services (Includes but not limited to motorcycles and recreational vehicles. And service related to boats, trailers and campers.): electric vehicle charging stations (accessory use) ^c	P	P	P	P	P	P
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): parts and supplies (retail)	-	P	P	P	P	-
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): parts and supplies (wholesale and retail)	-	-	-	-	P	-
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): rentals	-	C	C	C	P	-
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): repair	-	-	-	C	P	-
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): sales (new and used vehicles)	-	C	C	C	C	-
Automotive Vehicle related services (includes but not limited to motorcycles, boats, and recreational vehicles.; And services related to boats, trailers and campers.): service stations	-	C	C	C	C	-
Veterinary clinic (completely contained in a building) (After-hours operation as defined by Section 18.06.032)	-	C	C	P	P	-
Watch and clock shops (sales and repair);	C	P	P	P	-	-
Wireless communication facilities subject to Chapter 18.71	C	C	C	C	C	C
Wholesale, storage and distribution facilities	-	-	-	P	P	-
Yardage goods stores	-	P	P	P	-	-

Footnotes:

- a. Land uses subject to Chapter 18.27.020 Nonresidential Hours of Operation.
- b. "Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to "guests" for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking and an assortment of foods which may be required for ordinary "meals", the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. In addition, the following, and offerings similar to them, do not meet the meal requirement:
- Snacks such as pretzels, nuts, popcorn, pickles, and chips
 - Food ordinarily served as appetizers or first courses such as cheese sticks, fried calamari, chicken wings, pizza bites (as opposed to a pizza), egg rolls, pot stickers, flautas, cups of soup, and any small portion of a dish that may constitute a main

course when it is not served in a full portion or when it is intended for sharing in small portions

- Side dishes such as bread, rolls, French fries, onion rings, small salads (green, potato, macaroni, fruit), rice, mashed potatoes, and small portions of vegetables
- Reheated refrigerated or frozen entrees
- Desserts

“Guests” shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

- c. Nonresidential Electric Vehicle Charging Stations shall be processed by the City in compliance with AB 970 (McCarty, 2021) subject to the specific binding timelines for the expedited, streamlined, ministerial review and approval of Electric Vehicle Charging Station (EVCS) permit applications per Assembly Bill 1236 (Chiu, 2015). The review periods for Electric Vehicle Charging Stations are determined based on the size of the proposed project.

Application Completeness

- 1-25 Electric Vehicle Charging Stations at a single site: 5 business days
- 26 or more stations at a single site: 10 business days

Application Approval

- 1-25 Electric Vehicle Charging Stations at a single site: 20 business days
- 26 or more stations at a single site: 40 business days

Conditions of Approval for Expedited Review

- All proposed Electric Vehicle Charging Stations and equipment shall conform with the City of Grand Terrace Objective Design Standards (ODS)
- Electric Vehicle Charging Station equipment including transformers, generating stations, energy storage units, and any other electric vehicle charging station related equipment must be adequately screened from visible view to the satisfaction of the City by one or combination of the following:
 - o Permanent masonry enclosure with decorative block wall and metal roof covering. Access gates/doors to be lockable and secure.
 - o Shrink wrap material acceptable to the City’s objective design standards

18.27.020 Nonresidential Hours of Operation.

The standard hours of operation between 7:00 a.m. and 11:00 p.m. shall be applicable to all non-residential land use located within 500 feet of any residentially zoned property within the City of Grand Terrace. A Conditional Use Permit (CUP) approved by the Planning Commission/Site and Architectural Review Board is required for any non-residential land use located within 500 feet of any residentially zoned property within the City of Grand Terrace

seeks after-hours operation. "After-hours operation" means any use that has hours of operation at any time between 11:00 p.m. and 7:00 a.m.

The standard hours of operation of any non-residential land use located more than 501 feet or further away from any residentially zoned property within the City of Grand Terrace is permitted to operate 24 hours a day / seven days a week unless hours of operation are limited by a Conditional Use Permit.

18.10.030 Use regulations.

Uses listed in Table 18.10.030 shall be allowed in one or more of the residential districts as indicated in the columns below each district heading. Permitted uses are indicated by the letter "P" while the letter "C" indicates uses which require a conditional use permit.

TABLE 18.10.030
LAND USE REGULATIONS

Permitted Uses	RH	R1-20	R1-10	R1-7.2	R2R3	R3-S	R3-20 / R3-24
A. Residential Uses							
Single-Family (Detached), Full Sized	P	P	P	P	P ^a P ^b	-	-
Second Units (Subject to Chapter 17.30 and 18.65)	P ^g	P ^g	P ^g	P ^g	-	-	-
Two-Unit Developments (Subject to Chapter 17.30 and 18.65)	P ^g	P ^g	P ^g	P ^g	-	-	-
Single-Family (Attached) (Duplexes, Triplexes, and Fourplexes)	-	-	-	-	P	P	P
Multiple Family Units	-	-	-	-	P	P	P
Manufactured Housing (As Permitted Per Chapter 18.66)	P	P	P	P	P	P	-
Mobile Home Park	-	-	-	-	C	C	-
Senior Citizen Housing						P ^d	P
B. Residential Accessory Structures							
Accessory Structure	P	P	P	P	P	P	P ^d
Accessory Dwelling Unit (Subject to Chapter 17.30 and 18.69)	P	P	P	P	P	P	P
Junior Accessory Dwelling Unit (Subject to Chapter 17.30 and 18.69)	P	P	P	P	P	P	-
Guest House	C	C	C	C	C	C	-
Private Garage	P	P	P	P	P	P	P
Private Swimming Pool	P	P	P	P	P	P	P ^d
Home occupation (As Permitted Per Chapter 5.06)	P	P	P	P	P	P	P ^d
Keeping of Cats and Dogs (Maximum of Two Each)	P	P	P	P	P	P	P ^d
Other Accessory Uses (As Approved by the Planning Director)	P	P	P	P	P	P	P ^d
C. Other Uses							
Churches (Minimum Three-Acre Parcel) ^e	C	C	C	C	C	C	-
<u>Electric Vehicle Charging Stations (accessory use)ⁱ</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Permitted Uses	RH	R1-20	R1-10	R1-7.2	R2	R3	R3-S	R3-20 / R3-24
Schools (Private and Parochial) ^e	C	C	C	C	C	C	-	-
Public Park and Playground ^e	P	P	P	P	P	P	-	-
Public Facilities (And Quasi- Public) ^e	C	C	C	C	C	C	-	-
Family Day Care (Eight or Less Children) ^e	P	P	P	P	P	P	-	-
Family Day Care Center (Nine or More Children) ^e	C	C	C	C	C	C	-	-
Residential Care Facility (Six or Less Persons)	P	P	P	P	P	P	P	P
Residential Care Facility (Seven or More Persons) ^f					C	C	-	-
<u>State Licensed Congregate Living Health Facility (CLHF)^h</u>	=	=	=	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Single Room Occupancy					C	C	-	-
Utility or Service Facility ^e	C	C	C	C	C	C	-	-
Outdoor Recreation Facility ^e	C	C	C	C	C	C	-	-
D. Temporary uses								
Temporary Uses (As approved by Planning Director)	P	P	P	P	P	P	P ^d	P
Temporary Trailers (As Approved by Planning Director)	P	P	P	P	P	P	P ^d	P

Footnotes:

- A second single-family detached unit (full-sized single-family detached dwelling) shall be permitted in the R2 zone provided that the lot or parcel in question meets the minimum area requirement for the R2 zone and that said lot or parcel is developed with no more than one single-family detached dwelling. A site and architectural review application for the second-family detached unit in accordance with Chapter 18.63 of the Zoning Code shall be required to be approved prior to the issuance of building permits. In addition, all development standards of the underlying zone must be adhered to; and any division in ownership among the structures on the lot or parcel in question shall conform to the subdivision laws of the state and city.
- A second-family detached unit (full sized single-family detached dwelling) shall be permitted in the R3 zone provided that the lot or parcel in question meets the minimum area requirements for the R3 zone and that said lot or parcel is developed with no more than one single-family detached dwelling. A site and architectural review application for the second-family detached unit in accordance with Chapter 18.63 of the Zoning Code shall be required to be approved prior to the issuance of building permits. In addition, all development standards of the underlying zone must be adhered to; and any division in ownership among the structures on the lot or parcel in question shall conform to the subdivision laws of the state and city.
- "P" stands for "Permitted Use" where the use is permitted by right; and "C" stands for "Conditional Use" where the use requires a conditional use permit.
- Senior citizen housing is allowed in the R3-S up to a maximum density of twenty unit/acre. A specific plan will be required for all senior citizen housing projects in this zone. Some accessory and temporary uses as indicated will be allowed in the R3-S zone with the approval of the Community Development Director.
- Notwithstanding anything indicating otherwise in this Table, this use is prohibited on a parcel that was created by an urban lot split, pursuant to Subsection 17.30.050(A).
- Subject to administrative conditional use permit.

- g. Notwithstanding anything indicating otherwise in this Table, this use shall be prohibited if the finding of a specific, adverse impact is made in accordance with Subsection 18.65.020(C).
- h. CLHF's are required to comply with the City's Objective Design Standards (ODS) and a State license is required to operate as a Congregate Living Health Facility (CLHF) in California. A CLHF means a residential home with a capacity of no more than 18 beds (except a facility operated by a city and county for purposes of delivering services may have a capacity of 59 beds; or, a facility not operated by a city and county servicing persons who are terminally ill, persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons, or located in a county of the 16th class pursuant to Section 28020 of the Government Code, may have not more than 25 beds for the purpose of serving persons who are terminally ill) that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of the following service:
- (A) Services for persons who are mentally alert, persons with physical disabilities, who may be ventilator dependent.
- (B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon. A "life-threatening illness" means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by his or her attending physician and surgeon.
- (C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is catastrophically disabled shall include, but not be limited to, speech, physical and occupational therapy.
- i. Residential Electric Vehicle Charging Stations shall be processed by the City in compliance with AB 970 (McCarty, 2021) subject to the specific binding timelines for the expedited, streamlined, ministerial review and approval of Electric Vehicle Charging Station (EVCS) permit applications per Assembly Bill 1236 (Chiu, 2015). The review periods for Electric Vehicle Charging Stations are determined based on the size of the proposed project.

Application Completeness

- 1-25 Electric Vehicle Charging Stations at a single site: 5 business days
- 26 or more stations at a single site: 10 business days

Application Approval

- 1-25 Electric Vehicle Charging Stations at a single site: 20 business days
- 26 or more stations at a single site: 40 business days

Conditions of Approval for Expedited Review

- A completed Submittal Requirements Checklist.
- All proposed Electric Vehicle Charging Stations and equipment shall conform with the City of Grand Terrace Objective Design Standards (ODS)

- Electric Vehicle Charging Station equipment including transformers, generating stations, energy storage units, and any other electric vehicle charging station related equipment must be adequately screened from visible view to the satisfaction of the City by one or combination of the following:
 - o Permanent masonry enclosure with decorative block wall and metal roof covering. Access gates/doors to be lockable and secure.
 - o Shrink wrap material acceptable to the City's objective design standards

Chapter 18.30 AP ADMINISTRATIVE PROFESSIONAL DISTRICT

Sections:

18.30.010 Purpose.

The purpose of the AP district is to provide for professional office uses, with site development standards compatible with those in residential districts, in order that such uses can be located in close proximity to residential uses.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.020 Permitted uses.

Permitted uses in the AP district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~shall be as follows:~~

- ~~A. Banks, financial services and institutions;~~
- ~~B. Business and office services;~~
- ~~C. General assembly facilities (other than church facilities);~~
- ~~D. Medical, dental offices and related health clinics;~~
- ~~E. Other uses which are determined by the planning commission to be similar in nature to a use listed in this section.~~

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.030 Conditionally permitted uses.

Uses permitted in the AP district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~with a conditional use permit shall be as follows:~~

- ~~A. Day care centers;~~
- ~~B. Nursing and retirement home facilities;~~
- ~~C. Private school facilities;~~
- ~~D. Public and quasi-public facilities;~~
- ~~E. Retail uses allowed as a permitted use in the C2 district;~~
- ~~F. Other uses which are determined by the planning commission to be similar in nature to a use listed in this section.~~

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.040 Site development standards.

Site development standards in the AP district are as follows:

Development Issue	Standard
Lot Area (Minimum square feet)	10,000
Lot Width (Minimum linear feet)	70
Lot Depth (Minimum linear feet)	100
Street Frontage (Minimum linear feet)	70
Setbacks (Minimum linear feet)	
front yard	15
rear yard (except when adjacent to a lot in an R District, then 10 feet)	0
side yard (except when adjacent to a lot in an R district, then 10 feet)	0
Height (Maximum linear feet)	35
Lot Coverage (Maximum percent) (less the required parking, setbacks and landscaping)	100

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.050 Storage and trash facilities.

All storage of cartons, containers and trash in the AP district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within forty feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.30.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the AP district.

(Ord. 126 § 2, Exh. A(part), 1990)

Chapter 18.33 C2 GENERAL BUSINESS DISTRICTSections:**18.33.010 Purpose.**

The purpose of the C2 district is to promote and provide for the orderly development of general commercial uses desirous to the community as a whole as well as freeway generated consumers.

(Ord. 151 § 1(part), 1994: Ord. 148 § 1(part), 1994: Ord. 126 § 2, Exh. A(part), 1990)

18.33.020 Permitted uses.

Permitted uses in the C2 district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~shall be as follows:~~

- ~~1. — Antique shops;~~
- ~~2. — Apparel stores;~~
- ~~3. — Appliance stores and repair;~~
- ~~4. — Art, music and photographic studios and supply stores;~~
- ~~5. — Athletic and health clubs and weight-reducing clinics;~~
- ~~6. — Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers): parts and supplies;~~
- ~~7. — Bakeries (retail only);~~
- ~~8. — Barber and beauty shops;~~
- ~~9. — Bicycle shops;~~
- ~~10. — Book, gift and stationary stores (other than adult related material);~~
- ~~11. — Camera shop and film processing services;~~
- ~~12. — Candy and confectionery stores (retail only);~~
- ~~13. — Carpet and floor covering stores;~~
- ~~14. — China and glassware stores;~~
- ~~15. — Cleaning and pressing establishments;~~
- ~~16. — Computer and software stores;~~

- ~~17. Convenience stores;~~
 - ~~a. After hours operation as defined by Section 18.06.032.^a~~
- ~~18. Curtain and drapery shops;~~
- ~~19. Delicatessens and specialty food stores;~~
- ~~20. Drug stores and pharmacies;~~
 - ~~a. After hours operation as defined by Section 18.06.032.^a~~
- ~~21. Florist shops;~~
- ~~22. Furniture stores;~~
- ~~23. Grocery stores and supermarkets;~~
 - ~~a. After hours operation as defined by Section 18.06.032.^a~~
- ~~24. Hardware stores;~~
- ~~25. Hobby and craft shops;~~
- ~~26. Ice cream and yogurt shops;~~
- ~~27. Jewelry stores;~~
- ~~28. Laundry (self-service);~~
- ~~29. Leather goods and luggage stores;~~
- ~~30. Liquor stores;~~
- ~~31. Nurseries and garden supply stores;~~
- ~~32. Office supplies store;~~
- ~~33. Paint, glass and wallpaper stores;~~
- ~~34. Pet shops;~~
- ~~35. Printing, blueprinting and reproduction services;~~
 - ~~a. After hours operation as defined by Section 18.06.032.^a~~
- ~~36. Record, tape and video stores (sales and rental);~~
- ~~37. Restaurants;~~
 - ~~a. With the incidental serving of beer and wine (without a cocktail lounge, bar, entertainment or dancing);~~
 - ~~b. Fast food (without a drive thru);~~
 - ~~c. After hours operation as defined by Section 18.06.032.^a~~
- ~~38. Shoe stores (sales and repair);~~
- ~~39. Sporting goods stores;~~
- ~~40. Tailor shops;~~
- ~~41. Television, radio, VCR, stereo and CD component stores (sales and repair);~~
- ~~42. Toy stores;~~
- ~~43. Variety department stores;~~

- ~~44. Watch and clock shops (sales and repair);~~
- ~~45. Yardage goods stores;~~
- ~~46. Other uses which are determined by the planning commission to be similar in nature to a use listed in this section;~~
- ~~47. Temporary uses which are determined by the community development director not to have significant long-term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review.)~~

Footnotes:

~~a. A proposed after-hours operation use shall comply with the requirements of Chapter 18.84—Administrative conditional use permit subject to review and approval by the Planning and Development Services Director. The Planning and Development Services Director may impose conditions of approval specific to after-hours operations, including, but not limited to, those conditions relating to parking, security, lighting, noise, and property maintenance.~~

~~A proposed after-hours operation use in excess of 2,000 square feet shall require compliance with a conditional use permit pursuant of Chapter 18.83—Conditional use permits subject to review and approval by the Planning Commission.~~

~~The Planning and Development Services Director shall determine whether a use not specifically permitted to operate as an after-hours operation is a permitted use or conditionally permitted use in the C2 General Business District on the basis of similarity to uses specifically permitted to operate as an after-hours operation. Application for determination of such similar uses shall be made in writing to the Planning and Development Services Director in the form provided by the Planning and Development Services Director and shall include a detailed description of the proposed use and such other information as may be required by the Planning and Development Services Director to facilitate the determination. Such application shall also include payment for such application fees as may be adopted by resolution of the City Council. The determination of the Planning and Development Services Director shall be appealable to the Planning Commission and the determination of the Planning Commission shall be appealable to the City Council. The determination by the City Council shall be final.~~

~~Existing businesses permitted to operate any time between the hours of 11:00 p.m. and 6:00 a.m. prior to the effective approval date of the ordinance from which this footnote derives, shall be exempt from the administrative conditional use permit process.~~

~~(Ord. No. 332 , § 5(Exh. A), 7-14-2020; Ord. 151 § 1(part), 1994; Ord. 148 § 1(part), 1994; Ord. 126 § 2, Exh. A(part), 1990)~~

18.33.030 Conditionally permitted uses.

Uses permitted in the C2 district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~with a conditional use permit shall be as follows:~~

- ~~A. Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers):~~
 - ~~1. Rentals,~~

- 2. ~~Sales (new and used vehicles);~~
- 3. ~~Service stations;~~
- B. ~~Day care centers;~~
- C. ~~Motels and hotels;~~
 - 1. ~~After hours operation as defined by Section 18.06.032.^a~~
- D. ~~Restaurants;~~
 - 1. ~~With entertainment and/or serving of alcoholic beverages (other than beer and wine);~~
 - 2. ~~Fast food (with a drive thru);~~
 - 3. ~~After hours operation as defined by Section 18.06.032.^a~~
- E. ~~Secondhand sales;~~
- F. ~~Veterinary clinic (completely contained in a building);~~
 - 1. ~~After hours operation as defined by Section 18.06.032.^a~~
- G. ~~Other uses which are determined by the planning commission to be similar in nature to a use listed in this section;~~
- H. ~~Outdoor displays/uses shall take place in front of business on site, which have been approved with a conditional use permit. Under special circumstances outdoor uses/displays are allowed without conditional use permits during two citywide events (the Grand Terrace Days in June and Tour De Terrace Bike Event in October), and in connection with business grand openings. Temporary special event permits will be required for display of associated balloons, banners and special event signs.~~

Footnote:

~~a. A conditional use permit for a use proposing an after-hours operation shall be required pursuant to Chapter 18.83—Conditional use permits. The Planning Commission may impose conditions of approval specific to a use proposing an after-hours operation, but not limited to, conditions relating to parking, security, lighting, noise, and property maintenance.~~

~~Existing businesses permitted to operate any time between the hours of 11:00 p.m. to 6:00 a.m. prior to the effective approval date of the ordinance from which this footnote derives, shall be exempt from the conditional use permit review process.~~

~~(Ord. No. 332, § 5(Exh. A), 7-14-2020; Ord. 148 § 1(part), 1994; Ord. 126 § 2, Exh. A(part), 1990)~~

18.33.040 Site development standards.

Site development standards in the C2 district are as follows:

<u>Development Issue</u>	<u>Standard</u>
Lot Area (Minimum square feet)	10,000
Lot Width (Minimum linear feet)	70

Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	25
rear yard (except when adjacent to a lot in an R District, then 10 feet)	0
side yard (except when adjacent to a lot in an R district, then 10 feet)	0
Height	35
(minimum linear feet)	
Lot Coverage	100
(maximum percent, less the required parking, setbacks, and landscaping)	

(Ord. 148 § 1(part), 1994; Ord. 126 § 2, Exh. A(part), 1990)

18.33.050 Storage and trash facilities.

All storage of cartons, containers and trash in the C2 district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within 40 feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.33.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the C2 district.

(Ord. 126 § 2, Exh. A(part), 1990)

Chapter 18.36 CM COMMERCIAL MANUFACTURING DISTRICT¹

Sections:

18.36.010 Purpose.

The purpose of the CM district is to provide for the development of combined commercial and light manufacturing uses. The regulations of this district are intended to allow limited light manufacturing uses which operate free of objectionable noise, dust, odor or other nuisances to locate in a mixed use development area along with commercial uses. Light manufacturing uses do not involve large container truck traffic or transport of large bulky items.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.020 Permitted uses.

Permitted uses in the CM district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~shall be as follows:~~

- ~~A. Business and office facilities;~~
- ~~B. Business support services;~~
- ~~C. Communication services;~~
- ~~D. Public storage facilities, indoor;~~
- ~~E. Research and development facilities;~~
- ~~F. Other uses which are permitted in the C2 district without a CUP;~~
- ~~G. Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this section;~~
- ~~H. Temporary uses which are determined by the Community Development Director not to have significant long-term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review.)~~

~~(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)~~

¹Editor's note(s)—Ord. No. 319 , § 5(Exh. 1), adopted April 24, 2018, repealed and reenacted Chapter 18.36 in its entirety to read as herein set out. Formerly, Chapter 18.36, §§ 18.36.010—18.36.080 pertained to similar subject matter, and derived from Ord. No. 126, § 2(Exh. A), adopted in 1990, and Ord. No. 151, § 1, adopted in 1994.

18.36.030 Conditionally permitted uses.

Uses permitted in the CM district with a conditional use permit ~~are listed under Table 18.27.010 – Nonresidential Use Regulations.~~ are as follows:

- ~~A. Building maintenance services;~~
- ~~B. Building supplies and sales;~~
- ~~C. Manufacturing, light facilities;~~
- ~~D. Public storage facilities, outdoor;~~
- ~~E. Public utility facilities and services;~~
- ~~F. Recreational facilities;~~
- ~~G. Other uses which are permitted in the C2 district with a CUP;~~
- ~~H. Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this section.~~

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited to, pallet yard, and other wood products, and tire storage.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.050 Site development standards.

Site development standards in the CM district are as follows:

Development Issue	Standard
Lot Area	10,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	15, with 5' landscape setback
rear yard (except when adjacent to a lot in an	0
R District, then 25 feet, with 10 foot landscape	
setback)	
side yard (except when adjacent to a lot in an	0
R district, then 25 feet, with 10 foot landscape	
setback)	
street side yard	15, with 5' landscape setback

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Height	35
(minimum linear feet)	
Lot Coverage	100
(maximum percent, less the required parking, setbacks, and landscaping)	

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.
- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.
- D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.
- E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.36.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the CM district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

Chapter 18.39 MR RESTRICTED MANUFACTURING DISTRICT²

Sections:

18.39.010 Purpose.

The purpose of the MR district is to provide for the development of low intensity and low impact light manufacturing and industrial uses. The regulations of this district are intended to allow various manufacturing and industrial uses which operate free of objectionable noise, dust, odor or other nuisances to other (nonindustrial uses) in planned architecturally integrated building groups.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.020 Permitted uses.

Permitted uses in the MR district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~shall be as follows:~~

- ~~A. Agricultural and nursery supplies and services;~~
- ~~B. Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers): parts and supplies;~~
- ~~C. Building maintenance services;~~
- ~~D. Building supplies sales, enclosed;~~
- ~~E. Communication services;~~
- ~~F. Equipment sales and services, indoor;~~
- ~~G. Laundry and cleaning services;~~
- ~~I. Manufacturing, light facilities;~~
- ~~J. Mail order services;~~
- ~~K. Printing, blueprinting and reproduction services;~~
- ~~L. Public storage facilities; indoor~~
- ~~M. Research services;~~
- ~~N. Veterinary clinics (completely contained in a building);~~
- ~~O. Wholesale, storage and distribution facilities;~~
- ~~P. Other uses which are permitted in the CM district without a CUP;~~
- ~~Q. Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this section;~~

²Editor's note(s)—Ord. No. 319 , § 5(Exh. 1), adopted April 24, 2018, repealed and reenacted Chapter 18.39 in its entirety to read as herein set out. Formerly, Chapter 18.39, §§ 18.39.010—18.39.090 pertained to similar subject matter, and derived from Ord. No. 126, § 2(Exh. A), adopted in 1990, and Ord. No. 151, § 1, adopted in 1994.

- ~~R. Temporary uses which are determined by the Community Development Director not to have significant long-term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review.)~~

~~(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)~~

18.39.030 Conditionally permitted uses.

Uses permitted in the MR district with a conditional use permit **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~are as follows:~~

- ~~A. Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers):~~
 - ~~1. Rentals;~~
 - ~~2. Repair;~~
 - ~~3. Sales (new and used vehicles);~~
 - ~~4. Service stations;~~
- ~~B. Building supplies and sales, outdoor;~~
- ~~C. Contractor's office and storage yards, outdoor;~~
- ~~D. Funeral homes (without crematory services);~~
- ~~E. Public storage facilities;~~
- ~~F. Recreational facilities;~~
- ~~G. Public utilities;~~
- ~~H. Modular units for office purposes only;~~
- ~~I. Other uses which are permitted in the CM district with a CUP;~~
- ~~J. Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this section.~~

~~(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)~~

18.39.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited to, pallet yard, and other wood products, and tire storage.

~~(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)~~

18.39.050 Site development standards.

Site development standards in the MR district are as follows:

Development Issue	Standard
Lot Area	20,000
(Minimum square feet)	

Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	25, with 10' landscape setback
rear yard (except when adjacent to a lot in an	0
R District, then 25 feet, with 10 foot landscape	
setback)	
side yard (except when adjacent to a lot in an	0
R district, then 25 feet, with 10 foot landscape	
setback)	
street side yard	15, with 5' landscape setback
Height	35
(Minimum linear feet)	
Lot Coverage	100
(Maximum percent, less the required parking,	
setbacks, and landscaping)	

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.
- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.
- D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.
- E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the MR district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the MR district.
(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the MR district.
(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.39.100 Commercial modular units.

The provisions of Chapter 18.66 for commercial modular units shall apply in the MR district.
(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

Chapter 18.40 M2 INDUSTRIAL DISTRICT³Sections:**18.40.010 Purpose.**

The purpose of the M2 district is to provide for the development of medium manufacturing and industrial uses. The regulations of this district are intended to allow various manufacturing and industrial uses which operate free of overly excessive noise, dust, odor or other nuisances and can be made compatible to other (nonindustrial) districts.
(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.020 Permitted uses.

Permitted uses in the M2 district **are listed under Table 18.27.010 – Nonresidential Use Regulations.** ~~are as follows:~~

- ~~A. — Agricultural and nursery supplies and services;~~
- ~~B. — Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers):~~
 - ~~1. — Parts and supplies (wholesale and retail);~~
 - ~~2. — Rentals;~~

³Editor's note(s)—Ord. No. 319 , § 5(Exh. 1), adopted April 24, 2018, repealed and reenacted Chapter 18.40 in its entirety to read as herein set out. Formerly, Chapter 18.40, §§ 18.40.010—18.40.090 pertained to similar subject matter, and derived from Ord. No. 126, § 2(Exh. A), adopted in 1990, and Ord. No. 151, § 1, adopted in 1994.

- 3.— Repair;
- C.— Bakery (wholesale);
- D.— Building maintenance services;
- E.— Building supplies and sales (wholesale and retail), indoor;
- F.— Communication services;
- G.— Contractor's office and storage yards, indoor;
- H.— Heavy equipment sales and services, indoor;
- I.— Laundry and dry-cleaning facilities;
- J.— Mail order services;
- K.— Manufacturing, light and medium facilities;
- L.— Photography and film processing facilities;
- M.— Printing, blueprinting and reproduction services;
- N.— Public storage facilities; indoor;
- O.— Recreational vehicle storage, indoor;
- P.— Veterinary clinics (completely contained in a building);
- Q.— Wholesale, storage and distribution facilities;
- R.— Emergency shelters;
- S.— Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this section;
- T.— Temporary uses which are determined by the Community Development Director not to have a significant long term impact on the environment. (Uses such as parking lot sales, Christmas tree sales, seasonal sales, rummage sales, and others with review through the land use approval or administrative site and architectural approval process in accordance with Chapter 18.63, Site and Architectural Review).

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.030 Conditionally permitted uses.

Uses permitted in the M2 district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations. are as follows:

- A.— Automotive related services (includes motorcycles, boats, recreational vehicles, trailers and campers):
 - 1.— Sales (new and used vehicles);
 - 2.— Service stations;
- B.— Funeral homes (with crematory services);
- C.— Building supplies and sales (wholesale and retail), outdoor;
- D.— Contractor's office and storage yards, outdoor.
- E.— Heavy equipment sales and repair, outdoor;

- ~~F. Plant nurseries, wholesale, outdoor;~~
- ~~G. Public storage facilities, outdoor;~~
- ~~H. Public utilities and facilities;~~
- ~~I. Recreational facilities;~~
- ~~J. Recreational vehicle storage, outdoor;~~
- ~~K. Modular units for business office or headquarter purposes only;~~
- ~~L. Other uses which are determined by the Planning Commission to be similar in nature to a use listed in this Section.~~

~~(Ord. No. 329 , § 5, 1-28-2020; Ord. No. 319 , § 5(Exh. 1), 4-24-2018)~~

18.40.040 Prohibited uses.

Uses that include the storage of hazardous and/or flammable material is prohibited. Such uses include, but are not limited, to pallet yard, and other wood products, and tire storage.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.050 Site development standards.

Site development standards in the M2 district are as follows:

Development Issue	Standard
Lot Area	20,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	25, with 10' landscape setback
rear yard (except when adjacent to a lot in an	0
R District, then 25 feet, with 10 foot landscape	
setback)	
side yard (except when adjacent to a lot in an	0
R district, then 25 feet, with 10 foot landscape	
setback)	
street side yard	15, with 5' landscape setback
Height	35
(Minimum linear feet)	
Lot Coverage	100
(Maximum percent, less the required parking,	
setbacks, and landscaping)	

(Ord. No. 329 , § 5, 1-28-2020; Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.060 Storage and trash facilities.

- A. Permitted outdoor storage shall be set back 25 feet when adjacent to residential properties.
- B. When permissible outdoor storage is utilized, such storage shall be visually screened from all adjacent building sites, public view, and public streets and alleys by a solid decorative masonry wall of a height sufficient to screen all materials stored outdoors, but not less than six feet in height, or by a building.
- C. The screening herein required shall be established at or before the time any area is used for outdoor storage.
- D. Where topographical conditions or existing structures are such that strict compliance with the requirements of this section would not be necessary to accomplish the purposes of this section, the Planning Commission may waive compliance with all or part of such requirements.
- E. Trash enclosures shall be required. Trash enclosures shall be screened by a six-foot-high decorative block wall with metal gates. Metal gates shall be attached to metal posts.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.070 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.080 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.090 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

18.40.100 Commercial modular units.

The provisions of Chapter 18.66 for commercial modular units shall apply in the M2 district.

(Ord. No. 319 , § 5(Exh. 1), 4-24-2018)

Chapter 18.43 PUB PUBLIC FACILITIES DISTRICTSections:

18.43.010 Purpose.

The purpose of the PUB district is to provide for the development of public facilities for public service uses such as government offices and services, public parks and school facilities. (Ord. 126 § 2, Exh. A(part), 1990)

18.43.020 Permitted uses.

Permitted uses in the PUB district ~~are listed under Table 18.27.010 – Nonresidential Use Regulations.~~ ~~are as follows;~~

- ~~A. Government offices and service facilities;~~
- ~~B. Public library facilities;~~
- ~~C. Public parks and recreational facilities;~~
- ~~D. Public school facilities;~~
- ~~E. Public utility facilities.~~

~~(Ord. 126 § 2, Exh. A(part), 1990)~~

18.43.030 Conditionally permitted uses.

~~There are no permitted uses in the PUB district which require a conditional use permit.~~
Uses permitted in the PUB district with a conditional use permit are listed under Table 18.27.010 – Nonresidential Use Regulations.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.040 Site development standards.

Site development standards in the PUB district are as follows:

Development Issue	Standard
Lot Area	10,000
(Minimum square feet)	
Lot Width	70
(Minimum linear feet)	
Lot Depth	100
(Minimum linear feet)	
Street Frontage	70
(Minimum linear feet)	
Setbacks	
(Minimum linear feet)	
front yard	15
rear yard (except when adjacent to a lot in an	0
R District, then 10 feet)	
side yard (except when adjacent to a lot in an	0
R district, then 10 feet)	

Height	35
(minimum linear feet)	
Lot Coverage	100
(maximum percent, less the required parking, setbacks, and landscaping)	

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.050 Storage and trash facilities.

All storage of cartons, containers and trash in the PUB district shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height. If unroofed, no such area shall be located within 40 feet of any district zoned for residential use.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.060 Off-street parking.

The provisions of Chapter 18.60 shall apply in determining the amount of parking space that must be provided for each use located in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.070 Signs.

The provisions of Chapter 18.80 shall apply to all signs in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)

18.43.080 Site and architectural review.

The provisions of Chapter 18.63 for site and architectural review shall apply in the PUB district.

(Ord. 126 § 2, Exh. A(part), 1990)



CITY OF GRAND TERRACE

NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

FROM: Planning and Development
Services Department
City of Grand Terrace
22795 Barton Road
Grand Terrace, CA 92313

Project Title: An Ordinance of the City Council of Grand Terrace, California, approving Zone Change Amendment (ZCA) 24-03, to amend TITLE 18 (ZONING) of the Grand Terrace Municipal Code Amending City of Grand Terrace Municipal Code Title 18 (Zoning) To Add New Residential Land Uses Called "Congregate Living Health Facilities" And "Electric Vehicle Charging Stations", To The Allowable Residential Land Uses Listed In Chapter 18.10 (Residential Districts); To Add Nonresidential Hours Of Operation And To Consolidate All Nonresidential Land Uses Identified Under Chapters 18.30 – AP Administrative Professional District, 18.33 – C2 General Business District, 18.36 – CM Commercial Manufacturing District, 18.39 – MR Restricted Manufacturing District, 18.40 – M2 Industrial District, 18.43 – PUB Public Facilities District Into A Table Format Under A New Chapter 18.27 (Nonresidential Districts); To Add New Nonresidential Land Uses Called "Heavy Equipment Rentals (Indoor and Outdoor)", "Electric Vehicle Charging Stations", "Restaurants With A Cocktail Lounge, Bar, Entertainment Or Dancing", and "Establishments With On-Site Alcohol Beverage Sales And Consumption That Are Not Bona Fide Eating Establishments (Bars, Taverns, Cocktail Lounges, Breweries, Distilleries And / Or Wine Making Facilities With Sales For On-Site And Off-Site Consumption)"

Project Location – Specific: Citywide

Description of Project: Zone Change Amendment (ZCA) 24-03 to add new residential land uses; to add nonresidential hours of operation; and to consolidate all nonresidential land uses into a table format under a new Chapter 18.27 (Nonresidential Districts); to add new nonresidential land uses.

Name of Public Agency Approving Project: Grand Terrace City Council

Name of Person or Agency Carrying out Project: City of Grand Terrace Planning Department

Exempt Status: Environmental Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

Reasons Why Project is Exempt: It can be seen with certainty that the proposed Zone Change Amendment (ZCA) 24-03 solely proposes to update residential and nonresidential land use tables and establish hours of operation with a process to request after hours of operation for a business, has no foreseeable potential to have a significant adverse effect on the environment. The City of Grand Terrace has determined that ZCA 24-03 is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) - Common Sense Exemption. The project is exempt under the "common sense" exemption because it does not involve any grading, demolition, or construction activities that will have a significant effect on the environment. The project is strictly a text update to the City's land use tables and hours of operation found within the Zoning Code.

Lead Agency or Contact Person:

Telephone/Email:

(909) 954-5177 office
shutter@grandterrace-ca.gov

Scott Hutter
Planning Director
City of Grand Terrace

Date