

Decision 08-01-036 January 31, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for Authority to Lease Available Land on the Chino-Mira Loma 220 kV Transmission Right of Way to CT Self-Storage Fund IV, LLC, a California limited liability Company.

Application 07-11-005
(Filed November 6, 2007)

DECISION GRANTING AUTHORITY UNDER PUBLIC UTILITIES CODE SECTION 851 FOR SOUTHERN CALIFORNIA EDISON COMPANY TO LEASE LAND ON ITS TRANSMISSION RIGHT-OF-WAY TO CT SELF-STORAGE FUND IV, LLC

1. Summary

This opinion grants Southern California Edison Company (SCE) authority under Pub. Util. Code § 851¹ to lease vacant land on SCE's Chino-Mira Loma transmission right-of-way (Chino-Mira Loma ROW) to CT Self-Storage Fund IV, LLC (CT Realty). CT Realty will use the site to construct and operate a storage facility for boats and recreational vehicles (RVs). The use of the site for this purpose has been approved by Chino Independent Fire District.

¹ All statutory references are to the Public Utilities Code unless otherwise stated.

If CT Realty wishes to use the site for other purposes in the future, today's opinion requires SCE to obtain approval under § 851, obtain any local permits that may be required, and undergo any required environmental review.

2. Background

SCE filed Application (A.) 07-11-005 on November 6, 2007. Notice of the application appeared in the Commission's Daily Calendar on November 9, 2007. There were no protests or other responses to the application.

SCE filed two amendments to A.07-11-005. The first amendment was filed on November 29, 2007, for the purpose of affirming SCE's intention to proceed with the application, despite press reports that SCE would no longer lease property on its right-of-ways. The second amendment was filed on December 17, 2007, and contained environmental documents that were missing from A.07-11-005. Notice of both amendments appeared in the Daily Calendar. There were no responses to either amendment.

In A.07-11-005, SCE requests authority under § 851 to lease 17.62 acres of land on its Chino-Mira Loma ROW (Site) to CT Realty.² The Site is located in the City of Chino and is part of SCE's 220 kilovolt (kV) transmission system. SCE's facilities on the Site consist of overhead power lines and supporting structures. The Site is otherwise vacant. CT Realty will use the Site to construct and operate a storage facility for boats and RVs. SCE represents that CT Realty's activities will not interfere with SCE's facilities or with service to SCE's customers.

² The Site is bounded by SCE's Chino Substation, vacant land, and residential, horticulture, and industrial uses.

2.1. The Agreement

On November 20, 2006, CT Realty and SCE executed the *Option Agreement between Southern California Edison Company and CT Self-Storage Fund IV, LLC, a California limited liability company* (Agreement).³ The Agreement gives CT Realty the option to lease the Site for the development and operation of an RV storage facility. If the Commission grants A.07-11-005, a lease will be created upon CT Realty's exercise of the option. The Agreement includes the lease terms.

There is no mention in the Agreement of using the Site to store boats; the use of the Site to store boats is mentioned only in A.07-11-005. The Agreement also provides CT Realty with the right to use the Site for any lawful purpose that does not interfere with SCE's operations and facilities, but only after obtaining SCE's written consent.⁴ The Agreement does not require the Commission's approval for any changes in use of the Site.

The term of the lease is 45 years. CT Realty can renew the lease for two additional 10-year terms. The rent is \$70,000 in Year 1; \$80,000 in Year 2; \$90,000 in Year 3; and \$140,000 in Year 4. The rent increases by 3% annually in Years 5 through 10. The rent will be further adjusted after the 10th year and upon each renewal option based on the fair market rental value of the property at the time. However, in no event will the adjusted rent be less than the rent then payable or more than 10% higher than the rent then payable.

To maintain safety and to prevent interference with SCE's electric facilities at the Site, CT Realty may not utilize the area directly under SCE's towers

³ A copy of the Agreement is attached to A.07-11-005.

⁴ SCE has reserved the right to license portions of the property to third parties for billboards and cell sites.

without SCE's written consent. Any equipment used by CT Realty must keep a minimum clearance of 18 feet from overhead electrical conductors. In addition, CT Realty may not use areas within a 50-foot radius of tower legs and within a 10-foot radius of steel poles, wood poles, and anchors.

In the Agreement, CT Realty acknowledges that any structures it places on the Site will be near high-voltage electric transmission facilities and, therefore, susceptible to induced voltages that create a health and safety risk. CT Realty agrees to assume responsibility for identifying and implementing appropriate mitigation measures to reduce this risk at its own expense.

SCE retains the right to enter the Site to work on its facilities. CT Realty must provide access roads that are at least 16 feet wide and able to support vehicles weighing 40 tons. If necessary, SCE may take all or part of the leasehold for utility purposes by eminent domain or inverse condemnation.

CT Realty must comply with legal and regulatory requirements, maintain the property and improvements in good condition, and use the property safely. CT Realty may not use or store hazardous substances, explosives, or flammable materials on the Site. CT Realty must also remove any hazardous substances placed on the Site during the lease term. In addition, CT Realty must maintain comprehensive general liability insurance, comprehensive auto liability insurance, and workers' compensation insurance. CT Realty further agrees to indemnify SCE against all liability for damages or injury to persons on the Site except to the extent caused by SCE's negligent or willful misconduct.

SCE must approve any improvements that CT Realty wishes to construct on the Site. CT Realty will own the improvements it constructs and is responsible for obtaining any permits required for its construction and

operations at the Site. CT Realty is also responsible for all taxes, assessments, and fees levied against its improvements.

2.2. Determination of Best Secondary Use

SCE's objective in selecting a secondary use for the Site was to provide revenue for its ratepayers and shareholders. Because aboveground transmission lines cross the Site, secondary uses are limited by safety considerations and height clearances. Of the uses allowed by the City of Chino that are compatible with utility operations on the Site, SCE determined that leasing the Site for a boat and RV storage facility offered a high level of potential revenue for the Site.

2.3. Valuation of Site

To determine the rental value of the Site, SCE researched vehicle parking rates in the surrounding area and rent payments for similar facilities. SCE states that the revenue it will receive from CT Realty falls within the market range.

2.4. Selection of Developer

SCE selected CT Realty based on the company's background and financial position. Since 1999, CT Realty has successfully developed and operated four similar businesses on SCE property. CT Realty continues to operate these businesses, generating lease revenue for SCE in excess of \$500,000 per year.

2.5. Ratemaking Considerations

In Decision (D.) 99-09-070, the Commission adopted a gross revenue sharing mechanism for certain other operating revenue (OOR). Gross revenues that are subject to the sharing mechanism are split between shareholders and ratepayers after the Commission-adopted annual threshold level of OOR has been reached. For non-tariffed products and services deemed "passive" by the Commission, the revenues in excess of the annual threshold are split between shareholders and ratepayers on a 70% to 30% basis.

SCE represents that the lease of land on its ROW has been deemed “passive” for revenue sharing purposes. Therefore the lease revenues from CT Realty will be treated as “passive,” so that any lease revenues in excess of the annual threshold will be allocated between shareholders and ratepayers on a 70% - 30% basis.

2.6. Public Interest

SCE submits that the proposed lease is in the public interest because it will provide revenues for the benefit of ratepayers with low risk to the ratepayers.

3. Discussion

A.07-11-005 is subject to § 851 which states, in relevant part, as follows:

No public utility...shall...lease...any part of its...property necessary or useful in the performance of its duties to the public...without first having...secured an order from the commission authorizing it to do so.

The Commission has broad discretion under § 851 to approve or reject a proposed transaction. The primary standard used by the Commission is whether the transaction is in the public interest. The public interest is served when utility property is used for other productive purposes without interfering with utility operations or service to utility customers. When necessary, the Commission may attach conditions to a transaction to protect and promote the public interest.⁵

We find that SCE’s proposed lease with CT Realty is in the public interest. The use of the Site as a storage facility for boats and RVs is a productive secondary use of the Site that is compatible with its primary use as a right-of-way for aboveground transmission lines. Ratepayers will benefit from the OOR

⁵ See, e.g., D.04-08-048, *mimeo.*, pp. 12 - 13.

generated over the life of the lease. The terms of the lease ensure that CT Realty will not interfere with SCE's use of the Site or with service to SCE's customers. The Agreement also requires CT Realty to use the Site in a manner that is safe and in compliance with legal and regulatory requirements.

We have one concern, however. Specifically, the Agreement permits CT Realty to use the Site for any purpose allowed by law without prior Commission approval. In order to protect the public interest over the 65-year term of the lease, if CT Realty wishes to use the Site for any purpose other than as a storage facility for boats and RVs, we will require SCE to obtain approval in advance for the new use under § 851, obtain any local permits that may be required, and undergo any required environmental review.

For all of the preceding reasons, we will grant A.07-11-005 pursuant to § 851, subject to the conditions adopted herein. We also approve of the proposed ratemaking treatment for the rent that SCE will receive under the lease. The treatment of the rent as "passive" OOR for purposes of allocation between shareholders and ratepayers is consistent with Commission policy.

4. Environmental Matters

There are three environmental matters related to A.07-11-005. First, the Commission is required by the California Environmental Quality Act (CEQA) to consider the environmental consequences of a project that is subject to the Commission's discretionary approval.⁶ In doing so, the Commission must act as

⁶ Public Resources Code § 21000, *et seq.*

either a Lead Agency or Responsible Agency. The Lead Agency is the agency with the most responsibility for supervising or approving the project as a whole.⁷

In this case, the City of Chino is the Lead Agency for CEQA review of the CT Realty project and the Commission is a Responsible Agency. CEQA requires the Commission to consider the Lead Agency's environmental documents and findings before acting upon or approving the project.⁸ A.07-11-005, as amended, included the following CEQA documents:

- The Notice of Determination filed by the City of Chino at the County of San Bernardino on September 18, 2007, wherein the City provided notice that it had accepted a mitigated negative declaration for the project pursuant to CEQA.
- Site Approval No. 2006-06 and Special Conditional Use Permit No. 2006-09 issued by the City of Chino Planning Commission on August 20, 2007.
- The Mitigated Negative Declaration and the Mitigation Monitoring Program adopted by the City of Chino Planning Commission.

The above documents include the City's determination that the potentially significant environmental impacts of the CT Realty project could be avoided or mitigated to a less than significant level by the imposition of the conditions and mitigation measures set forth in the Mitigation Monitoring Program. A copy of the Mitigation Monitoring Program is attached to today's opinion.

We have reviewed the City's environmental documents and find them adequate for our decision-making purposes. We also find that the City reasonably concluded that the project, with the conditions and mitigation

⁷ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

⁸ CEQA Guidelines Sections 15050(b) and 15096.

measures adopted by the City, would not have a significant effect on the environment. Accordingly, we will adopt the City's environmental documents and the conclusions, conditions, and mitigation measures contained therein for purposes of our review and approval of A.07-11-005.

Although the City's environmental documents do not explicitly mention the use of the Site to store boats, we note that the City of Chino's Zoning Code, Section 20.02.010, defines "recreational vehicles" as including boats.⁹ Based on this Zoning Code provision, we infer that the City of Chino's environmental review encompassed the use of the Site as a storage facility for boats. However, to ensure public safety and to protect SCE's facilities at the Site, we conclude that all boats and RVs stored on the Site should maintain the same minimum clearances and distances from SCE's facilities that apply to CT Realty's equipment as set forth in Sections 5.11 and 5.12 of the Lease Agreement.

The second environmental matter related to A.07-11-005 concerns a newspaper article that appeared in the *Los Angeles Times* on November 19, 2007. The article reported that SCE would no longer lease land on its transmission ROW except for a narrow set of uses. The reason given by the article was mounting concern by fire department officials regarding safety hazards around high-voltage transmission lines.

⁹ City of Chino Zoning Code Section 20.02.010 defines a "recreational vehicle" as "a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor homes, converted trucks or buses, **boats and boat trailers**, and off-road vehicles and trailers used in their transport." (Emphasis added.)

In response to an inquiry from the assigned Administrative Law Judge (ALJ), SCE filed an amendment on November 29, 2009, wherein SCE affirmed its desire to proceed with A.07-11-005. SCE also noted that CT Realty had obtained all necessary approvals for the project, including from the Chino Independent Fire District. A copy of the Fire District's letter dated August 6, 2007, providing conditional approval for the project was incorporated into Site Approval No. 2006-06 and Special Conditional Use Permit No. 2006-09 issued by the City of Chino.¹⁰ Based on the preceding information, we conclude that the project satisfies all of the Fire District's conditions, regulations, and requirements.

The final environmental matter concerns SCE's request for the Commission to find that ratepayers are responsible for environmental claims arising out of utility operations at the Site. We addressed this same issue in D.01-05-004 and D.01-05-005. There, we authorized utilities to seek recovery of the costs they incur for environmental claims stemming from utility operations. We also shielded ratepayers from costs for environmental claims related to the tenancy or activity of the lessee. We will adopt the same provisions here. SCE will have the burden of demonstrating that any claims for environmental costs are reasonable and should be recovered from ratepayers.

5. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to § 311(g)(2) and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

¹⁰ A copy of the Fire District's letter was appended to both A.07-11-005 and the amendment filed on November 29, 2007.

6. Categorization and Need for Hearing

In Resolution ALJ 176-3203, issued on November 16, 2007, the Commission preliminarily determined that the category for this proceeding is ratesetting and that there is no need for an evidentiary hearing. Based on our review of the record for this proceeding, we affirm and finalize these determinations.

7. Assignment of Proceeding

Rachelle B. Chong is the assigned Commissioner and Timothy Kenney is the assigned ALJ in this proceeding.

Findings of Fact

1. In A.07-11-005, SCE requests authority under Pub. Util. Code § 851 to lease 17.62 acres of land on SCE's Chino-Mira Loma transmission right of way to CT Realty. CT Realty will use the Site to develop and operate a storage facility for boats and RVs.

2. The lease agreement appended to A.07-11-005 (Lease Agreement) will generate revenue for the benefit of SCE's shareholders and ratepayers. The lease revenue will be treated as "passive" OOR and split between shareholders and ratepayers in accordance with D.99-09-070.

3. The use of the Site for a boat and RV storage facility in accordance with the Lease Agreement will not interfere with SCE's use of the Site for utility operations, SCE's facilities located at the Site, or with service to SCE's customers.

4. The Lease Agreement permits CT Realty to use the Site for any purpose allowed by law without prior Commission approval.

5. The City of Chino has issued a permit for CT Realty to construct and operate a storage facility for RVs on the Site. The permit incorporates the City's approved environmental documents, including a Mitigated Negative Declaration and a Mitigation Monitoring Program. These documents include the City's

determination that the potentially significant environmental impacts of the project can be avoided or mitigated to less than significant by the imposition of the conditions and mitigation measures in the Mitigation Monitoring Program.

6. The Lease Agreement requires CT Realty to maintain certain minimum clearances from SCE's facilities located at the Site.

Conclusions of Law

1. This is a ratesetting proceeding. A hearing is not necessary.

2. It is in the public interest to approve A.07-11-005 pursuant to § 851, subject to the conditions set forth in the following order.

3. All boats and RVs stored on the Site should maintain the same minimum clearances and distances from SCE's facilities as set forth in Sections 5.11 and 5.12 of the Lease Agreement.

4. Prior to CT Realty using the Site for any purpose other than as a storage facility for boats and RVs, SCE should obtain Commission authorization under § 851, obtain any additional local permits that may be required, and undergo any required environmental review.

5. The City of Chino is the Lead Agency under CEQA for CT Realty's proposed project. The Commission is a Responsible Agency under CEQA.

6. The City of Chino's environmental documents are adequate for the Commission's decision-making purposes with respect to A.07-11-005. No additional CEQA review by the Commission is required.

7. The City of Chino reasonably concluded that CT Realty's construction and operation of an RV storage facility will not have significant adverse effects on the environment with the conditions and mitigation measures adopted in the City's environmental documents.

8. Pursuant to the CEQA Guidelines, Section 15096(g)(1), the Commission should adopt the mitigation measures identified in the City of Chino's environmental documents, including those measures in the Mitigation Monitoring Program appended to today's opinion.

9. SCE should not be permitted to recover from ratepayers any costs for environmental claims that result from CT Realty's tenancy or activities.

10. The following order should be effective immediately so that the Lease Agreement may be executed expeditiously.

O R D E R

IT IS ORDERED that:

1. Application (A.) 07-11-005 is approved pursuant to Pub. Util. Code § 851, subject to the following conditions:

- i. All boats and recreational vehicles (RVs) stored on the Site shall maintain the same minimum clearances and distances from Southern California Edison Company's (SCE) facilities at the Site as set forth in Sections 5.11 and 5.12 of the Lease Agreement.
- ii. Prior to CT Self-Storage Fund IV, LLC (CT Realty) using the Site for any purpose other than as a storage facility for boats and RVs, SCE shall obtain Commission authorization for the new purpose under § 851, obtain any additional local permits that may be required, and undergo any required environmental review.
- iii. All revenue from the lease shall be treated as "passive" Other Operating Revenue, shall be subject to the sharing mechanism set forth in Decision 99-09-070, and shall be allocated between shareholders and ratepayers on a 70% - 30% basis, unless directed otherwise in a future Commission order.

- iv. The conditions and mitigation measures adopted by the City of Chino in Site Approval No 2006-06 and Special Conditional Use Permit No. 2006-09 (including those in the Mitigation Monitoring Program that is attached to this Commission order) that apply to CT Realty's use of SCE's land are hereby made conditions of project approval by this Commission order. SCE shall ensure that these conditions and mitigation measures are carried out.
- v. SCE shall not recover from its ratepayers any costs for environmental claims related to CT Realty's tenancy or activities, including legal costs incurred in defending against those claims.

2. SCE shall notify the Director of the Commission's Energy Division in writing of any amendment, extension, or termination of the Lease Agreement no later than 30 days after the amendment, extension, or termination is executed.

3. A.07-11-005 is closed.

This order is effective today.

Dated January 31, 2008, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

ATTACHMENT

City of Chino
Mitigation Monitoring Program

**EXHIBIT "A"
MITIGATION MONITORING PROGRAM**

DATE: May 15, 2007

PROJECT FILE NO.: Site Approval No. 2006-06/Special Conditional Use Permit No. 2006-09

LOCATION: The north side of Edison Avenue, between Oaks Avenue and Magnolia Avenue

APPLICANT: CT Realty Corporation

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Monitoring Responsibilities & Procedures</i>
Air Quality		
<p>Short-term Impacts.</p> <p>Use dust control measures during clearing, grading and construction. If freshwater resources are too precious to waste on dust control, availability of brackish or reclaimed water sources should be investigated. Soil disturbance should be terminated when high winds (25 mph or greater) make dust control extremely difficult.</p> <p>Minimization of construction interference with regional non-project traffic movement. Measures recommended for inclusion are:</p> <p>Schedule receipt of construction materials to non-peak travel periods.</p> <p>Route construction traffic through areas of least impact sensitivity.</p> <p>Limit lane closures and detours to off-peak travel periods.</p> <p>Provide rideshare incentives for contractor and subcontractor personnel.</p> <p>Reduce "spillover" effects by preventing soil erosion, washing vehicles entering public roadways from dirt off road project areas, and washing/sweeping project access to public roadways on an adequate schedule.</p> <p>Require emissions control from on-site equipment through a routine, mandatory program of low-emission tune-ups.</p> <p>Limit grading/soil disturbance to no more than 25 acres at any one time.</p>	<p>Short-term Construction Related Impacts--Ongoing throughout entire construction period.</p>	<p>City Engineer & Director of Community Development</p>
<p>Long-term Impacts.</p> <p>Provide preferential parking spaces for carpools and vanpools.</p> <p>The developer shall pay required development impact fees relative to streets, highways, etc., contributing their fair share payment toward the construction of master plan bicycle lanes throughout the City.</p> <p>The developer shall provide bicycle-parking facilities at the rate of</p>	<p>Prior to the issuance of an occupancy permit.</p>	<p>City Engineer & Director of Community Development</p>

MITIGATION MONITORING PROGRAM
FILE NO.: SA 2006-06/SCUP 2006-09

DATE: May 15, 2007

Mitigation Measure	Timing	Monitoring Responsibilities & Procedures
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<p>one bicycle space for every 30-vehicle parking spaces provided. The minimum number of bicycle spaces shall be three per building constructed.</p> <p>Built-in equipment and appliances shall be energy-efficient.</p> <p>All built-in lighting controls and fixtures shall be energy-efficient.</p>		
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Biological Resources

None		
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Cultural Resources

<p>If human remains are discovered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to State Public Resources Code Section 5097.98. The Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. If cultural materials are discovered during any excavation, a qualified archeologist or paleontologist must be notified to assess the significance of such materials. After the assessment, they may recommend full- to part-time monitoring during the remainder of the project to mitigate impacts to any additional cultural resources that may be discovered during ground disturbing activities.</p>	Ongoing during construction period.	Director of Community Development
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Geology/Soils

<p>The developer shall submit a soils/geology report, prepared by a registered soils engineer, for review and approval. The report shall be prepared in accordance with Chapter 70, Section 7006 of the Uniform Building Code.</p> <p>If the project is located on property with Qpf soils (as discovered in a soils/geology report), the applicant shall perform a field investigation as determined by the City in collaboration with, and conducted by, a qualified geologist.</p> <p>A report shall be prepared that determines the need to monitor activity in order to identify and salvage any fossil specimens and recommend appropriate resource management.</p>	Prior to issuance of a grading permit.	Building Official
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Hazards & Hazardous Materials

None		
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Hydrology/Water Quality

<p>Temporary erosion control shall be required as part of the construction and phasing activities associated with the project. The proposed project shall be reviewed by the City for the inclusion of appropriate BMPs to control storm water discharges and protect water quality during the construction phase.</p> <p>If area of construction exceeds 1 acre, the project applicant(s) will be required to file a Notice of Intent with the Regional Water Quality Control Board to enroll in a statewide general NPDES permit associated with construction activities. The main compliance</p>	<p>Prior to the issuance of a grading permit.</p> <p>Prior to the issuance of a grading permit.</p>	<p>City Engineer</p> <p>City Engineer</p>
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MITIGATION MONITORING PROGRAM
FILE NO.: SA 2006-06/SCUP 2006-09

DATE: May 15, 2007

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Monitoring Responsibilities & Procedures</i>
<p>requirement of this permit is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).</p> <p>The proposed project shall be reviewed by the City for the inclusion of appropriate structural and non-structural BMPs to control storm water discharges and protect water quality.</p> <p>If determined to be required by the Public Works Department, the developer shall prepare a project specific Water Quality Management Plan (WQMP) that addresses impacts to water quality and quantity in the post-development phase. Preparation of a WQMP includes the incorporation of applicable site design, source control and treatment control BMPs into the Project. Preparation of a project specific WQMP that incorporates the appropriate BMPs and adherence to such BMPs will result in no adverse effects to water quality and stream or river drainage patterns as a result of the project development.</p> <p>The developer shall pay the development impact fees for drainage that are applicable at the time of project approval.</p>	<p>Prior to the issuance of an occupancy permit.</p> <p>Prior to the issuance of an occupancy permit.</p> <p>Prior to the issuance of an occupancy permit.</p>	<p>City Engineer</p> <p>City Engineer</p> <p>City Engineer</p>
Noise		
<p>Construction activities where heavy equipment is involved shall take place during the weekday and Saturday hours of 7 a.m. to 8 p.m. Construction activity shall be prohibited on Sundays and legal holidays in accordance with Section 9.40.040, 9.40.060, and 15.44.030 of the Chino Municipal Code.</p> <p>All Construction equipment shall use properly operating mufflers. All staging areas shall be located away from occupied dwellings.</p> <p>A "Noise Impact Notification Area" notice shall be recorded against the deed for the parcel stating the property is subject to overflight noise, vibration and dust from aircraft.</p>	<p>Ongoing during construction period.</p>	<p>Building Official</p>
Public Services		
<p>Fire Protection. The developer shall pay applicable development impact fees to support the provision of new fire facilities and equipment.</p> <p>Police Protection. The developer shall pay development impact fees for police facilities that are in effect at the time of project approval.</p> <p>Schools. The developer shall pay school development impact fees, as required under Government Code Section 65995.</p> <p>Parks/Recreational Facilities. The developer shall pay developer fee for open space/recreation.</p> <p>Water. The developer shall pay development impact fees for water service that are applicable at the time of project approval.</p>	<p>Prior to the issuance of a building permit</p>	<p>Building Official</p>
Recreation		
<p>The developer shall pay development impact fees for park/open space development that are applicable at the time of project approval.</p>	<p>Prior to the issuance of a building permit.</p>	<p>Building Official</p>
Transportation/Traffic		
<p>The developer shall pay all required development impact fees relative to streets, highways, thoroughfares, bridges, etc.</p> <p>The developer shall comply with the trip reduction ordinance of the</p>	<p>Prior to occupancy</p>	<p>City Engineer</p>

**MITIGATION MONITORING PROGRAM
FILE NO.: SA 2006-06/SCUP 2006-09**

DATE: May 15, 2007

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Monitoring Responsibilities & Procedures</i>
City of Chicago		
Utilities/Service Systems		
Sewer and Sewage Treatment. The developer shall pay development impact fees for sewer service that are applicable at the time of project approval.	Prior to issuance of building permits.	Building Official and City Engineer
Storm Water Drainage. The developer shall pay development impact fees for drainage, which are applicable at the time of project approval.		
Solid Waste Disposal. The developer shall arrange for waste disposal services and pay all applicable fees for waste removal.		

(END OF ATTACHMENT)