

April 2019 | Final Environmental Impact Report
State Clearinghouse No. 2018081056

FAMILY RESOURCES CENTER AND DISTRICT POLICE HEADQUARTERS PROJECT

San Bernardino City Unified School District

Prepared for:

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Family Resources Center and District Police Headquarters project during the public review period, which began January 17, 2019, and closed March 4, 2019. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A-1 for letters received from agencies and organizations). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the San Bernardino City Unified School District (“District”), as the Lead Agency to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the District’s responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. The following agency submitted comments on the DEIR during the public review period; no comment letters were received from residents.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies & Organizations			
A1	City of San Bernardino	March 4, 2019	2-3

2. Response to Comments

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2. Response to Comments

LETTER A1 – City of San Bernardino, Oliver Mujica (2 pages)



City of
San Bernardino

March 4, 2019

Thomas Pace, Director
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**Draft Environmental Impact Report for the Proposed Family Resource Center
and District Police Headquarters Project**

A-1

Thank you for providing the City of San Bernardino the opportunity to review and comment on the DEIR for the proposed Family Resource Center and District Police Headquarters project. The project site is located at 736 and 748 North E Street, on the northwest corner of E Street and 7th Street, within the City of San Bernardino. The project proposes the demolition of three existing structures, and the development of a 19,020 square-foot, two-story Family Resource Center and a 15,772 square-foot, two-story SBCUSD Police Headquarters.

As the agency responsible for the issuance of the required demolition permits, the City of San Bernardino is providing comments to the lead agency. The following comments are intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (EIR).

A-2

The City of San Bernardino Municipal Code Chapter 15.37 (Historic Building Demolition Ordinance) establishes criteria for determining the historic significance of a building, and the review process for demolition of potentially historic buildings. Based on the criteria in this chapter of the Municipal Code, the DEIR for the proposed project identified the building located at 736 North E Street to be of historic significance. Demolition permits of historically significant buildings within the City are discretionary permits, issued by the City's Planning Commission, and appealable to the City Council. Prior to the issuance of a demolition permit, the demolition permit application shall be reviewed by the Development and Environmental Review Committee (DERC). Following the DERC review, the application and the environmental determination shall be reviewed by the Arts and Historic Preservation Commission. The Arts and Historic Preservation Commission will then make a recommendation to the Planning Commission regarding the historic significance of resources and the approval or denial of the application for a demolition permit. The Planning Commission shall take action on the environmental

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2. Response to Comments

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determination and approve or deny the issuance of the demolition permit within forty-five (45) days of the DERC's environmental determination. Planning Commission actions may be appealed to the Mayor and City Council.

A-3

At this time, City of San Bernardino planning staff has determined that the Historic Resource Evaluation Report appended to the DEIR contains the information and materials required by chapter 15.37 of the City of San Bernardino Municipal Code. However, in light of the fact that the demolition permit for historic resources is a discretionary act on the part of the City and the mitigation measures identified in the DEIR do not reduce the impact to a level that is less than significant, SBCUSD may want to consider a project alternative that does not require the demolition of the church building at 736 North E Street.

The City of San Bernardino staff is available to address any questions or concerns as they arise. If this project is later modified in any way, please forward copies of revised plans so that we may evaluate all proposed changes for potential impacts. Please contact Chantal Power, Associate Planner, at 909-384-7272 extension 3328, or power_ch@sbcity.org if you have any questions regarding these comments.

Sincerely,



Oliver Mujica
Planning Division Manager
Community & Economic Development Department

2. Response to Comments

A1. Response to Comments from City of San Bernardino, Oliver Mujica, dated March 4, 2019.

A1-1 The commenter summarizes the project description and affirms that the City of San Bernardino is responsible for issuance of demolition permits.

As provided in Table 4-1, Lead and Responsible Agencies, in Chapter 4 of the DEIR, the City of San Bernardino is identified as a responsible agency that would approve entitlements, including a demolition permit. As a responsible agency, the City would need to use this EIR in consideration of the demolition permit.

A1-2 The commenter cites the City of San Bernardino Municipal Code (SBMC) Chapter 15.37 (Historic Building Demolition Ordinance). The commenter states that prior to the issuance of a demolition permit the application shall be reviewed by the Development and Environmental Review Committee (DERC); following the DERC review the Arts and Historic Preservation Commission shall review and make a recommendation to Planning Commission regarding historic significance of the building proposed to be demolished. The Planning Commission shall take action on the environmental determination and approve or deny the issuance of the demolition permit.

The District met with the City on March 20, 2019 to discuss the proposed project and the possible need for a demolition permit. The City indicated that the comment letter was meant as informational rather than an indication of a deficiency of analysis in the Draft EIR, and that they were supportive of additional public safety. The City advised that a demolition permit may not be necessary as the police building is subject to the Field Act and may be under state rather than local regulatory authority. While the City is looking into whether their requirements apply to the project, the Draft EIR assumed approval of a demolition permit and corresponding review by the DERC would be necessary and includes mitigation measure CUL-1 to address the potential impact.

The proposed demolition of the church was reviewed in accordance with SBMC Chapter 15.37, and a Historic Resources Evaluation Report was prepared (included as Appendix 5.3-1 of the DEIR). As determined in Impact 5.3-1 of the DEIR in accordance with the findings of the Historical Resources Evaluation (pages 5.3-9 to 5.3-10), the First Church of Christ, Science building was determined to be historically significant, and demolition of the building would result in a significant impact. In addition to review of the environmental determination, a statement of overriding considerations would need to be adopted for approval of the project with the significant and unavoidable impact to historical resources.

A1-3 The commenter states that the City of San Bernardino planning staff determined that the Historic Resource Evaluation Report included in the DEIR contains information required by Chapter 15.37 of the SMBC, but because the demolition permit is a discretionary act by the City and because demolition would result in a significant impact the commenter recommends consideration of an alternative that would not demolish the church.

2. Response to Comments

The District analyzed a four of alternatives which would not result in demolition of the First Church of Christ, Scientist; see Chapter 7, Alternatives to the Proposed Project, for discussion of project alternatives. Alternate 2, Alternative Potential Site #5, analyzed three variations of one site within a portion of the existing project site boundaries that is on District-owned property (see Figure 7-2, Alternate 2, Alternative Potential Site #5, of the DEIR). Alternate 2 did not meet two project objectives (see page 7-8 of the DEIR).

Alternate 3, Alternative Offsite Sites, analyzed three offsite locations identified as Potential Sites #2, #3, and #4 during the site review process for construction of the proposed project (see Figure 7-3, Alternate 3, Alternative Offsite Sites, of the DEIR). Alternate 3 did not meet four project objectives (see page 7-14 of the DEIR).

Alternate 4, Alternative Potential Site #6, analyzed the existing District-owned parking lots for the SBCUSD Administration building and 12 parcels south of West 7th Street (see Figure 7-4, Alternate 4, Alternative Potential Site #6, of the DEIR). Alternate 4 did not meet four of the project objectives (see page 7-17 of the DEIR).

Alternate 5, Conversion of Existing Church and Motel to District Police Headquarters, and Alternative B, Conversion of the Church Alternative, analyzed retrofitting the church for operation of the District Police Headquarters. Although Alternate 5 and Alternative B would reduce the significant unavoidable impact to the church to a less than significant level, Alternate 5 failed to meet three project objectives (see page 7-18 of the DEIR) and was determined to be infeasible for multiple reasons (see page 7-18 of the DEIR). Alternative B failed to meet three project objectives.

The District considered seven alternatives in total, four of which would avoid the significant and unavoidable impact to historical resources. However, these alternatives did not meet project objectives, and were determined to be infeasible. As provided in Section 7.7, Environmentally Superior Alternative, Alternative A, No Project Alternative, was determined to be environmentally superior to the proposed project. Nonetheless, the Planning Commission of the City of San Bernardino may have discretionary approval authority of the demolition permit for the project. See also response to comment A1-2. Additionally, the commenter requested that if the project is later modified in any way, copies of the revised plans be forwarded to the City for evaluation of potential impacts. If the project is later modified, the District shall forward any significant changes in the project plans to the commenter.