



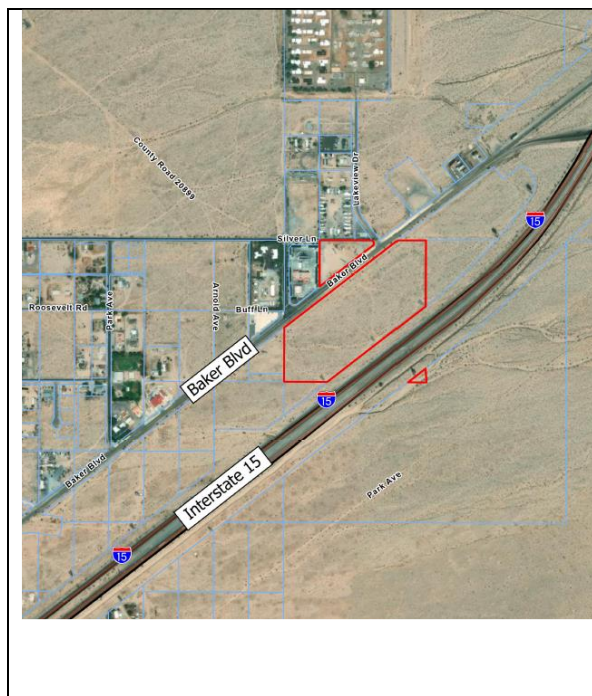
LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: January 23, 2025

AGENDA ITEM 2

Project Description

APN: 0544-471-11 and 0544-472-03
Applicant: Lane Engineers, Inc. (Aaron Oliver)
Community: Baker
Location: Baker Boulevard, approximately one (1) mile east of Death Valley Road (Highway 127)
Project No: PROJ-2022-00181/PROJ-2022-00183
Staff: Oliver Mujica
Rep: Kym Vandyke
Proposal: 1) Conditional Use Permit to construct and operate a Love's Travel Stop comprised of a 9,600 square foot convenience store, 2,600 square foot fast food restaurant, 12 auto fueling stations, eight truck fueling stations, truck weighing station, 100 overnight truck parking spaces, 11 recreational vehicle overnight parking spaces with hook-ups, 5,000 square foot dog park, and recreational vehicle sewage dump station on 22.59 acres, and
2) Conditional Use Permit to construct and operate a manufactured home park comprised of eight units on 2.18 acres.



25 Public Hearing Notices Sent on: January 2, 2025

Report Prepared By: Oliver Mujica, Contract Planner III

SITE INFORMATION:

Parcel Size: Approximately 22.59 acres and 2.18 acres

Vegetation: Scattered natural vegetation

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING LOVE'S TRAVEL STOP:

| AREA | EXISTING LAND USE | LAND USE CATEGORY | LAND USE ZONING DISTRICT |
|-------|-------------------|------------------------------------|--|
| SITE | Billboards (3) | Commercial (C) | Highway Commercial (CH) |
| North | Service Station | Commercial (C) | Highway Commercial (CH) |
| South | Interstate 15 | Commercial (C) and Open Space (OS) | Highway Commercial (CH) and Resource Conservation (RC) |
| East | Vacant Properties | Commercial (C) | Highway Commercial (CH) |
| West | Vacant Properties | Commercial (C) | Highway Commercial (CH) |

TABLE 2 – SITE AND SURROUNDING LAND USES AND ZONING LOVE'S MOBILE HOME PARK:

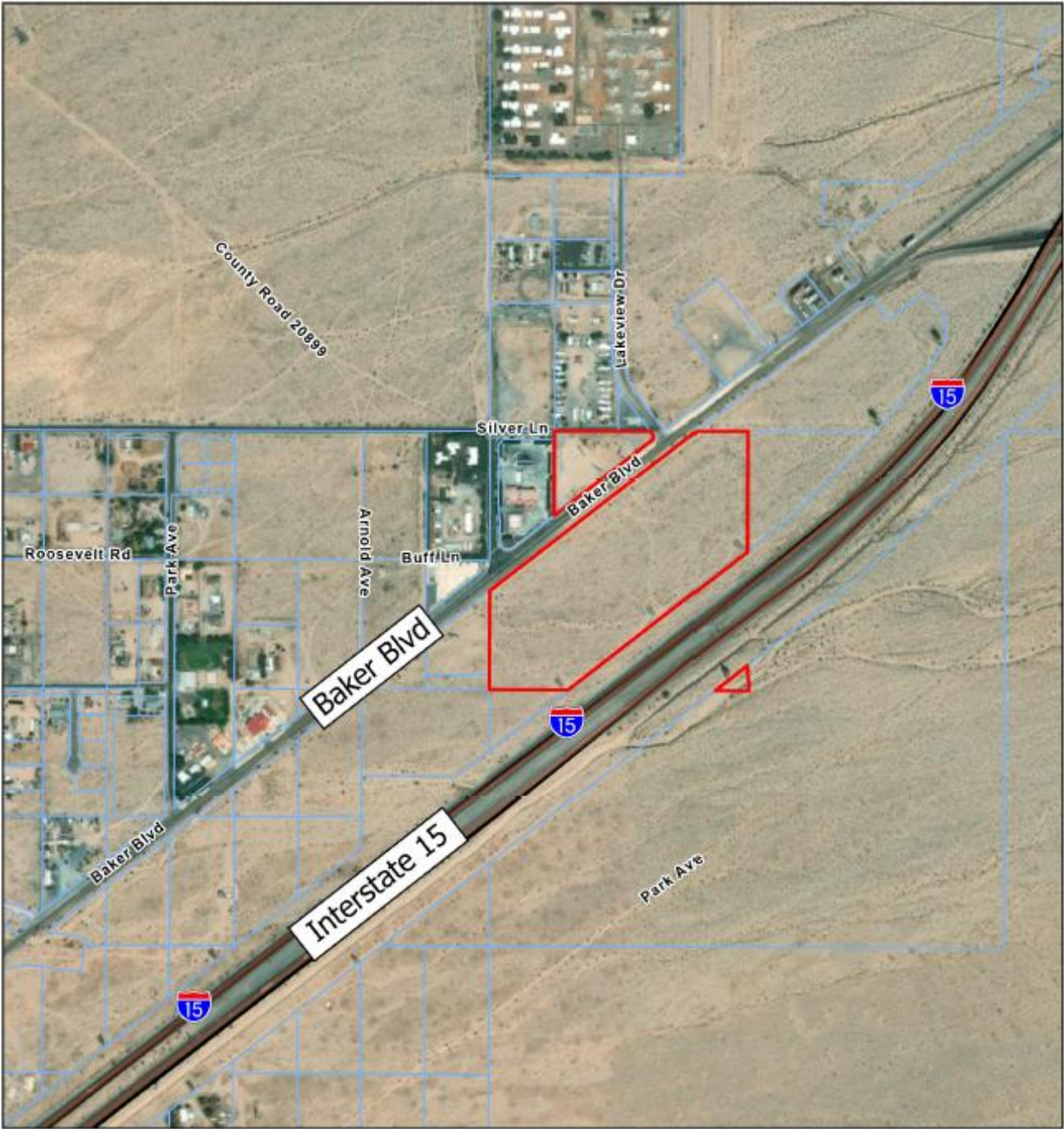
| AREA | EXISTING LAND USE | LAND USE CATEGORY | LAND USE ZONING DISTRICT |
|-------|----------------------------------|-------------------|--------------------------|
| SITE | Vacant Property | Commercial (C) | Rural Commercial (CR) |
| North | Mobile Home Park and Post Office | Commercial (C) | Rural Commercial (CR) |
| South | Vacant Properties | Commercial (C) | Highway Commercial (CH) |
| East | Vacant Properties | Commercial (C) | Highway Commercial (CH) |
| West | Service Station | Commercial (C) | Commercial (CR) |

| | <u>Agency</u> | <u>Comment</u> |
|---------------------------|-----------------------------------|----------------|
| City Sphere of Influence: | N/A | N/A |
| Water Service: | Baker Community Services District | Will Serve |
| Sewer Service: | Baker Community Services District | Will Serve |

STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the findings for approval of Conditional Use Permits PROJ-2022-00181 and PROJ-2022-00183; **APPROVE** Conditional Use Permits PROJ-2022-00181 and PROJ-2022-00183, subject to the Conditions of Approval; and **DIRECT** Staff to file a Notice of Determination in accordance with California Environmental Quality Act¹.

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission's action may be appealed to the Board of Supervisors.

FIGURE 1 – VICINITY MAP



Vicinity Aerial Map
PROJ-2022-00181 & PROJ-2022-00183
Love's Truck Stop & Mobile Home Park

Scale: 1:10,000



- PROJ-2022-00181 & PROJ-2022-00183
- Parcels

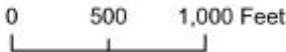
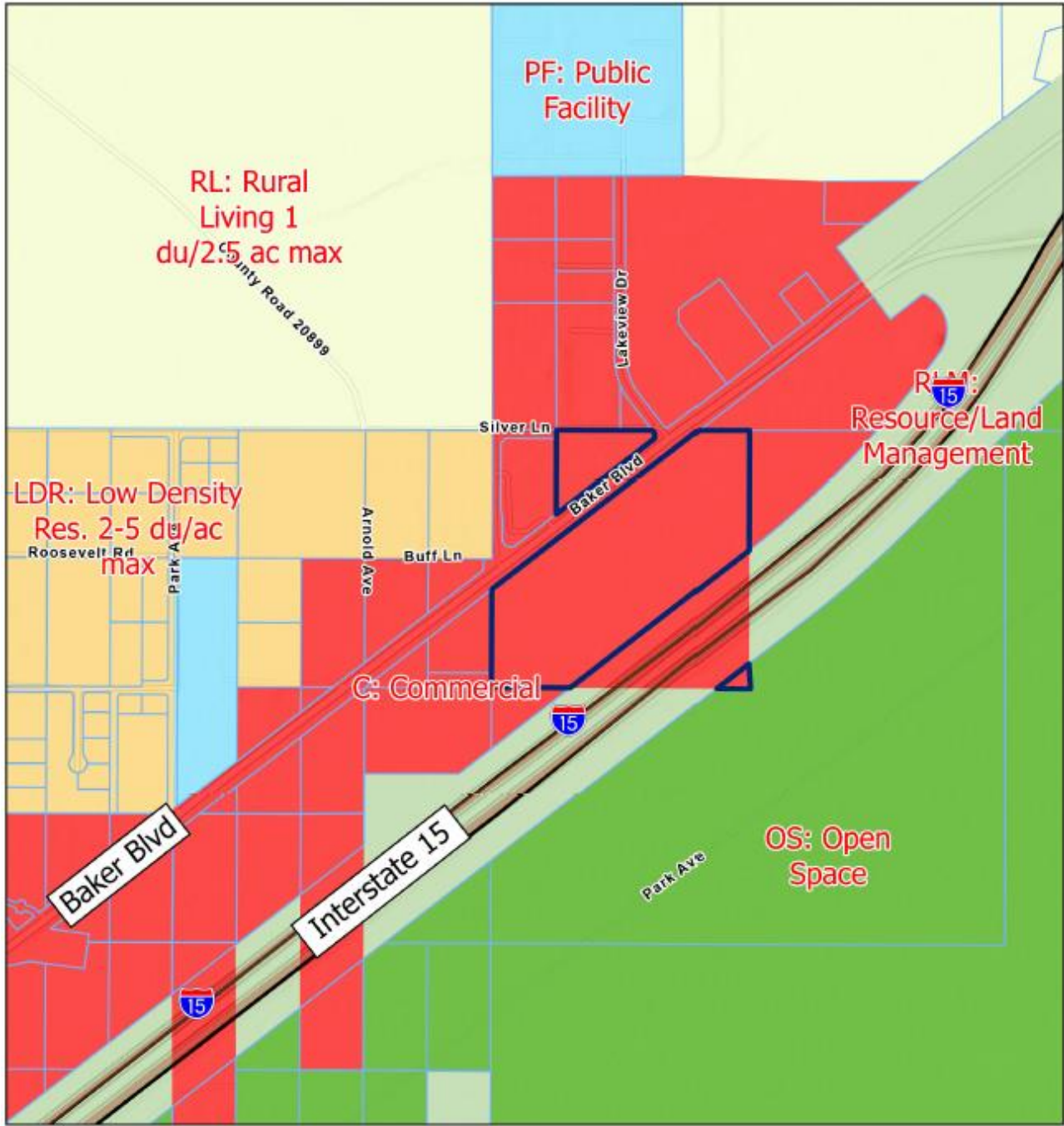


FIGURE 2 – LAND USE CATEGORY MAP



Land Use Categories

PROJ-2022-00181 & PROJ-2022-00183
Love's Truck Stop & Mobile Home Park

Scale: 1:10,000

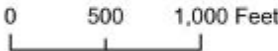
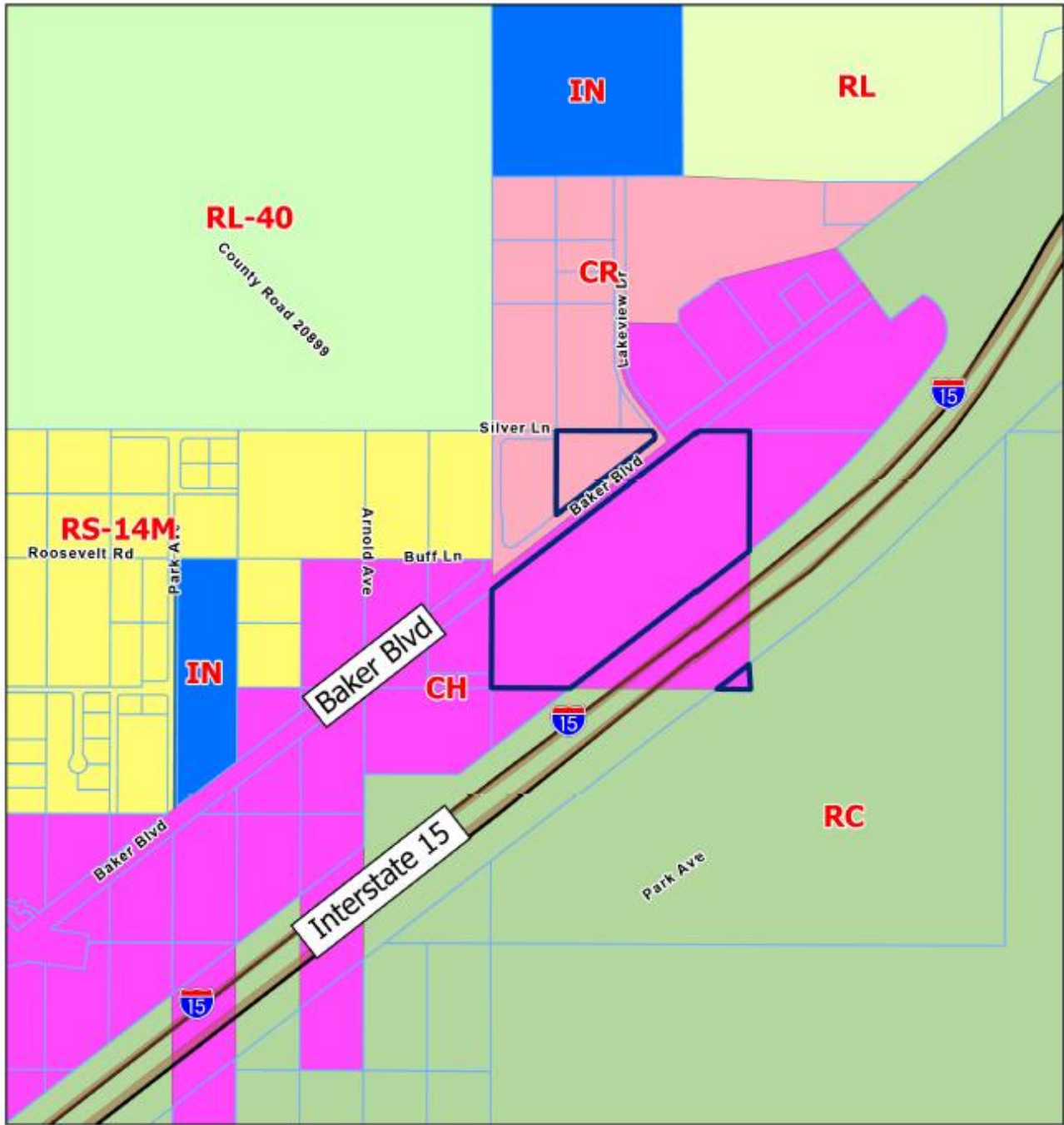


FIGURE 3 – ZONING MAP



Land Use Zoning Districts

PROJ-2022-00181 & PROJ-2022-00183
Love's Truck Stop & Mobile Home Park

Scale: 1:10,000



FIGURE 4 - PROJECT SITES

View of Project Sites looking west on Baker Boulevard
Travel Stop (Left) and Manufactured Home Park (Right)



FIGURE 5 - PROJECT SITES

View of Project Sites looking east on Baker Boulevard
Travel Stop (Right) and Manufactured Home Park (Left)



FIGURE 7 – SITE PLAN
Love's Travel Stop

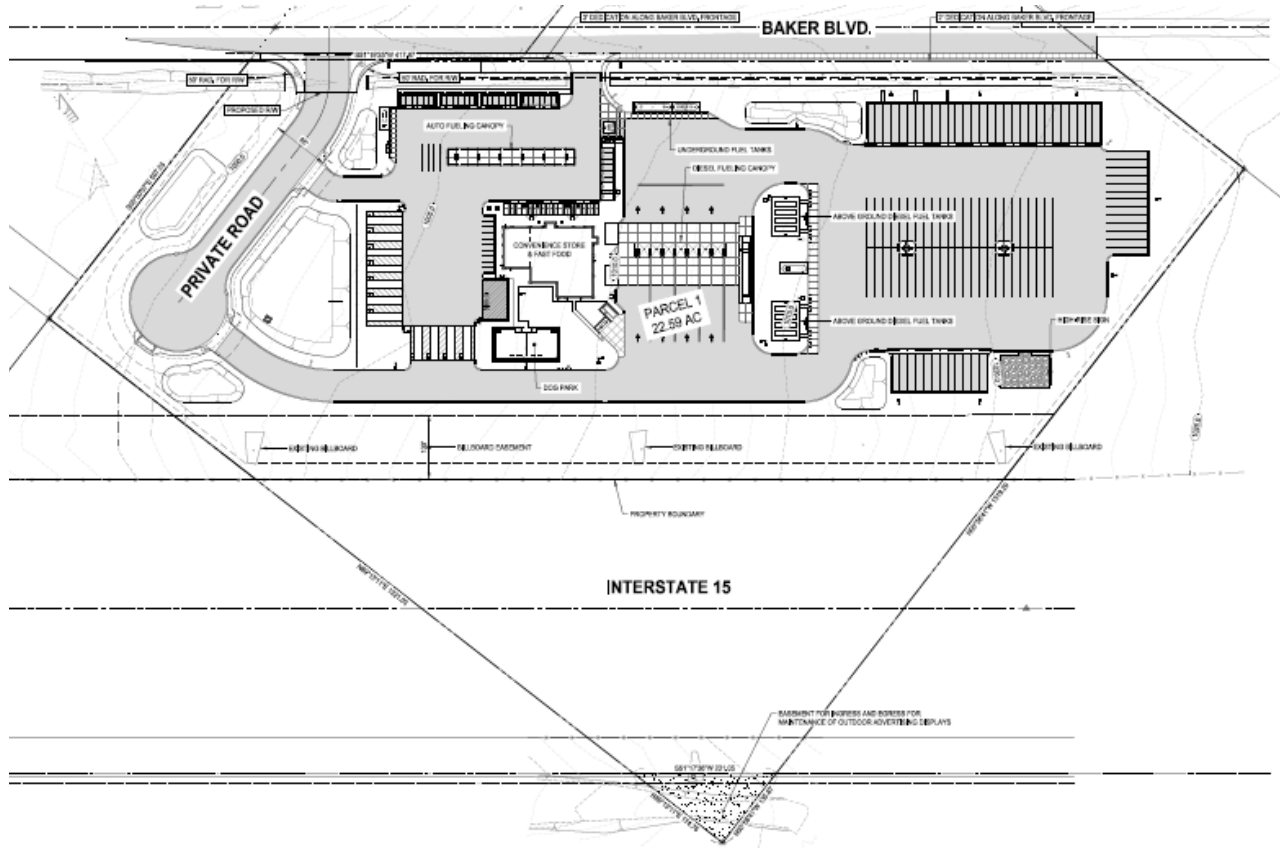


FIGURE 8 – SITE PLAN
Mobile Home Park

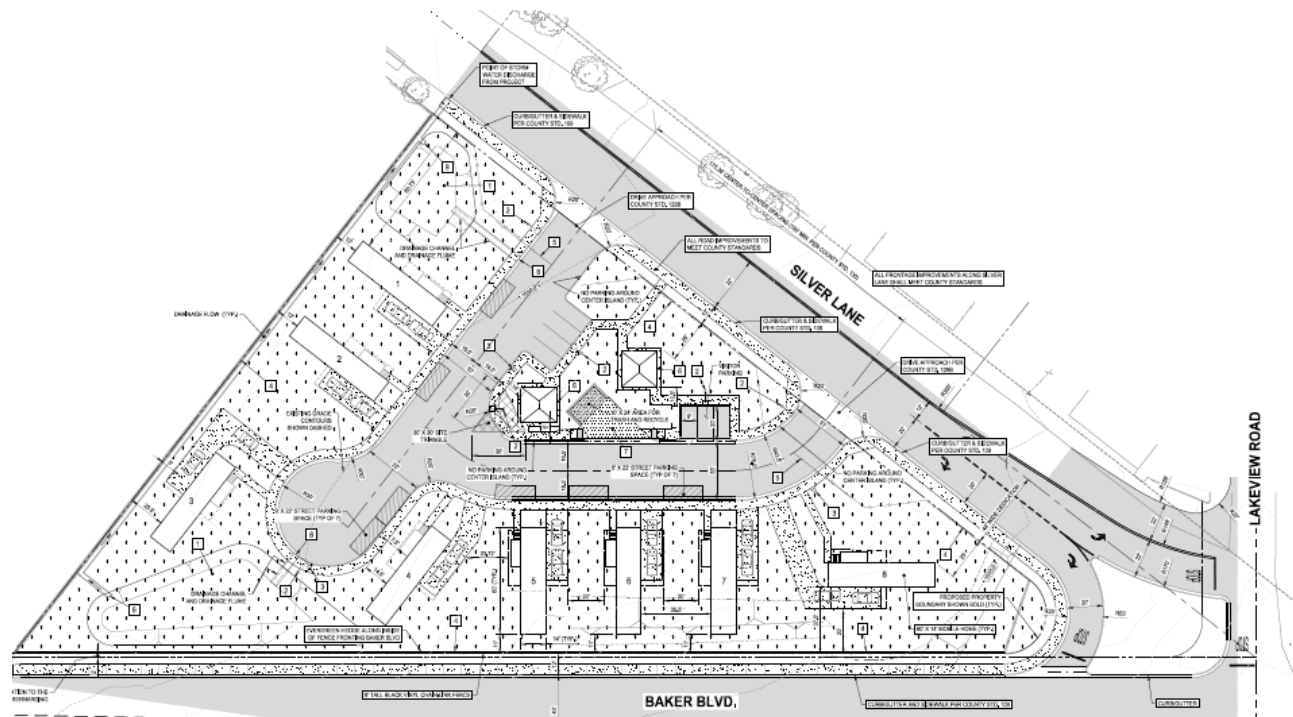
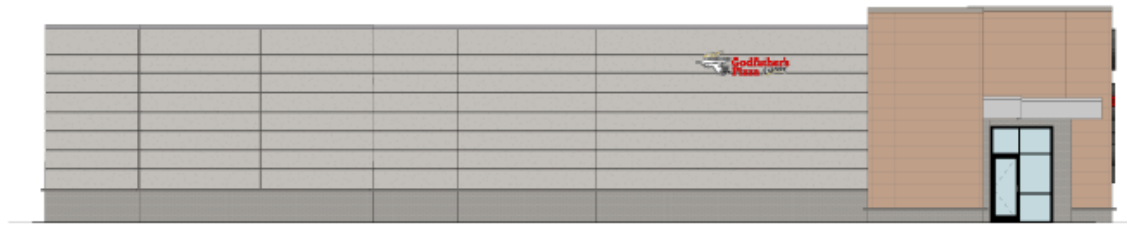


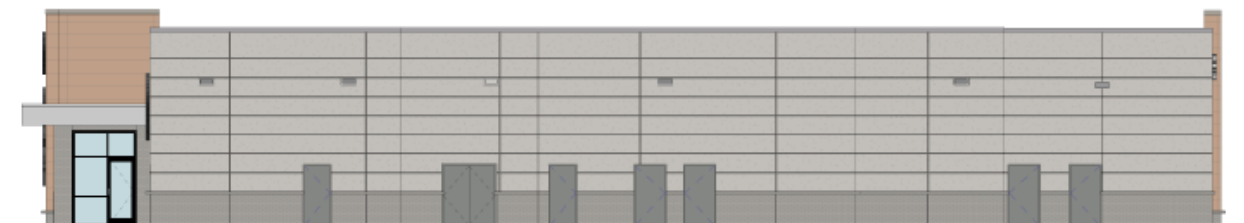
FIGURE 9 - EXTERIOR ELEVATIONS
Love's Travel Stop



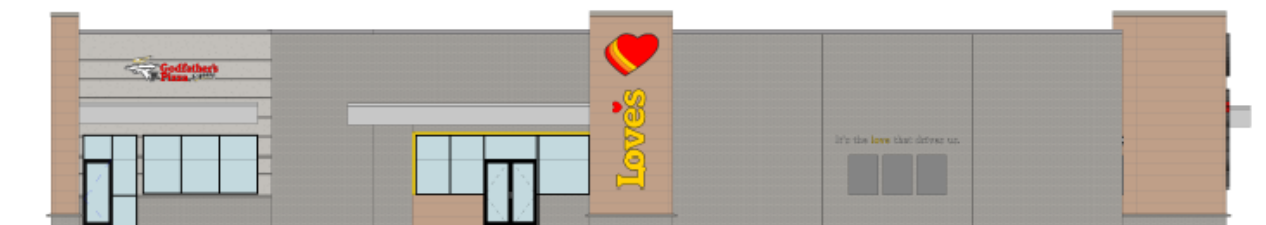
4 LEFT ELEVATION
1/8" = 1'-0"



3 RIGHT ELEVATION
1/8" = 1'-0"



2 REAR ELEVATION
1/8" = 1'-0"



1 FRONT ELEVATION
1/8" = 1'-0"

PROJECT DESCRIPTION AND BACKGROUND

The proposed project includes two Conditional Use Permits; PROJ-2022-00181 is for a travel stop (Travel Stop Project) and PROJ-2022-00183 for a manufactured home park (Manufactured Home Project).

The Travel Stop Project is comprised of a convenience store, fast food restaurant, auto fueling stations, truck fueling stations, truck weighing station, overnight truck parking spaces, recreational vehicle overnight parking spaces with hook-ups, dog park, and recreational vehicle sewage dump station on 22.59 acres. The Project site is situated along Interstate 15 and contains three existing billboards, which will remain on-site.

As shown in Figure 3, the Travel Stop Project site is located within the CH (Highway Commercial) zone. Pursuant to Development Code Section 82.01.020(c)(3)(F), "The CH (Highway Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses." Correspondingly, pursuant to Development Code Section 82.05.040(b), a "Truck Stop" is permitted within the CH (Highway Commercial) zoning district subject to the approval of a Conditional Use Permit.

The Manufactured Home Park Project proposes eight units on 2.18 acres.

As shown in Figure 3, the Manufactured Home Park Project site is located within the CR (Rural Commercial) zone. Pursuant to Development Code Section 82.01.020(c)(3)(A), "The CR (Rural Commercial) land use zoning district provides sites for retail trade and personal services, repair services, lodging services, recreation and entertainment services, transportation services, and similar and compatible uses." Correspondingly, pursuant to Development Code Section 82.05.040(b), a "Manufactured Home Park" is permitted within the CR (Rural Commercial) zoning district subject to the approval of a Conditional Use Permit.

PROJECT ANALYSIS.

Land Use:

The proposed Travel Stop comprises the following:

- 9,600 square foot convenience store
- 2,600 square foot fast food restaurant
- 12 auto fueling stations
- 8 truck fueling stations
- Truck weighing station
- 100 overnight truck parking spaces
- 11 recreational vehicle overnight parking spaces with hook-ups
- 5,000 square foot dog park
- Recreational vehicle sewage dump station
- Open 24 hours per day, seven days per week.

The proposed Manufactured Home Park comprises the following:

- 8 mobile home sites

Site Planning:

The Travel Stop Project and Mobile Home Project is comprised of two (2) sites, as follows:

- Love's Travel Stop (APN:0544-472-02): This parcel contains 22.59 acres and is undeveloped with the exception of three (3) existing billboards on-site adjacent to Interstate 15. This parcel will be developed with the proposed buildings, structures, and the other project features associated with the truck stop, along with the required landscaping, parking, and internal circulation improvements, as well as the required off-site street and sidewalk improvements.
- Manufactured Home Park (APN: 0544-471-11): This parcel contains 2.18 acres and is currently vacant. This parcel will be developed with mobile home building pads, along with the required landscaping, parking, and internal circulation improvements, as well as the required off-site street and sidewalk improvements.

Access/Circulation:

For the proposed Travel Stop Project, a new private road from Baker Boulevard will be constructed near the western boundary of the site. This private road, along with the appropriate directional signage, serves as the primary access point to the drive aisle along the southern boundary of the site specifically intended for the truck fueling stations, overnight truck parking spaces, and the recreational vehicle overnight parking spaces. One standard commercial driveway on Baker Boulevard near the center of the site will provide additional legal and physical access to the site to primarily serve the convenience store, fast food restaurant, and auto fueling stations. On-site circulation drive aisles meet the San Bernardino County Fire Protection District standards. The Project's site plan has also been reviewed by the County's Land Use Services, Public Works, and Fire Departments to ensure measures to prevent truck, recreational vehicle and automobile conflicts.

For the proposed Manufactured Home Park Project, two standard commercial driveways on Silver Lane near the center of the site will provide legal and physical access to the site. On-site circulation drive aisles (33 feet wide) meet the San Bernardino County Fire Protection District standards. The Project's site plan has also been reviewed by the County's Land Use Services, and Public Works. Additionally, the intersection at the confluence of Baker Boulevard, Silver Lane, and Lakeview Road will be reconfigured and constructed as approved by the County's Public Work Traffic Division to improve the off-site circulation.

Landscaping:

Development Code Section 83.10.060(a)(4) requires a minimum landscaping area of twenty (20%) percent.

The proposed Travel Stop Project provides a total landscaping area of approximately 256,696 square feet (26.1%). Desert Museum Palo Verde trees will accent the street frontage; Mexican Fan Palms and Mediterranean Fan Palms will be featured throughout the site; and Oleanders will be planted along the rear of the site.

The proposed Manufactured Home Project provides a total landscaping area of approximately 53,267 square feet (55.5%). Desert Museum Palo Verde trees will be planted throughout the site, and Mexican Fan Palms and Oleanders will also be featured throughout the site.

Code Compliance Summary: The proposed Travel Stop Project satisfies all applicable standards of the County Development Code for development within the CH (Highway Commercial) zoning district, as summarized below in Table 3.

Table 3: Project Code Compliance

| Project Component | San Bernardino Development Code | | Project Plans |
|-------------------------|--------------------------------------|--|---|
| Love's Travel Stop | CUP | | CUP |
| Parking | 64 spaces | | 69 spaces |
| Minimum Landscaping | 20% (41,210 Square Feet) | | 26.1% (256,696 Square Feet) |
| Building Setbacks | Front Street Side Side Rear | 25 Feet 15 Feet 10 Feet 10 Feet | 230 Feet 305 Feet 900 Feet 44 Feet |
| Maximum Building Height | 60 Feet | | 25 Feet |
| Maximum Lot Coverage | 80% | | 60% |
| Drive Aisles | 26 Feet | | 26 Feet |

Additionally, the proposed Manufactured Home Park Project satisfies all applicable standards of the County Development Code for development within the CR (Rural Commercial) zoning district, as summarized below in Table 4 below:

Table 4: Project Code Compliance

| Project Component | San Bernardino Development Code | | Project Plans |
|-------------------------|---------------------------------|-------------------------------|-------------------------------|
| Manufactured Home Park | CUP | | CUP |
| Parking | 18 spaces | | 23 spaces |
| Minimum Landscaping | 20% (41,210 Square Feet) | | 55.5% (53,267 Square Feet) |
| Building Setbacks | Front Side Rear | 25 Feet 10 Feet 10 Feet | 25 Feet 13 Feet 11 Feet |
| Maximum Building Height | 35 Feet | | 15 Feet |
| Maximum Lot Coverage | 80% | | 8% |
| Drive Aisles | 26 Feet | | 33 Feet |

California Environmental Quality Act Compliance

An Initial Study (IS) was prepared for combining both Conditional Use Permit applications into one (1) document in compliance with the California Environmental Quality Act (CEQA) (Exhibit A). The IS concludes that both Projects will not have a significant effect on the environment with the implementation of mitigation measures related to both Project's impacts on Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. A Notice of Availability/Notice of Intent to adopt a Mitigated Negative Declaration (MND) was advertised and distributed for public review and comment 30 days from November 27, 2024, through December 27, 2024. A comment letter was received from the California Department of Fish and Wildlife, dated December 20, 2024 (EXHIBIT F), recommending mitigation measures to address potential impacts relating to Biological Resources (Burrowing Owl Surveys, Artificial Nighttime Lighting, Nesting Bird Pre-Construction Surveys, and Avoidance of Active Avian Nests).

A summary of recommended mitigation measures intended to reduce each Project's impact on the environment to less than significant is contained in the IS/MND and incorporated into the Project's Mitigation and Monitoring and Reporting Program (Exhibit B). The mitigation measures include the following topics: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. Project's Mitigation and Monitoring and Reporting Program also includes the recommended mitigation measures from the California Department of Fish and Wildlife to address potential impacts relating to Biological Resources. The responses to the comments received from the California Department of Fish and Wildlife were prepared pursuant to CEQA (EXHIBIT G).

Public Comments:

On July 26, 2023, Project Notices were mailed to the surrounding property owners within 700 feet of the project site, as required by Section 85.03.080. No public comments were received.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B);
- 2) **ADOPT** the Findings in support of the Conditional Use Permits PROJ-2022-00181 and PROJ-2022-00183 (Exhibit C);
- 3) **APPROVE** the following use permits:
 - a.) Conditional Use Permit PROJ-2022-00181 to construct and operate a Love's Travel Stop comprised of a 9,600 square foot convenience store, 2,600 square foot fast food restaurant, fueling stations, truck weighing station, 100 overnight truck parking spaces, 11 recreational vehicle overnight parking spaces with hook-ups, 5,000 square foot dog park, and recreational vehicle sewage dump station on 22.59 acres, subject to the Conditions of Approval (Exhibit D); and
 - b.) Conditional Use Permit PROJ-2022-00183 to construct and operate a manufactured home park comprised of eight units on 2.18 acres, subject to the Conditions of Approval (Exhibit D); and
- 4) **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

- EXHIBIT A: Mitigated Negative Declaration, link:
<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Draft-ISMND.pdf?x95321>
- EXHIBIT B: Mitigation Monitoring and Reporting Program
- EXHIBIT C: Findings for Conditional Use Permits PROJ-2022-00181 and PROJ-2022-00183
- EXHIBIT D: Conditions of Approval PROJ-2022-00181 and PROJ-2022-00183
- EXHIBIT E: Site Plans
- EXHIBIT F: Comment Letter from California Department of Fish and Wildlife
- EXHIBIT G: Responses to Comments from California Department of Fish and Wildlife

**Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Baker Travel Stop and Mobile Home Park**

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Oliver Mujica, Contract Planner

JANUARY 2025

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Baker Travel Stop and Mobile Home Park when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Hazards & Hazardous Materials, Noise, and Tribal Cultural Resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|---|--|--|---|--------------------------|
| <i>Air Quality</i> | | | | |
| <p>AIR-1: Implement Indoor PM₁₀ and PM_{2.5} Reduction Measures</p> <p>To demonstrate compliance with Mojave Desert Air Quality Management District (MDAQMD) threshold of significance for toxic air contaminant (TAC) emissions, the project applicant shall provide the San Bernardino County Land Use Services Department with specifications in the construction plans, prior to the issuance of grading or building permits (whichever occurs earliest), demonstrating that new residences (including new mobile homes) included as part of the proposed project would install indoor air filtration systems with a Minimum Efficiency Reporting Value (MERV) of 13 or better to ensure that future residents do not experience a cancer risk exceeding 10 in one million.</p> <p>To ensure long-term maintenance and replacement of the MERV filters in the individual units, the following shall occur:</p> <ul style="list-style-type: none"> • Developer, sale, and/or rental representative shall provide notification to all affected tenants/residents of the potential health risk for affected units. • If all the land and units are under a single common ownership, the owner/property manager shall maintain and replace MERV filters in accordance with the manufacturer's recommendations. The property owner shall inform renters of increased risk of exposure to TACs when windows are open. | <p>Prior to the issuance of grading or building permits (whichever occurs earliest). This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction</p> | <p>Project applicant and their construction contractor</p> | <p>County of San Bernardino, Land Use Services Department</p> | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|--|--|---|--|--------------------------|
| <ul style="list-style-type: none"> If the units are owned by individual residents, the Homeowner's Association (HOA) or Mobile Home Park Management, whichever is applicable, shall incorporate requirements for long-term maintenance in the Covenant Conditions and Restrictions and inform homeowners of their responsibility to maintain the MERV filter in accordance with the manufacturer's recommendations. The HOA or Mobile Home Park Management shall inform homeowners of increased risk of exposure to TACs when windows are open. | | | | |
| Biological Resources | | | | |
| BIO-1a: Nesting Bird Pre-construction Surveys In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs regardless of time of year, a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The survey shall be conducted by a Biologist experienced in the following: <ul style="list-style-type: none"> identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. | Prior to issuance of grading permits. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. | Project applicant and their construction contractor | County of San Bernardino, Land Use Services Department | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|--|--|---|--|--------------------------|
| The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur. | | | | |
| BIO-1b: Avoidance of Active Avian Nests If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur. | This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. | Project applicant and their construction contractor | County of San Bernardino, Land Use Services Department | |
| BIO-2: Acquire Permits from Regulatory Agencies Impacts to on-site jurisdictional areas may require a United States Army Corp of Engineers (USACE) Clean Water Act Section 404 Permit (based on coordination with the USACE), a Regional Water Quality Control Board (RWQCB) Clean Water Act (CWA) Section 401 Water Quality Certification/or Waste Discharge Requirement | Prior to issuance of grading permits, the applicant shall acquire the required agency permits and present them to the County | Project applicant | County of San Bernardino. Land Use Services Department | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|--|--|---|--|--------------------------|
| Permit, and a California Department of Fish and Wildlife (CDFW) Section 1602 Lake or Streambed Alteration Agreement prior to project implementation. The applicant will acquire the applicable permits and compensate for the potential loss of regulated aquatic features at a ratio determined by the USACE (if necessary), RWQCB, and CDFW. | | | | |
| Cultural Resources | | | | |
| <p>CUL-1: Inadvertent Discovery of Cultural Resources</p> <p>In the event that buried cultural resources are discovered during construction, operations shall stop within 100 feet of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the San Bernardino County (County) Land Use Services Department on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria.</p> <p>If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the County. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green</p> | Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery. | Project applicant and their construction contractor | County of San Bernardino, Land Use Services Department | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|---|--|---|--|--------------------------|
| space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the County where they would be afforded long-term preservation to allow future scientific study. | | | | |
| CUL-2: Inadvertent Discovery of Human Remains In the event of an accidental discovery or recognition of any human remains, Public Resources Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” of the deceased Native American. The Most Likely Descendant (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Section 5097.98, or | Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery. | Project applicant and their construction contractor | County of San Bernardino, County Coroner | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|---|---|---|---|--------------------------|
| <p>2. Where the following conditions occur, the landowner or his/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant and the mediation by the NAHC fails to provide measures acceptable to the landowner. | | | | |
| <i>Geology and Soils</i> | | | | |
| <p>GEO-1: Adherence to All Geotechnical Engineering Reports Recommendations</p> <p>The project applicant/sponsor shall ensure that all construction practices follow all recommendations listed in the Geotechnical Engineering Report Love's Travel Stop-Baker and the Geotechnical Engineering Report Proposed Live-Work Housing Park, both prepared by Terracon on October 29, 2021. Prior to issuance of building permits, the applicant/sponsor shall incorporate all recommendations from the Geotechnical Exploration Report into project plans, which will be submitted to San Bernardino County for review and approval.</p> | Prior to the issuance of building permits. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. | Project applicant and their construction contractor | County of San Bernardino. Land Use Services Department | |
| <p>GEO-2: Unexpected Discovery of Paleontological Resources</p> | Throughout construction. This measure shall be | Project applicant and their construction contractor | County of San Bernardino and Project Applicant/Contractor | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|--|---|---|---|--------------------------|
| In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified Paleontologist to examine the discovery. The Paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology [SVP] standards), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the lead agency for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the excavation plan. | included in the construction contract as a contract specification and implemented by the contractor during construction. | | | |
| <i>Hazards and Hazardous Materials</i> | | | | |
| HAZ-1: Prior to the issuance of a Grading Permit, the project proponent shall prepare a Hazardous Materials Business Plan (HMBP) and Submit it to the Hazardous Materials of the San Bernardino County Fire Protection District (SBCFPD), the Certified Unified Program Agency (CUPA) for San Bernardino County as designated by the State Secretary for Environmental Protection. The HMBP shall include, at minimum, floor plans of facilities and business conducted at the site; an inventory of hazardous materials that are handled and/or stored on-site; an emergency response plan; and a safety and emergency response training program for new employees with annual refresher courses. A copy of the approved plan shall be provided to the San Bernardino County Land Use | Prior to issuance of grading permit. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. | Project applicant and their construction contractor | County of San Bernardino Fire Protection District, County of San Bernardino | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|---|---|---|--|--------------------------|
| Services Department prior to the issuance of grading permits. | | | | |
| Noise | | | | |
| <p>NOI-1: Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:</p> <p>Prior to issuance of construction permits, the following language shall be included, verbatim, in the general notes section of all the civil plan construction documents.</p> <ul style="list-style-type: none"> The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site. The construction contractor shall ensure that all on-site construction activities, including | Prior to the issuance of construction permits. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. | Project applicant and their construction contractor | County of San Bernardino, Land Use Services Department | |

| Mitigation Measure | Implementation Timing | Party Responsible for Implementation | Party Responsible For Monitoring | Date of Completion/Notes |
|---|------------------------------|--------------------------------------|----------------------------------|--------------------------|
| the operation of any tools or equipment used in construction, drilling, repair, alteration, grading, or demolition work, are limited to between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays and federal holidays. | | | | |
| <i>Tribal Cultural Resources</i> | | | | |
| Implement MM CUL-1 and CUL-2. | See Cultural Resources above | See Cultural Resources above | See Cultural Resources above | |

FINDINGS: CONDITIONAL USE PERMIT. Conditional Use Permit (PROJ-2022-00181) to construct and operate a Love's Travel Stop comprised of a 9,600 square foot convenience store, 2,600 square foot fast food restaurant, twelve (12) auto fueling stations, eight (8) truck fueling stations, truck weighing station, 100 overnight truck parking spaces, eleven (11) recreational vehicle overnight parking spaces with hook-ups, 5,000 square foot dog park, and recreational vehicle sewage dump station on 22.59 acres (Project). The following are the required findings per the San Bernardino County Development Code Section 85.06.040 and supporting facts for approval of the Conditional Use Permit:

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project site is adequate in terms of shape and size to accommodate the required access, parking, on-site circulation, landscaping, setbacks, and necessary on-site and off-site improvements for the Project as a travel stop. As shown in Table 3 of the Staff Report, the submitted Project plans demonstrate compliance with the requirements of the San Bernardino County Development Code.

2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

For the proposed Project as a travel stop, a new private road from Baker Boulevard will be constructed near the western boundary of the project site. This private road serves as the primary access point to the drive aisle along the southern boundary of the project site specifically intended for the truck fueling stations, overnight truck parking spaces, and the recreational vehicle overnight parking spaces. One (1) standard commercial driveway on Baker Boulevard near the center of the project site will provide additional legal and physical access to the Project site to primarily serve the convenience store, fast food restaurant, and auto fueling stations. On-site circulation drive aisles meet the San Bernardino County Fire Protection District standards. The Project's site plan has also been reviewed by the County's Land Use Services, Public Works, and Fire Departments to ensure measures to prevent truck, recreational vehicle and automobile conflicts.

3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The Project has been designed to comply with all applicable requirements of the San Bernardino County Development Code. The Conditions of Approval for the Project will ensure that the use will not become a nuisance or have a substantial adverse effect on neighboring properties. The orientation and design of the Project includes adequate building heights and setbacks and the future ability to construct rooftop solar facilities.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.**

The Project involves the construction and operation of a truck stop on 22.59 acres. Based on the evidence contained in the Project's supporting documents, the Conditional Use Permit is internally consistent with and will further the goals and policies of the Policy Plan (General Plan) as further have described below:

Policy LU-2.1 Compatibility with Existing Uses

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhood.

Consistency: Considering features of the site design with the construction and operation of a truck stop, along with implementing the Conditions of Approval, the Project minimizes negative impacts on existing conforming uses and adjacent neighborhoods.

Policy LU-2.4 Land Use Map Consistency.

We consider the proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the County Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The development of the Project conforms with the performance standards that are identified in the San Bernardino County Development Code. The truck stop is an allowed use within the Highway Commercial (CH) zoning district

subject to the approval of a Conditional Use Permit. The Project site plan identifies compliance with the San Bernardino County Development Code.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.**

The applicant will be required to construct appropriate road improvements, both on-site and off-site improvements, continue to provide adequate water and sewer services from the San Bernardino Municipal Water District, and continue to provide adequate utilities to the property in accordance with the Conditions of Approval.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.**

The Conditions of Approval ensure the appropriate intended use of the Project, and will ensure that the overall public health, safety, and general welfare are not impacted by the Project.

7. **The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.**

The orientation and design of the Project includes adequate building heights and setbacks and the future ability to construct rooftop solar facilities.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines and the San Bernardino County Environmental Review Guidelines, the above-referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

FINDINGS: CONDITIONAL USE PERMIT. Conditional Use Permit to construct and operate a Manufactured Home Park on 2.18 acres (Project). The following are the required findings per the San Bernardino County Development Code Section 85.06.040 and supporting facts for approval of the Conditional Use Permit:

8. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project site is adequate in terms of shape and size to accommodate the required access, parking, on-site circulation, landscaping, setbacks, and necessary on-site and off-site improvements. As shown in Table 4 of the Staff Report, the submitted Project plans demonstrate compliance with the requirements of the San Bernardino County Development Code.

9. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

For the proposed Project as a manufactured home park, two (2) standard commercial driveways on Silver Lane near the center of the project site will provide legal and physical access to the Project site. On-site circulation drive aisles meet the San Bernardino County Fire Protection District standards. The Project's site plan has also been reviewed and approved by the County's Land Use Services and Public Works Departments. Additionally, the intersection at the confluence of Baker Boulevard, Silver Land, and Lakeview Road will be reconfigured and constructed as approved by the County's Public Work Traffic Division to improve the off-site circulation.

10. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The Project has been designed to comply with all applicable requirements of the San Bernardino County Development Code. The Conditions of Approval for the Project will ensure that the use will not become a nuisance or have a substantial adverse effect on neighboring properties. The orientation and design of the Project includes adequate building heights and setbacks and the future ability to construct rooftop solar facilities.

11. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable community or specific plan.

The Project involves the construction and operation of a manufactured home park on 2.18 acres. Based on the evidence contained in the Project's supporting documents, the Conditional Use Permit is internally consistent with and will further the goals and policies of the Policy Plan (General Plan) as further have described below:

Policy LU-2.1 Compatibility with Existing Uses

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhood.

Consistency: Considering features of the site design with the construction and operation of a mobile home park, along with implementing the Conditions of Approval, the Project minimizes negative impacts on existing conforming uses and adjacent neighborhoods.

Policy LU-2.4 Land Use Map Consistency.

We consider the proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The development of the Project conforms with the performance standards that are identified in the San Bernardino County Development Code. The mobile home park is an allowed use within the Rural Commercial (CR) zoning district subject to the approval of a Conditional Use Permit. The Project site plan identifies compliance with the San Bernardino County Development Code.

12. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.

The applicant will be required to construct appropriate road improvements, both on-site and off-site improvements, continue to provide adequate water and sewer services from the San Bernardino Municipal Water District, and continue to provide adequate utilities to the property in accordance with the Conditions of Approval.

13. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.

The Conditions of Approval ensure the appropriate intended use of the Project, and will ensure that the overall public health, safety, and general welfare are not impacted by the Project.

14. The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

The orientation and design of the Project includes adequate building heights and setbacks and the future ability to construct rooftop solar facilities.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines and the San Bernardino County Environmental Review Guidelines, the above-referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

END OF FINDINGS



Conditions of Approval

| | | | |
|------------------------|-------------------------------|--------------------------|--------------------|
| Record: | <u>PROJ-2022-00181</u> | System Date: | 12/17/2024 |
| Record Type: | Project Application | Primary APN: | 0544472030000 |
| Record Status: | Decision Pending | Application Name: | Love's Travel Stop |
| Effective Date: | | Expiration Date: | |

Description: A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A LOVE'S TRAVEL STOP COMPRISED OF A CONVENIENCE STORE CONTAINING 9,600 SQUARE FEET, FAST FOOD RESTAURANT CONTAINING 2,600 SQUARE FEET, TWELVE (12) AUTO FUELING STATIONS, EIGHT (8) TRUCK FUELING STATIONS, TRUCK WEIGHING STATION, 100 OVERNIGHT TRUCK PARKING SPACES, ELEVEN (11) RECREATIONAL VEHICLE (RV) OVERNIGHT PARKING SPACES WITH HOOKUPS, DOG PARK CONTAINING 5,000 SQUARE FEET, AND RECREATIONAL VEHICLE SEWAGE DUMP STATION ON 22.59 ACRES, LOCATED ON BAKER BOULEVARD, APPROXIMATELY ONE (1) MILE EAST OF DEATH VALLEY ROAD (HIGHWAY 127); WITHIN THE COUNTYWIDE PLAN DESIGNATION COMMERCIAL (C), ZONED HIGHWAY COMMERCIAL (CH); WITHIN THE BAKER AREA. APN: 0544-472-03; 1ST SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2022-00181

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

- 1 **Project Approval Description (CUP/MUP)** - Status: Outstanding
This Conditional Use Permit is conditionally approved to construct and operate a Love's Travel Stop comprised of a convenience store containing 9,600 square feet, fast food restaurant containing 2,600 square feet, twelve (12) auto fueling stations, eight (8) truck fueling stations, truck weighing station, 100 overnight truck parking spaces, eleven (11) recreational vehicle overnight parking spaces with hook-ups, dog park containing 5,000 square feet, and recreational vehicle sewage dump station on 22.59 acres, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.

- 2 **Project Location** - Status: Outstanding
The Project site is located on Baker Boulevard, approximately one (1) mile east of Death Valley Road (Highway 127) (APN: 0544-472-03).

- 3 **Revisions** - Status: Outstanding
Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

- 4 **Indemnification** - Status: Outstanding
In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

- 5 **Additional Permits** - Status: Outstanding
The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: none. b. STATE: none. c. COUNTY: Building Safety, Environmental Health Services, Fire, Land Development, Planning, Public Works, and Solid Waste. d. LOCAL: none.

6 Expiration - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7 Continuous Effect/Revocation - Status: Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

8 Extension of Time - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

9 Project Account - Status: Outstanding

The Project account number is PROJ-2022-00181. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10 Development Impact Fees - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

11 Performance Standards - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

12 Continuous Maintenance - Status: Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual, healthy, thriving manner at the proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, and mechanical equipment (including rooftop) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

13 Clear Sight Triangle - Status: Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

14 Lighting - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

15 Underground Utilities - Status: Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

16 Construction Hours - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

17 Construction Noise - Status: Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

18 Cultural Resources - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

19 GHG - Operational Standards - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Public Health– Environmental Health Services

20 Noise Levels - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

21 OWTS Maintenance - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

22 Refuse Storage and Disposal - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

Public Works - Traffic**23 Back Out Into Public Roadways - Status: Outstanding**

Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL**County Fire - Community Safety****24 F01 Jurisdiction - Status: Outstanding**

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

25 F04 Fire Permit Expiration - Status: Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

26 F20 Access – 150+ feet - Status: Outstanding

Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. Roadways shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.

27 F36 Sprinkler Installation Letter - Status: Outstanding

The applicant shall submit a letter to the Fire Department agreeing and committing to the installation of a fire protection system prior to the building inspection for drywall and insulation.

28 F66 Compressed Gasses/Beverage Dispensing - Status: Outstanding

A submittal of compressed gasses in storage or use including asphyxiant, irritant, and radioactive gasses complying with the California Fire Code, California Mechanical Code, and NFPA is required. The applicant shall hire a licensed contractor to submit plans for review and approval by the fire department. The required fees shall be paid at the time of plan submittal.

29 F70 Additional Requirements - Status: Outstanding

In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

30 F71 Proposal Changes - Status: Outstanding

Any changes to this proposal shall require new Fire Department condition letter.

Land Use Services - Land Development

- 31 **Additional Drainage Requirements** - Status: Outstanding
In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
- 32 **Erosion Control Installation** - Status: Outstanding
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 33 **Joshua Trees** - Status: Outstanding
Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. <http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>
- 34 **Natural Drainage** - Status: Outstanding
The natural drainage courses traversing the site shall not be occupied or obstructed.
- 35 **Tributary Drainage** - Status: Outstanding
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

Public Works - Solid Waste Management

- 36 **Class "A" Permit Hauler Service Area** - Status: Outstanding
This project falls within a County Permit Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the Class "A" permitted waste hauler in the corresponding Permit Area (Burrtec Waste & Recycling).
- 37 **Mandatory Commercial Organics Recycling** - Status: Outstanding
California Assembly Bill (AB) 1826 requires businesses that generate two (2) cubic yards or more of solid waste per week to recycle their organic waste (includes green waste and food waste). A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste. Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County or contract waste hauler on efforts to recycle organics materials once operational.
- 38 **Mandatory Commercial Recycling** - Status: Outstanding
California Assembly Bill (AB) 341 requires businesses that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. Applicant will be required to report to the County or contract waste hauler on recycling efforts once operational.
- 39 **Recycling Storage Capacity** - Status: Outstanding
The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

PRIOR TO LAND DISTURBANCE**Land Use Services - Planning****40 Air Quality - Status: Outstanding**

Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

41 Diesel Regulations - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

42 GHG - Construction Standards - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

43 Mitigation Measures - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

Land Use Services - Building and Safety**44 Geotechnical Report - Status: Outstanding**

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

45 Wall Plans - Status: Outstanding

Submit plans and obtain separate building permits for any required retaining walls.

Land Use Services - Land Development**46 FEMA Flood Zone - Status: Outstanding**

The project is located within Flood Zone D according to FEMA Panel Number 06071C2325H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

47 NPDES Permit - Status: Outstanding

An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

48 Regional Board Permit - Status: Outstanding

Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

49 Drainage Improvements - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

50 Grading Plans - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

51 On-site Flows - Status: Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

Public Health– Environmental Health Services

52 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

Public Works - Surveyor

53 **Corner Records Required Before Grading** - Status: Outstanding

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

54 **Monument Disturbed by Grading** - Status: Outstanding

If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

55 **Architecture** - Status: Outstanding

56 **Mitigation Measures** - Status: Outstanding

Please see the Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

57 **Landscape and Irrigation Plan** - Status: Outstanding

Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

58 **Lighting Plans** - Status: Outstanding

The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Please see the following standards:

(a) Shielding Required. All outdoor light fixtures shall be fully shielded, installed and maintained in such a manner that the shielding does not permit light trespass in excess of amounts set forth in subdivision (f).

(b) Light Pollution Standards. Light pollution and trespass shall be minimized through the use of directional lighting, fixture location, height and the use of shielding and/or motion sensors and timers in such a manner that the light source does not permit light trespass in excess of amounts set forth in subdivision (f).

(c) Automated Controls. Automated control systems, such as motion sensors and timers, shall be used to meet curfew requirements set forth in subdivision (d). Photocells or photo controls shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls should be fully programmable and supported by battery or similar backup.

(d) Dark Sky Curfew. All outdoor lighting shall be extinguished by 11:00 p.m., close of business, or when people are no

longer present in exterior areas, whichever is later, except for the following:

- (1) Lighting used for entry and exit points of a structure, parking areas, driveways and driveway ingress/egress points; or
- (2) Lighting activated by a motion sensor that extinguishes no later than five minutes after activation.
- (e) Lighting Color. The correlated color temperature of all outdoor lighting shall be 3,000 Kelvin or less except for seasonal lighting.
- (f) Allowable Light Trespass. Outdoor lighting shall not cause light trespass exceeding one-tenths foot-candles measured with a light meter oriented vertically or horizontally either at the property line of the adjacent property or measured from some other point on the property where light trespass may be reasonably determined to occur due to differences in property or improvement elevations.
- (g) Blinking, Flashing, or High Intensity Lighting. Permanently installed lighting that blinks, flashes or is of high intensity or brightness that causes a light trespass is prohibited.
- (h) Residential String Lights. Notwithstanding anything to the contrary, string lights may be allowed in outside dining areas, entertainment areas or used as landscape lighting in connection with a residential dwelling or use provided that all of the following conditions are met:
 - (1) The correlated color temperature of the light sources does not exceed 3,000 Kelvin; and
 - (2) The emission of no individual lamp in the string exceeds forty initial lumens, and the aggregate total of lumen output of such string lights used as outdoor light fixtures does not exceed 4,000 lumens.

County Fire - Community Safety

59 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

60 **F09 Building Plans** - Status: Outstanding

Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

61 **F10 Combustible Protection** - Status: Outstanding

Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

62 **F19 Surface** - Status: Outstanding

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

63 **F22 Primary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

64 **F23 Secondary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

65 F26 Fire Flow Test - Status: Outstanding

Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

66 F27 Water System - Status: Outstanding

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1500 GPM for a 2-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 12,200 sq. ft. structure.

67 F28 Water System Commercial - Status: Outstanding

A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.

68 F33 Water System Certification - Status: Outstanding

The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site

69 F69 Haz-Mat Approval - Status: Outstanding

The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

Land Use Services - Building and Safety

70 Construction Plans - Status: Outstanding

Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

71 Temporary Use Permit - Status: Outstanding

A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

Land Use Services - Land Development

72 Construction Permits - Status: Outstanding

Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

73 Encroachment Permits - Status: Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

74 **Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Baker Boulevard (Major Highway per Master Plan Variation – 104 feet): •Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet. An additional dedication may be required at the back of the ADA curb ramps for public access and County maintenance. •Street Improvements. Design curb and gutter with match up paving 40 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C". •Driveway Approach. Design each driveway approach per County Standard 129B and located per County Standard 130.

75 **Road Standards and Design** - Status: Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Mountain Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

76 **Slope Easements** - Status: Outstanding

Slope rights shall be dedicated where necessary.

77 **Slope Tests** - Status: Outstanding

Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

78 **Soils Testing** - Status: Outstanding

Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

79 **Street Gradients** - Status: Outstanding

Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

80 **Street Type Entrance** - Status: Outstanding

Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

81 **Transitional Improvements** - Status: Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

82 **Utilities** - Status: Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

- 83 **California Regional Water Quality Control Board Clearance** - Status: Outstanding
Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130. Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, 760-346-7491. Lahontan Region, 15095 Amargosa Road Bldg. 2 Suite 210 Victorville, CA 92392.
- 84 **Demolition Inspection Required** - Status: Outstanding
All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.
- 85 **Existing OWTS** - Status: Outstanding
Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.
- 86 **Existing Wells** - Status: Outstanding
If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.
- 87 **Food Establishment Plan Check Required** - Status: Outstanding
Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.
- 88 **New OWTS** - Status: Outstanding
If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.
- 89 **Preliminary Acoustical Information** - Status: Outstanding
Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.
- 90 **Sewage Disposal** - Status: Outstanding
Method of sewage disposal shall be sewer service provided by Baker CSD or an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).
- 91 **Sewer Service Verification Letter** - Status: Outstanding
Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

92 Water and Sewer - LAFCO - Status: Outstanding

Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either: 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.

93 Water Purveyor - Status: Outstanding

Water purveyor shall be Baker CSD or EHS approved.

94 Water Service Verification Letter - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

Public Works - Solid Waste Management

95 Construction Waste Management Plan (CWMP) Part 1 - Status: Outstanding

The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects

Public Works - Surveyor

96 Corner Records Required Before Building - Status: Outstanding

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

97 Monument Disturbed by Building - Status: Outstanding

If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

Public Works - Traffic

98 Requirement Prior to Issuance - Status: Outstanding

Transportation Mitigation Fee: The Project's traffic impact study evaluated the intersection of Death Valley Rd (SR-127) at Baker Blvd and identified the need for a traffic signal to be constructed. Caltrans is responsible for the maintenance and overseeing any improvements at this intersection and has stated the installation of a traffic signal is not currently feasible.

Pursuant to County Code 83.05.070 a reasonable and equitable mitigation substitute was determined to allow the Project to be responsible for transportation impacts and offset the cost of future signal improvements. A transportation mitigation fee has been determined accordingly as the proportion of new project traffic at this intersection and the County's share of \$604,800 total to install a signal minus \$171,000 of previously developer fees for this location. Therefore, consistent with Caltrans mitigation requirements, transportation mitigation fee of \$134,968.32 is required $[(50.59\% \times \$604,800) - \$171,000 = \$134,968.32]$.

99 **Requirement Prior to Issuance** - Status: Outstanding

Approvals: The applicant shall obtain written approval and acceptance from Caltrans for all project related traffic impacts and encroachments.

100 **Street Improvements** - Status: Outstanding

Improvements: The applicant shall design their traffic signal plans to include the following: • A traffic signal modification plan is required for the intersection of Caltrans Avenue and Baker Boulevard to accommodate the intersection configuration of the traffic study.

PRIOR TO OCCUPANCY

Land Use Services - Planning

101 **Fees Paid** - Status: Outstanding

Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00181.

102 **Installation of Improvements** - Status: Outstanding

All required on-site improvements shall be installed per approved plans.

103 **Landscaping/Irrigation** - Status: Outstanding

All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

104 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

105 **Screen Rooftop** - Status: Outstanding

All roof top mechanical equipment is to be screened from ground vistas.

106 **Shield Lights** - Status: Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

107 **Condition Compliance** - Status: Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

108 GHG - Installation/Implementation Standards - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

County Fire - Community Safety**109 F06 Inspection by Fire Department - Status: Outstanding**

Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Building and Safety**110 Condition Compliance Release Form Sign-off - Status: Outstanding**

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development**111 Drainage Improvements - Status: Outstanding**

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

112 LDD Requirements - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

113 Private Roads/Improvements - Status: Outstanding

Prior to occupancy, all required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

114 Road Improvements - Status: Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

115 Structural Section Testing - Status: Outstanding

A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Health– Environmental Health Services**116 New Alternative Treatment System Permit - Status: Outstanding**

An Alternative Treatment System annual permit shall be required. For information, contact EHS at: (800) 442-2283.

117 New Retail Food Facility Permit - Status: Outstanding

A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.

Public Works - Solid Waste Management

118 **Construction Waste Management Plan (CDWMP) Part 2** - Status: Outstanding

The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

Public Works - Traffic

119 **Improvements** - Status: Outstanding

The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

PRIOR TO RECORDATION

County Fire - Community Safety

120 **F16 Access** - Status: Outstanding

The development shall have a minimum of three (3) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

Public Health– Environmental Health Services

121 **Individual Wells** - Status: Outstanding

If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), "An individual well shall be utilized as the domestic water source for each lot. The well shall be installed and approved by EHS prior to the issuance of building permits for each lot."

122 **New OWTS for Parcel Maps and Tracts** - Status: Outstanding

1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS."

Public Works - Surveyor

123 **Easements** - Status: Outstanding

Easements within the reminder portion of the map are to be dedicated by separate document.

- 124 **Easements of Record** - Status: Outstanding
Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
- 125 **Final Map Review** - Status: Outstanding
Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
- 126 **Final Map Signatures** - Status: Outstanding
Final Parcel map notarized signatures by the Owner (and Beneficiaries if applicable), County Auditor, Land Surveyor or Engineer of Record.
- 127 **Non-Interference Letter** - Status: Outstanding
Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- 128 **Parcel Map Required** - Status: Outstanding
A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
- 129 **Title Report** - Status: Outstanding
A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

- 130 **F11 Combustible Vegetation** - Status: Outstanding
Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586
- 131 **F35 Hydrant Marking** - Status: Outstanding
Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs, or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
- 132 **F37 Fire Sprinkler-NFPA #13** - Status: Outstanding
An automatic fire sprinkler system complying with NFPA Pamphlet #13 and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit plans with hydraulic calculations, manufacturers specification sheets and a letter from a licensed structural (or truss) engineer with a stamp verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design to the Fire Department for approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

133 **F40 Roof Certification** - Status: Outstanding

A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.

134 **F41 Fire Alarm** - Status: Outstanding

A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

135 **F45 Fire Extinguishers** - Status: Outstanding

Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

136 **F46 Hood and Duct Suppression** - Status: Outstanding

An automatic hood and duct fire extinguishing system is required. The applicant shall hire a licensed fire protection contractor to submit detailed plans with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

137 **F47 Above Ground Storage Tank** - Status: Outstanding

Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.

138 **F48 Material Identification Placards** - Status: Outstanding

The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

139 **F51 Commercial Addressing** - Status: Outstanding

Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter ($\frac{3}{4}$) inch stroke.

140 **F55 Key Box** - Status: Outstanding

An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Lock (Knox ®).

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

| Department/Agency | Office/Division | Phone Number |
|---|---|---|
| Land Use Services Dept. | San Bernardino Govt. Center | (909) 387-8311 |
| (All Divisions) | High Desert Govt. Center | (760) 995-8140 |
| Web Site | https://lus.sbcounty.gov/ | |
| County Fire | San Bernardino Govt. Center | (909) 387-8400 |
| (Community Safety) | High Desert Govt. Center | (760) 995-8190 |
| Web Site | https://www.sbcfire.org/ | |
| County Fire | Hazardous Materials | (909) 386-8401 |
| | Flood Control | (909) 387-7995 |
| Dept. of Public Works | Solid Waste Management | (909) 386-8701 |
| | Surveyor | (909) 387-8149 |
| | Traffic | (909) 387-8186 |
| Web Site | https://dpw.sbcounty.gov/ | |
| Dept. of Public Health | Environmental Health Services | (800) 442-2283 |
| Web Site | https://dph.sbcounty.gov/programs/ehs/ | |
| Local Agency Formation Commission (LAFCO) | | (909) 388-0480 |
| Web Site | http://www.sbclafco.org/ | |
| | Water and Sanitation | (760) 955-9885 |
| | Administration, | |
| | Park and Recreation, | |
| Special Districts | Roads, Streetlights, | (909) 386-8800 |
| | Television Districts, and Other | |
| External Agencies (Caltrans, U.S. Army, etc.) | | See condition text for contact information... |



Conditions of Approval

| | | | |
|------------------------|---|--------------------------|-------------------------|
| Record: | <u>PROJ-2022-00183</u> | System Date: | 12/17/2024 |
| Record Type: | Project Application | Primary APN: | 0544471110000 |
| Record Status: | Decision Pending | Application Name: | Love's Mobile Home Park |
| Effective Date: | | Expiration Date: | |
| Description: | A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A LOVE'S MANUFACTURED HOME PARK COMPRISED OF EIGHT (8) MANUFACTURED HOME SITES ON A 2.18 ACRES, LOCATED ON BAKER BOULEVARD, APPROXIMATELY ONE (1) MILE EAST OF DEATH VALLEY ROAD (HIGHWAY 127); WITHIN THE COUNTYWIDE PLAN DESIGNATION COMMERCIAL (C), ZONED RURAL COMMERCIAL (CR); WITHIN THE BAKER AREA. APN: 0544-471-11; 1ST SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2022-00183. | | |

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

1 Project Approval Description (CUP/MUP) - Status: Outstanding

This Conditional Use Permit is conditionally approved to construct and operate a Manufactured Home Park comprised of eight (8) mobile home sites on 2.18 acres, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.

2 Project Location - Status: Outstanding

The Project site is located on the north side of Baker Boulevard, approximately one (1) mile east of Death Valley Road (Highway 127) (APN: 0544-471-11).

3 **Revisions** - Status: Outstanding

Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status: Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: none b. STATE: none c. COUNTY: Building Safety, Environmental Health Services, Fire, Land Development, Planning, Public Works, and Solid Waste d. LOCAL: none

6 **Expiration** - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7 **Continuous Effect/Revocation** - Status: Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

8 **Extension of Time** - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

9 **Project Account** - Status: Outstanding

The Project account number is PROJ-2022-00183. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10 **Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

11 **Performance Standards** - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

12 **Continuous Maintenance** - Status: Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled

space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

13 **Clear Sight Triangle** - Status: Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

14 **Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

15 **Underground Utilities** - Status: Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

16 **Construction Hours** - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

17 **Construction Noise** - Status: Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

18 **Cultural Resources** - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

19 **GHG - Operational Standards** - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide

Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Public Health– Environmental Health Services

20 **Noise Levels** - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

21 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

22 **Refuse Storage and Disposal** - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

Public Works - Traffic

23 **Back Out Into Public Roadways** - Status: Outstanding

Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL

County Fire - Community Safety

24 **F01 Jurisdiction** - Status: Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

25 **F04 Fire Permit Expiration** - Status: Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

26 **F20 Access – 150+ feet** - Status: Outstanding

Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. Roadways shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.

27 **F70 Additional Requirements** - Status: Outstanding

In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. Reach out to HCD for approval.

28 **F71 Proposal Changes** - Status: Outstanding

Any changes to this proposal shall require new Fire Department condition letter.

Land Use Services - Building and Safety

29 **Mobile Home Parks** - Status: Outstanding

Mobile Home Parks are under the jurisdiction of California Housing and Community Development (HCD) [CCHSC 18862.23]. Please contact CA HCD – Riverside District Office at (951)782-4431 for information.

Land Use Services - Land Development

30 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

31 **Erosion Control Installation** - Status: Outstanding

Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

32 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

Public Works - Solid Waste Management

33 **Class "A" Permit Hauler Service Area** - Status: Outstanding

This project falls within a County Permit Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the Class "A" permitted waste hauler in the corresponding Permit Area (Burrtec Waste & Recycling).

34 **Demolition Debris** - Status: Outstanding

San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or

35 **Mandatory Commercial Organics Recycling** - Status: Outstanding

California Assembly Bill (AB) 1826 requires businesses that generate two (2) cubic yards or more of solid waste per week to recycle their organic waste (includes green waste and food waste). A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste. Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County or contract waste hauler on efforts to recycle organics materials once operational.

36 **Mandatory Commercial Recycling** - Status: Outstanding

California Assembly Bill (AB) 341 requires businesses that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. Applicant will be required to report to the County or contract waste hauler on recycling efforts once operational.

37 **Recycling and Organic Waste Collection Container Information** - Status: Outstanding

California Assembly Bill (AB) 827 and Senate Bill (SB) 1383 require businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

38 **Air Quality** - Status: Outstanding

Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

39 Diesel Regulations - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

40 GHG - Construction Standards - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

41 Mitigation Measures - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

Public Health– Environmental Health Services

42 Vector Control Requirement - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

Land Use Services - Land Development

43 FEMA Flood Zone - Status: Outstanding

The project is located within Flood Zone D according to FEMA Panel Number 06071C2325H dated 8/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

44 NPDES Permit - Status: Outstanding

An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

45 **Regional Board Permit** - Status: Outstanding

Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

46 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

47 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

48 **On-site Flows** - Status: Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

49 **Architecture** - Status: Outstanding

Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.

50 **Mitigation Measures** - Status: Outstanding

Please see the Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

51 **Landscape and Irrigation Plan** - Status: Outstanding

Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

52 **Lighting Plans** - Status: Outstanding

The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Please see the following standards:

(a) **Shielding Required.** All outdoor light fixtures shall be fully shielded, installed and maintained in such a manner that the shielding does not permit light trespass in excess of amounts set forth in subdivision (f).

(b) **Light Pollution Standards.** Light pollution and trespass shall be minimized through the use of directional lighting, fixture location, height and the use of shielding and/or motion sensors and timers in such a manner that the light source does not permit light trespass in excess of amounts set forth in subdivision (f).

(c) **Automated Controls.** Automated control systems, such as motion sensors and timers, shall be used to meet curfew requirements set forth in subdivision (d). Photocells or photo controls shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls should be fully programmable and supported by

battery or similar backup.

(d) Dark Sky Curfew. All outdoor lighting shall be extinguished by 11:00 p.m., close of business, or when people are no longer present in exterior areas, whichever is later, except for the following:

(1) Lighting used for entry and exit points of a structure, parking areas, driveways and driveway ingress/egress points; or

(2) Lighting activated by a motion sensor that extinguishes no later than five minutes after activation.

(e) Lighting Color. The correlated color temperature of all outdoor lighting shall be 3,000 Kelvin or less except for seasonal lighting.

(f) Allowable Light Trespass. Outdoor lighting shall not cause light trespass exceeding one-tenths foot-candles measured with a light meter oriented vertically or horizontally either at the property line of the adjacent property or measured from some other point on the property where light trespass may be reasonably determined to occur due to differences in property or improvement elevations.

(g) Blinking, Flashing, or High Intensity Lighting. Permanently installed lighting that blinks, flashes or is of high intensity or brightness that causes a light trespass is prohibited.

(h) Residential String Lights. Notwithstanding anything to the contrary, string lights may be allowed in outside dining areas, entertainment areas or used as landscape lighting in connection with a residential dwelling or use provided that all of the following conditions are met:

(1) The correlated color temperature of the light sources does not exceed 3,000 Kelvin; and

(2) The emission of no individual lamp in the string exceeds forty initial lumens, and the aggregate total of lumen output of such string lights used as outdoor light fixtures does not exceed 4,000 lumens.

County Fire - Community Safety

53 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

54 **F09 Building Plans** - Status: Outstanding

Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

55 **F10 Combustible Protection** - Status: Outstanding

Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

56 **F19 Surface** - Status: Outstanding

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

57 **F22 Primary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

58 **F23 Secondary Access Paved** - Status: Outstanding

Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

59 F26 Fire Flow Test - Status: Outstanding

Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

60 F27 Water System - Status: Outstanding

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1500_GPM for a 2 hour duration at 20 psi residual operating pressure.

61 F28 Water System Commercial - Status: Outstanding

A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.

62 F33 Water System Certification - Status: Outstanding

The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site

Land Use Services - Land Development

63 Construction Permits - Status: Outstanding

Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

64 Encroachment Permits - Status: Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

65 Road Dedication/Improvements - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Silver Lane (Sectional Line – 88 feet) • Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet, and a 50-foot radius return grant of easement is required at the intersection of the Silver Lane and Baker Road. • Street Improvements. Design curb and gutter with match up paving 32 feet from centerline with a minimum 32-foot paved section within a 44-foot right-of-way. • Sidewalks. Design sidewalks per County Standard 109 Type "C". • Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way. • Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130. Baker Road (Major Highway – 104 feet) • Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet. • Street Improvements. Design curb and gutter with match up paving 40 feet from centerline with a minimum 40-foot paved section within a 104-foot right-of-way. • Sidewalks. Design sidewalks per County Standard 109 Type "C". • Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way.

66 Road Standards and Design - Status: Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Mountain Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

67 Slope Tests - Status: Outstanding

Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

68 Soils Testing - Status: Outstanding

Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

69 Street Gradients - Status: Outstanding

Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

70 Street Type Entrance - Status: Outstanding

Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

71 Transitional Improvements - Status: Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

72 Utilities. - Status: Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services**73 California Regional Water Quality Control Board Clearance** - Status: Outstanding

Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130. Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, 760-346-7491. Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

74 Existing OWTS - Status: Outstanding

Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

75 Existing Wells - Status: Outstanding

If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

76 New OWTS - Status: Outstanding

If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

77 Preliminary Acoustical Information - Status: Outstanding

Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

78 Sewage Disposal - Status: Outstanding

Method of sewage disposal shall be sewer service provided by Baker CSD or an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

79 Sewer Service Verification Letter - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

80 Swimming Pool Plan Check Required - Status: Outstanding

Plans for swimming pools and associated restroom facilities shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

81 Water and Sewer - LAFCO - Status: Outstanding

Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either: 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.

82 Water Purveyor - Status: Outstanding

Water purveyor shall be Baker CSD or EHS approved.

83 Water Service Verification Letter - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

84 Water System Permit - Status: Outstanding

A water system permit will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report in accordance with California Health and Safety Code §116527(c) to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at (800) 442-2283 and SWRCB-DDW at (916) 449-5577.

PRIOR TO OCCUPANCY

Land Use Services - Planning

- 85 **Fees Paid** - Status: Outstanding
Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00183.
- 86 **Installation of Improvements** - Status: Outstanding
All required on-site improvements shall be installed per approved plans.
- 87 **Landscaping/Irrigation** - Status: Outstanding
All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
- 88 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance
- 89 **Screen Rooftop** - Status: Outstanding
All roof top mechanical equipment is to be screened from ground vistas.
- 90 **Shield Lights** - Status: Outstanding
Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
- 91 **Condition Compliance** - Status: Outstanding
Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
- 92 **GHG - Installation/Implementation Standards** - Status: Outstanding
The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

County Fire - Community Safety

- 93 **F06 Inspection by Fire Department** - Status: Outstanding
Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Land Development

94 **Drainage Improvements** - Status: Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

95 **LDD Requirements** - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

96 **Road Improvements** - Status: Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

97 **Structural Section Testing** - Status: Outstanding

A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Health– Environmental Health Services

98 **New Alternative Treatment System Permit** - Status: Outstanding

An Alternative Treatment System annual permit shall be required. For information, contact EHS at: (800) 442-2283.

99 **New Public Water System Permit** - Status: Outstanding

A Public Water System annual permit which meets Title 22, CCR requirements pertaining to the type of water system, shall be required. For information, contact EHS at: (800) 442-2283.

Public Works - Traffic

100 **Improvements** - Status: Outstanding

The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

PRIOR TO RECORDATION

County Fire - Community Safety

101 **F16 Access** - Status: Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

Public Health– Environmental Health Services

102 **Individual Wells** - Status: Outstanding

If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic

system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), "An individual well shall be utilized as the domestic water source for each lot. The well shall be installed and approved by EHS prior to the issuance of building permits for each lot."

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

103 **F11 Combustible Vegetation** - Status: Outstanding

Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586

104 **F45 Fire Extinguishers** - Status: Outstanding

Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

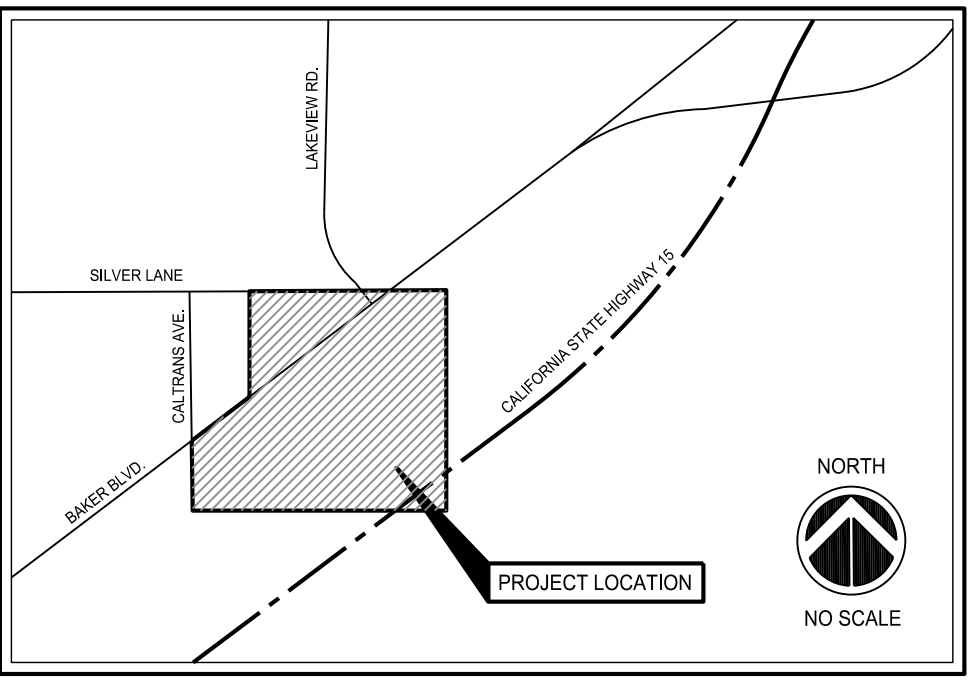
105 **F51 Commercial Addressing** - Status: Outstanding

Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter ($\frac{3}{4}$) inch stroke.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

| Department/Agency | Office/Division | Phone Number |
|-------------------------|---|----------------|
| Land Use Services Dept. | San Bernardino Govt. Center | (909) 387-8311 |
| (All Divisions) | High Desert Govt. Center | (760) 995-8140 |
| Web Site | https://lus.sbcounty.gov/ | |
| County Fire | San Bernardino Govt. Center | (909) 387-8400 |
| (Community Safety) | High Desert Govt. Center | (760) 995-8190 |
| Web Site | https://www.sbcfire.org/ | |
| County Fire | Hazardous Materials | (909) 386-8401 |
| | Flood Control | (909) 387-7995 |

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|---|---|---|
| Dept. of Public Works | Solid Waste Management | (909) 386-8701 |
| | Surveyor | (909) 387-8149 |
| | Traffic | (909) 387-8186 |
| Web Site | https://dpw.sbcounty.gov/ | |
| Dept. of Public Health | Environmental Health Services | (800) 442-2283 |
| Web Site | https://dph.sbcounty.gov/programs/ehs/ | |
| Local Agency Formation Commission (LAFCO) | | (909) 388-0480 |
| Web Site | http://www.sbclafco.org/ | |
| | Water and Sanitation | (760) 955-9885 |
| | Administration, | |
| | Park and Recreation, | |
| Special Districts | Roads, Streetlights, | (909) 386-8800 |
| | Television Districts, and Other | |
| External Agencies (Caltrans, U.S. Army, etc.) | | See condition text for contact information... |



VICINITY MAP

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Tulare, California 93274
559.688.5263
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Lane Project No: 20270

SITE INFORMATION

| | |
|---------------------------------|--|
| PROJECT NAME: | BAKER TRAVEL STOP |
| ADDRESS: | SOUTHEAST CORNER OF BAKER BLVD. AND CALTRANS AVE. |
| APN: | 0544-472-03 |
| FLOOD ZONE: | 'X' UNSHADED |
| PROPERTY OWNER: | BAKER ACREAGE, LLC 45 SEA ISLAND DR, NEWPORT BEACH, CA |
| ZONING: | CH (HIGHWAY COMMERCIAL) |
| NET PROJECT AREA: | 22.59 ACRES (984,020 SF) |
| LOT COVERAGE PERVIOUS AREAS: | LANDSCAPING - 237,039 SF (24.1%) UNDEVELOPED - 223,501 SF (22.7%) TOTAL IMPERVIOUS AREA - 460,540 (46.8%) |
| LOT COVERAGE (IMPERVIOUS AREA): | A.C. AND CONCRETE PAVEMENT - 481,575 SF (48.9%) CONCRETE WALK - 18,010 SF (1.8%) BUILDING - 12,200 SF (1.3%) OTHER MISC. IMPERVIOUS AREAS - 11,633 SF (1.2%) TOTAL IMPERVIOUS AREA - 523,418 (53.2%) |
| APPLICATION TYPES: | CONDITIONAL USE PERMIT & TENTATIVE PARCEL MAP |
| HOURS OF OPERATION: | 24/7/365 |
| NUMBER OF EMPLOYEES: | APPROXIMATELY 55 FULL TIME (DIVIDED INTO 3 SHIFTS) |

UTILITY CONTACT INFORMATION:

| | |
|--------------------|---|
| WATER PURVEYOR: | BAKER COMMUNITY SERVICES DISTRICT 72730 BAKER BLVD. BAKER, CA 92309 760-733-4155 |
| SEWER PURVEYOR: | BAKER COMMUNITY SERVICES DISTRICT 72730 BAKER BLVD. BAKER, CA 92309 760-733-4155 |
| ELECTRIC SERVICE: | SOUTHERN CALIFORNIA EDISON |
| GAS SERVICE: | NO KNOWN GAS SERVICE PROVIDER IN THE AREA |
| TELEPHONE SERVICE: | AT&T |

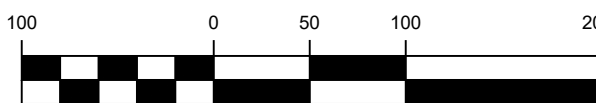
LEGEND:

| | |
|--|-------------------------|
| | PROPOSED A.C. PAVEMENT |
| | PROPOSED CONC. PAVEMENT |
| | PROPOSED CONC. SIDEWALK |
| | PROPOSED LANDSCAPING |
| | STREET CENTERLINE |
| | PROPOSED STREET R/W |
| | EXISTING STREET R/W |

NORTH



GRAPHIC SCALE



1 INCH = 100 FT.

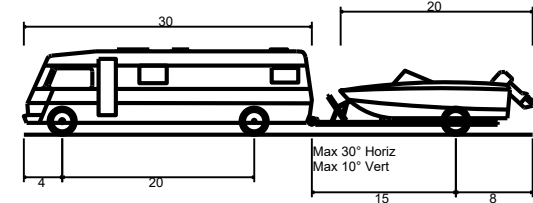
OVERALL SITE PLAN

SITE INFORMATION

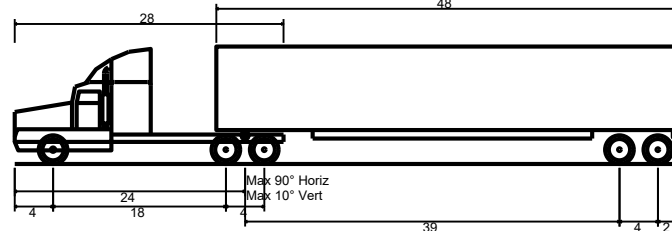
PROJECT NAME: BAKER TRAVEL STOP
ADDRESS: SOUTHEAST CORNER OF BAKER BLVD. AND CALTRANS AVE.
APN: 0544-472-03
FLOOD ZONE: 'X' UNSHADED
PROPERTY OWNER: BAKER ACREAGE, LLC
45 SEA ISLAND DR, NEWPORT BEACH, CA
ZONING: CH (HIGHWAY COMMERCIAL)
NET PROJECT AREA: 22.59 ACRES (984,020 SF)
LOT COVERAGE PERVIOUS AREAS: LANDSCAPING - 237,039 SF (24.1%)
UNDEVELOPED - 223,901 SF (22.7%)
TOTAL IMPERVIOUS AREA - 460,540 (46.8%)
LOT COVERAGE (IMPERVIOUS AREA): A.C. AND CONCRETE PAVEMENT - 481,575 SF (48.9%)
CONCRETE WALK - 18,010 SF (1.8%)
BUILDING - 12,200 SF (1.3%)
OTHER MISC. IMPERVIOUS AREAS - 11,633 SF (1.2%)
TOTAL IMPERVIOUS AREA - 523,418 (53.2%)
APPLICATION TYPES: CONDITIONAL USE PERMIT & TENTATIVE PARCEL MAP
HOURS OF OPERATION: 24/7/365
NUMBER OF EMPLOYEES: APPROXIMATELY 55 FULL TIME (DIVIDED INTO 3 SHIFTS)

UTILITY CONTACT INFORMATION:

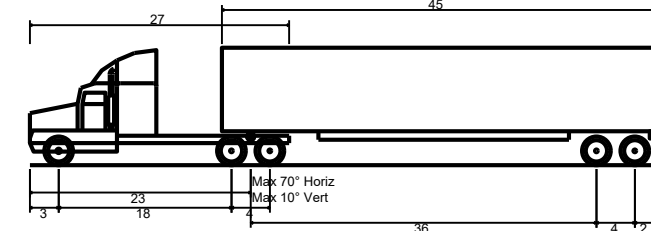
WATER PURVEYOR: BAKER COMMUNITY SERVICES DISTRICT
72730 BAKER BLVD.
BAKER, CA 92309
760-733-4155
SEWER PURVEYOR: BAKER COMMUNITY SERVICES DISTRICT
72730 BAKER BLVD.
BAKER, CA 92309
760-733-4155
ELECTRIC SERVICE: SOUTHERN CALIFORNIA EDISON
GAS SERVICE: NO KNOWN GAS SERVICE PROVIDER IN THE AREA
TELEPHONE SERVICE: AT&T



MH/B - Motorhome and Boat Trailer
Overall Length 53,000ft
Overall Width 8,000ft
Overall Body Height 8,876ft
Min Body Ground Clearance 1,031ft
Track Width 8,000ft
Lock-to-lock time 4,00s
Curb to Curb Turning Radius 50,000ft



STAA Standard Design Vehicle
Overall Length 69,000ft
Overall Width 8,500ft
Overall Body Height 12,227ft
Min Body Ground Clearance 1,422ft
Track Width 8,500ft
Lock-to-lock time 6,00s
Max Steering Angle (Virtual) 26.30°



California Legal Design Vehicle
Overall Length 65,000ft
Overall Width 8,500ft
Overall Body Height 12,227ft
Min Body Ground Clearance 1,422ft
Track Width 8,500ft
Lock-to-lock time 6,00s
Max Steering Angle (Virtual) 26.30°

VEHICLE TURN TEMPLATES

KEYNOTES:

- 1

AUTO FUELING ISLAND
- 2

TRUCK FUELING ISLAND
- 3

TRUCK SCALE
- 4

ABOVE GROUND DIESEL STORAGE TANKS
- 5

BELOW GROUND STORAGE TANKS
- 6

PROPANE TANK
- 7

RV DUMP STATION
- 8

TRASH ENCLOSURE AND UTILITY YARD

9

BIORETENTION LOCATION

10

ON-SITE LIGHT, (DOWNWARD LIGHTING AND SHIELDED)

11

FIRE HYDRANT

12

HIGH-RISE SIGN 85' TALL, 1,006.5 SF TRASH CAN CLUSTER (6-8 CANS)

13

TRUCK AUXILIARY POWER PEDESTAL (EACH PEDESTAL SERVES 4 TRUCK SPACES)

14

UTILITY ISLAND AT EACH OVERNIGHT RV PARKING SPACE PROVIDING, SEWER, WATER AND ELECTRICITY

15

DIRECTIONAL SIGNAGE FOR DIRECTING TRUCKS AND CARS (LOCATED ON PRIVATE PROPERTY)

16

STREET SIGN WITH FUEL PRICING INFORMATION

LEGEND:

- PROPOSED A.C. PAVEMENT
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. SIDEWALK
- PROPOSED LANDSCAPING
- STREET CENTERLINE
- PROPOSED STREET R/W
- EXISTING STREET R/W

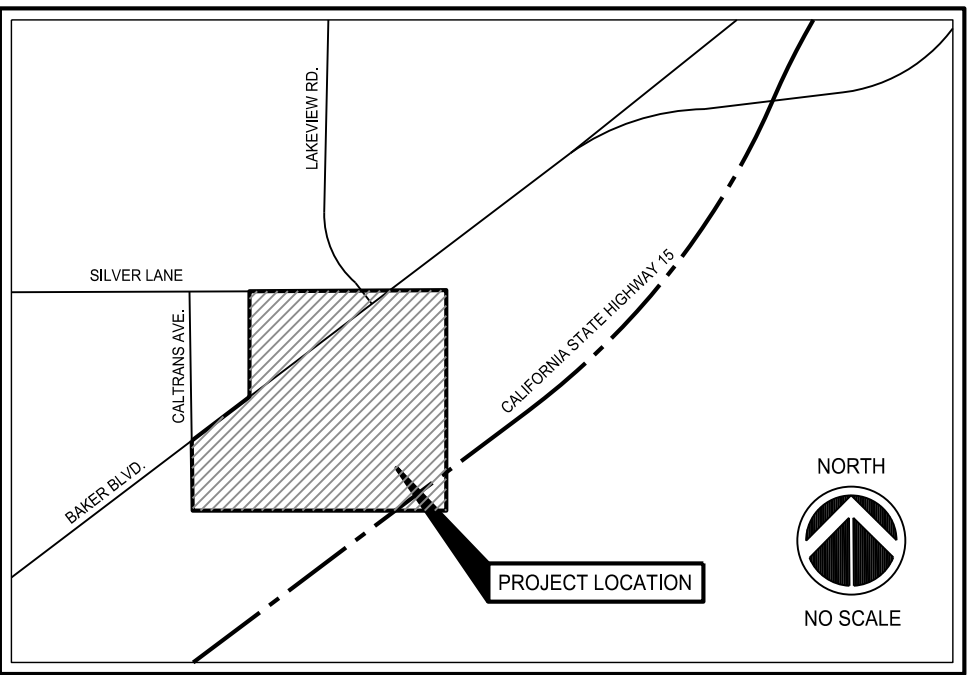
PARKING ANALYSIS (TRAVEL STOP ONLY)

| BUILDING | BUILDING SIZE | PARKING CRITERIA | PARKING REQUIRED | PARKING PROVIDED |
|-------------------------|---------------|-------------------------|------------------|------------------|
| C-STORE | 9,600 SF | 1 SPACE PER EACH 250 SF | 38.4 | |
| BRANDED FAST FOOD | 2,600 SF | 1 SPACE PER EACH 100 SF | 26 | |
| REGULAR AUTO PARKING | | | - | 48 |
| EV AUTO PARKING | | | 2 | 14 |
| OVERNIGHT TRUCK PARKING | | | - | 100 |
| RV PARKING | | | - | 3 |
| TOTAL PARKING | | | 64.4 | 151 |
| ACCESSIBLE PARKING | | | 4 | 4 |

PARKING NOTES:
1. TRUCK PARKING STALLS AND RV PARKING STALLS ARE INCLUDED IN PARKING ANALYSIS
2. ALL AUTO PARKING STALLS ARE MINIMUM 9' WIDE X 20' LONG (U.O.N)
3. ALL AUTO DRIVE AISLES ARE MINIMUM 26' WIDE
4. ALL TRUCK PARKING STALLS ARE MINIMUM 12.5' WIDE X 65' LONG
5. ALL TRUCK DRIVE AISLES ARE MINIMUM 85' WIDE
6. THE NUMBER OF "PROVIDED" EV PARKING STALLS MAY VARY DEPENDING ON FUNDING. A MINIMUM OF (2) WILL BE PROVIDED PER TABLE 5.106.5.3.1 OF THE GREEN BUILDING CODE, BUT MORE MAY BE PROVIDED BASED ON A NUMBER OF FACTORS TO BE DETERMINED.

BUILDING INFORMATION

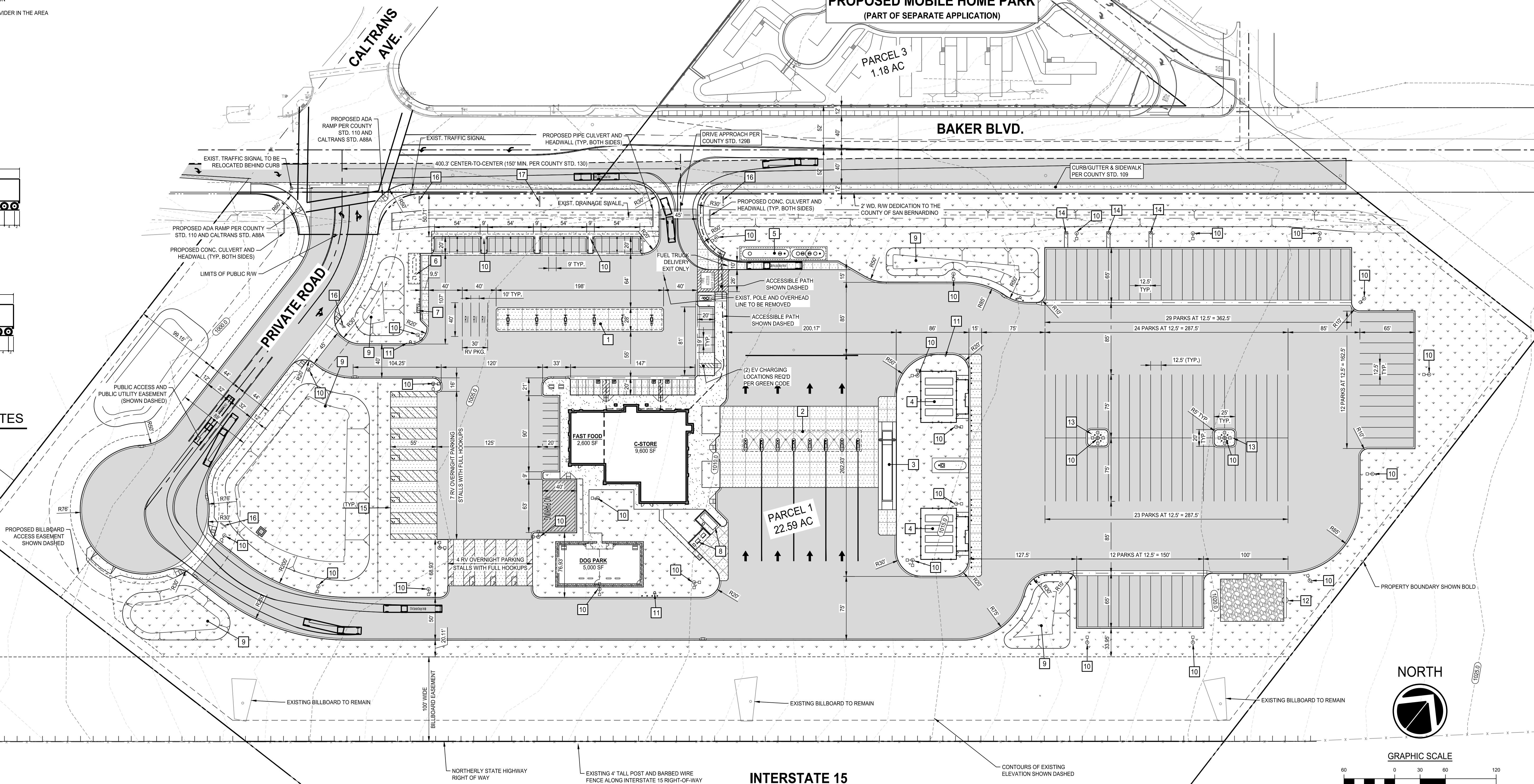
| BUILDING | CONVENIENCE STORE | FAST FOOD | TOTAL |
|------------------|-------------------|-----------|-----------|
| BUILDING AREA | 9,600 SF | 2,600 SF | 12,200 SF |
| FLOOR AREA RATIO | 0.013 | 0.003 | 0.016 |
| BUILDING HEIGHT | +/- 25' | +/- 25' | +/- 25' |



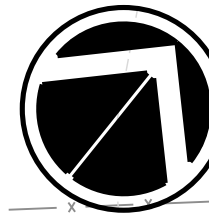
VICINITY MAP

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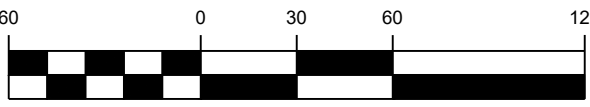
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NORTH



GRAPHIC SCALE



INTERSTATE 15

ENLARGED SITE PLAN

SITE INFORMATION

PROJECT NAME: BAKER MOBILE HOME PARK
ADDRESS: SOUTHWEST CORNER OF BAKER BLVD. AND SILVER LANE
APN: 0544-471-11
FLOOD ZONE: "X" UNSHADED
PROPERTY OWNER: BAKER ACRES, LLC
45 SEA ISLAND DR. NEWPORT BEACH, CA
OR (RURAL COMMERCIAL)
ZONING:
NET PROJECT AREA: 2.18 ACRES (94,817 SF)
LOT COVERAGE (PERVIOUS AREA): LANDSCAPING - 53,267 (56.2%)
UNDEVELOPED - 830 SF (0.9%)
LOT COVERAGE (IMPERVIOUS AREA): PAVEMENT - 24,280 SF (25.6%)
SIDEWALKS - 6,771 SF (7.1%)
MOBILE HOME UNITS - 7,800 SF (8.0%)
OTHER IMPERVIOUS AREAS - 2,069 SF (2.2%)
APPLICATION TYPES: CONDITIONAL USE PERMIT

UTILITY CONTACT INFORMATION:

WATER PURVEYOR: BAKER COMMUNITY SERVICES DISTRICT
72730 BAKER BLVD.
BAKER, CA 92309
760-733-4155
SEWER PURVEYOR: BAKER COMMUNITY SERVICES DISTRICT
72730 BAKER BLVD.
BAKER, CA 92309
760-733-4155
ELECTRIC SERVICE: SOUTHERN CALIFORNIA EDISON
GAS SERVICE: NO KNOWN GAS SERVICE PROVIDER IN THE AREA
TELEPHONE SERVICE: AT&T

PARKING ANALYSIS

| BUILDING | NUMBER OF UNITS | PARKING CRITERIA | PARKING REQUIRED | PARKING PROVIDED |
|-------------|-----------------|---|------------------|------------------|
| MOBILE HOME | 8 | 2 SPACE PER UNIT PLUS 1 SPACE PER 10 SPACES | 18 | |
| | | RESIDENT DRIVEWAY PARKING | | 16 |
| | | STREET PARKING | | 7 |
| | | VISITOR PARKING | | 7 |
| | | TOTAL PARKING | | 30 |

KEYNOTES:

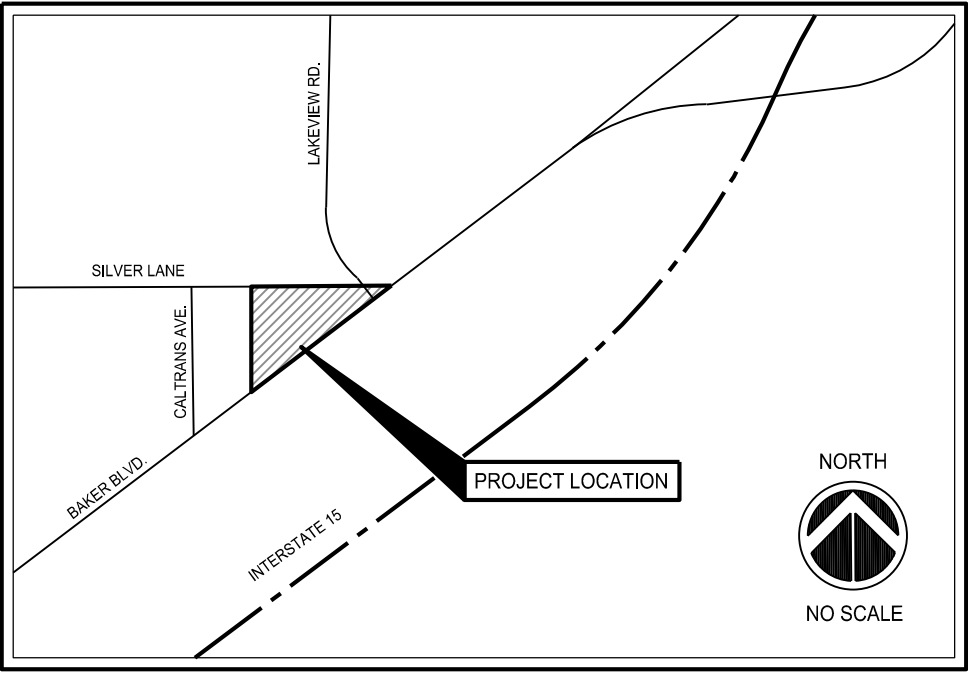
- 1 BIORETENTION LOCATION
- 2 ON-SITE LIGHT, (DOWNWARD LIGHTING AND SHIELDED)
- 3 FIRE HYDRANT
- 4 6' TALL FENCE
- 5 6' TALL AUTOMATIC ENTRY GATE
- 6 SHADE STRUCTURE WITH BBQ PIT
- 7 TRASH ENCLOSURE WITH GATES
- 8 CURB BREAK WITH COVERED DRAINAGE CHANNEL UNDER SIDEWALK
- 9 OVERFLOW DRAINAGE CHANNEL SET AT HIGH-WATER LINE ELEVATION

LEGEND:

- PROPOSED A.C. PAVEMENT
- PROPOSED CONC. PAVEMENT
- PROPOSED CONC. SIDEWALK
- PROPOSED LANDSCAPING (ALL COMMON AREA)
- STREET CENTERLINE
- PROPOSED STREET R/W
- EXISTING STREET R/W

SETBACK INFORMATION:

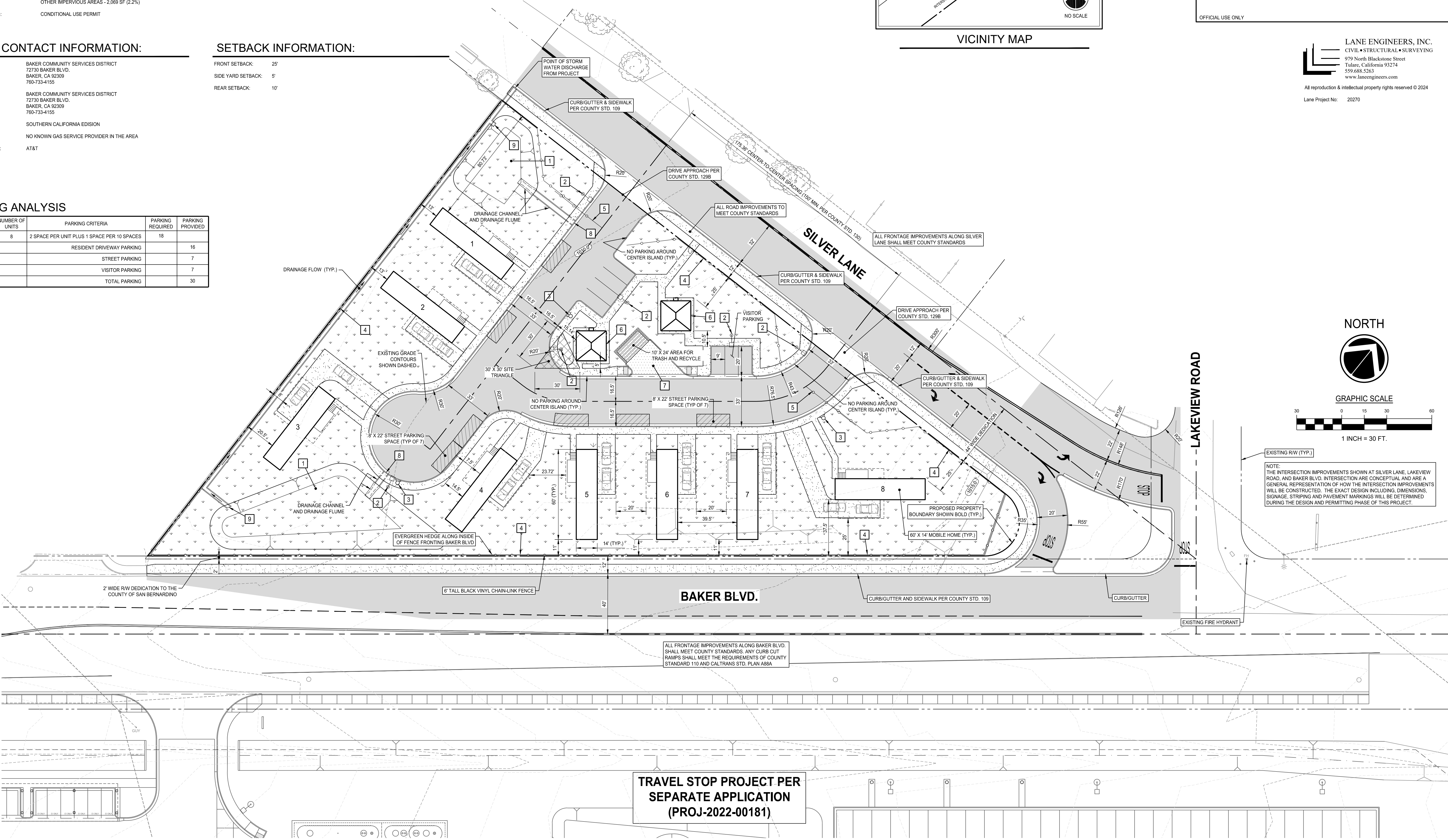
FRONT SETBACK: 25'
SIDE YARD SETBACK: 5'
REAR SETBACK: 10'



VICINITY MAP

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Lane Project No: 20270



NOTE:
THE INTERSECTION IMPROVEMENTS SHOWN AT SILVER LANE, LAKEVIEW ROAD, AND BAKER BLVD. INTERSECTION ARE CONCEPTUAL AND ARE A GENERAL REPRESENTATION OF HOW THE INTERSECTION IMPROVEMENTS WILL BE CONSTRUCTED. THE EXACT DESIGN INCLUDING, DIMENSIONS, SIGNAGE, STRIPING AND PAVEMENT MARKINGS WILL BE DETERMINED DURING THE DESIGN AND PERMITTING PHASE OF THIS PROJECT.

TRAVEL STOP PROJECT PER
SEPARATE APPLICATION
(PROJ-2022-00181)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 20, 2024
Sent via email

Oliver Mujica
Contract Planner III
San Bernardino County
395 N. Arrowhead Avenue,
San Bernardino, California 92415

Dear Oliver Mujica:

Love's Truck Stop and Mobile Home Park (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2024110967

The California Department of Fish and Wildlife (CDFW) received an Initial Study/ Mitigated Negative Declaration from San Bernardino County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Love's Travel Stops and Country Stores

Objective: The objective of the Project is to develop Baker Travel Stop and Mobile Home Park, a travel stop and mobile home park, encompassing a Project Area of approximately 24.78 acres. The travel stop encompasses 22.6 acres of the Project Area, occupying 18.6 acres and include: a 12,200 square foot (sf) building with 9,600 sf utilized as a convenience store and 2,600 sf for fast-food branded restaurants, above ground diesel storage, below ground storage tanks, auto fueling station with 16 fueling positions, truck

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Oliver Mujica
San Bernardino County
December 20, 2024
Page 2

fueling station with 7 fueling positions, truck scale, single Recreational Vehicle (RV) dump station, 5 bioretention areas, 100 overnight truck parking spots, 48 car parking spots, 3 RV parking spots, 11 overnight RV parking spots with water and RV dump hookup station, trash enclosure and utility yard, underground storm drain system, and 5,000 sf dog park. The travel stop is proposed to operate 24 hours a day, 7 days a week and employ 55 workers.

The mobile home portion of the Project occurs on 2.18 acres and would be used as residences for employees of the travel stop. The mobile home includes the installation of 8 mobile homes sized by 60 feet by 14 feet. Additionally, construction associated with the mobile home park will include 2 parking spots for each mobile home, 14 visitor parking spots, 2 bioretention areas, 6-foot-tall fence surrounding mobile home and landscaping with shaded canopies.

The Project utility connection would be connected by Baker Community Services District. The travel stop would connect to water and sewer via 4-inch water pipe for fast-food restaurants, convenience store, RV hookup and dump station; 4, 6 and 8-inch pipes for sewer connection, and 10-inch pipes for fire hydrant connections. The mobile home portion of the Project will connect to water via 1-inch water services that would connect to 8-inch water main located on the road. An 8-inch sewer pipe located along the road will also connecting to existing facilities on Baker Boulevard.

Location: The Project is located in Baker, County of San Bernardino, State of California. The Project occurs on two Assessor Parcel Numbers (APN) 0544-471-11 with latitude/longitude of 35.27794066583571, -116.05592096641799, and APN 0544-472-03 with a latitude and longitude of 35.27680043496089, -116.05509763926909. APN 0544-471-11 is bordered by Silver Lane to the north, Baker Boulevard to the south and east, Lakeview Road to the east, and Caltrans Avenue to the west. APN 0544-472-03 is bordered by Baker Boulevard to the north, Interstate 15 (I-15) to the south and undeveloped land to the east and west.

Timeframe: Construction is anticipated to occur over 1-year period, with both the travel stop and mobile home park being completed simultaneously.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Western Burrowing Owl (*Athene cunicularia hypugaea*)

IS/MND page 44, Appendix B Biological Resources Supporting Information page 13-14

Issue: On October 25, 2024, the western burrowing owl (burrowing owl) was designated as a candidate species under the California Endangered Species Act (CESA) and as such is granted the full protection of a threatened species under CESA. The Project has the potential to result in permanent and temporary loss, degradation, and impacts to western burrowing owl and its habitat.

Specific impact: Although no evidence of burrowing owl was detected within the Project site or in the adjoining areas, the Project site is within predicted burrowing owl habitat (CNDDDB). The Project site also has suitable nesting habitat as stated in the Appendix B Biological Resources document. The Project includes the potential to impact burrowing owl through the collapsing of burrows, entombment, displacement, direct take associated with vehicle and equipment strike, indirect take associated with Project activities such as attracting predators, reduction of habitat and habitat quality associated with the construction of the travel stop. The Project may cause permanent and temporary impacts to burrowing owl foraging and potential nesting habitat.

Oliver Mujica
 San Bernardino County
 December 20, 2024
 Page 3

Why impact would occur: The Appendix B Biological Resources document mentions burrowing owl and the fact that possible suitable habitat occurs onsite with unvegetated/vegetation with low growing plant species that allow for line of sight. The document continues to mention that no burrows or sign of burrowing owl was observed during the site visit of October 6, 2021. The Appendix B Biological Resources document and the MND do not provide information on whether fossorial mammals occur onsite providing burrows for burrowing owl to utilize, nor mention in the species compendium list what species were observed or sign of species observed during site visits conducted October 6, 2021, and June 29, 2023. Burrowing owls have been known to use highly degraded and marginal habitats where existing burrows are available, and often live in close proximity to human developments. Additionally,, the Appendix B Biological Resources document and MND mention no burrows sized 4 inches or greater were found during the site visits but does not give further context as to what size burrows were found. Finally, the MND does not address the potential for burrowing owl to utilize the Project site and provide for surveys prior to vegetation removal and/or ground-disturbing activities.

Evidence impact would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Additionally, burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to direct and indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). As a candidate species, western burrowing owl is granted full protection as a threatened species under CESA. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the following measures to be included into the final MND.

MM-BIO-3: Burrowing Owl Surveys

Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow cannot be fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of

Oliver Mujica
San Bernardino County
December 20, 2024
Page 4

quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the incidental take permit as a minimization measure.

COMMENT #2: Permanent Lighting

Issue: The IS/MND does not adequately discuss plans for artificial nighttime lighting. The Project is mentioned to incorporate multiple “on-site lighting” aspects as part of the travel stop of the Project.

Specific impact: The Project has the potential to adversely affect wildlife in the open-space areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson, et al., 2013).

Why impact would occur: The Project proposes multiple on-site lighting throughout the Project with a brief mention that the lighting will be faced downward and shielded, however the IS/MND does not provide any further context or design for shielding or structure for lighting. Furthermore, The Project IS/MND discusses the new sources of lighting to include nighttime lighting from streetlights, decorative landscaping, exterior building lights, and artificial light created by employees and customers. Finally, the travel stop portion of the Project is mentioned to be open 24-hours a day, 7 days a week, inferring the artificial lighting will be continuous. CDFW does not find this information adequately addresses the potential impacts from artificial lighting for the Project. CDFW recommends the final IS/MND includes an analysis of the direct, indirect, and cumulative impacts of permanent artificial nighttime lighting on biological resources within open-space adjacent to the Project.

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration. Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the following measure be included into the final MND.

MM-BIO-4: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, San Bernardino County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. San Bernardino County and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). San Bernardino County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #3: Nesting Birds

Oliver Mujica
San Bernardino County
December 20, 2024
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Issue: The Project has the potential to impact nesting birds, including CESA-listed birds, CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project implementation could result in the loss of nesting and/or foraging habitat for (non-) passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of and/or modification of habitat features by the construction of the travel stop or mobile home portions of the Project, and vibration during construction and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Both the IS/MND and the Biological Resources document indicate nesting bird surveys would only occur during February-August, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the inclusion of the below revisions to MM-BIO-1a and 1b in the Final MND to ensure impacts to nesting birds, and the habitats thereof, are mitigated to a level of less than significant. Additions are in **bold** and edits are in ~~strikethrough~~.

MM-BIO-1a: Nesting Bird Pre-construction Surveys

In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs, **regardless of the time of year, between February 1 and August 31**, a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. **The survey shall be conducted by a Biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.** The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur.

MM-BIO-1b: Avoidance of Active Avian Nests

If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-

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disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behaviors is not adversely affected by the construction activity. **No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities.** Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Native Landscaping: To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at: Calscape - Restore Nature One Garden at a Time. Water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Additionally, some facilities display drought tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California’s Save our Water website: Home - Save Our Water, California.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist San Bernardino County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to CDFW staff Steven Recinos, Environmental Scientist at 909-731-5954 or Steven.Recinos@wildlife.ca.gov.

Oliver Mujica
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Sincerely,

DocuSigned by:


84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecology 58:98–108

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency.

Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. Biological Reviews, 88.4: 912-927.

Longcore, T., and C. Rich. 2004. Ecological light pollution – Review. Frontiers in Ecology and the Environment 2:191–198.

Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. The Condor 108:130–139.

Rosenberg, D. K., and K. L. Haley. 2004. The ecology of burrowing owls in the agroecosystem of the Imperial Valley, California. Studies in Avian Biology 27:120-135.

Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. Current Biology 19:1123–1127. Elsevier Ltd.

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Attachment A
Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

| Mitigation Measure (MM) Description | | Timing | Responsible Party |
|-------------------------------------|---|--|-------------------|
| MM-BIO-3 Burrowing Owl Surveys | Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow cannot be fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |

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| | enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the incidental take permit as a minimization measure. | | |
| MM-BIO-4 Artificial Nighttime Lighting | Throughout construction and the lifetime operations of the Project, San Bernardino County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. San Bernardino County and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). San Bernardino County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler. | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |
| MM-BIO-1a Nesting Bird Preconstruction Surveys | In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs, regardless of the time of year, between February 1 and August 31 , a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The survey shall be conducted by a Biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |

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| | | | |
|------------------|--|--|-------------------|
| | and monitoring the efficacy of implemented avoidance and minimization measures. The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur. | | |
| MM-BIO-1b | If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behaviors is not adversely affected by the construction activity. No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur. | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |

ADMINISTRATIVE DRAFT
Final Initial Study/Mitigated Negative Declaration
Baker Travel Stop and Mobile Home Park Project
Community of Baker, San Bernardino County, California

State Clearinghouse Number 2024110967

Prepared for:

County of San Bernardino

Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182
909-387-4122

Contact: Linda Mawby, Supervising Planner

Prepared by:

FirstCarbon Solutions

967 Kendall Drive
#A-537
San Bernardino, CA 92407
714-508-4100

Contact: Jason Brandman, Project Director
Yael Marcus, Project Manager

Date: January 3, 2025

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SECTION 1: INTRODUCTION

Although not required by the California Environmental Quality Act (CEQA), the County of San Bernardino (County) has prepared the following responses to significant environmental comments received on the Baker Travel Stop and Mobile Home Park Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final IS/MND for use by the County in its review and consideration of the Baker Travel Stop and Mobile Home Park Project. All public comments regarding the Draft IS/MND are included for consideration by the County.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.
- **Section 3—Errata:** Includes an addendum listing refinements and clarifications on the Draft IS/MND which have been incorporated.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author

Author Code

State Agencies

California Department of Fish and Wildlife CDFW

2.2 - Responses to Comments

2.2.1 - Introduction

Although a lead agency is not required to provide written responses to comments on proposed Negative Declarations (NDs) or Mitigated Negative Declarations (MNDs) under the California Environmental Quality Act (CEQA), the County of San Bernardino County (County) has evaluated the comments received on the Baker Travel Stop and Mobile Home Park Project (State Clearinghouse No. 2024110967) (proposed project) Draft IS/MND and has elected to provide responses to the following significant environmental comments. None of the comments received results in the need to recirculate the Draft IS/MND or to prepare an Environmental Impact Report (EIR).

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 20, 2024
Sent via email

Oliver Mujica
Contract Planner III
San Bernardino County
395 N. Arrowhead Avenue,
San Bernardino, California 92415

Dear Oliver Mujica:

Love's Truck Stop and Mobile Home Park (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2024110967

The California Department of Fish and Wildlife (CDFW) received an Initial Study/ Mitigated Negative Declaration from San Bernardino County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Love's Travel Stops and Country Stores

Objective: The objective of the Project is to develop Baker Travel Stop and Mobile Home Park, a travel stop and mobile home park, encompassing a Project Area of approximately 24.78 acres. The travel stop encompasses 22.6 acres of the Project Area, occupying 18.6 acres and include: a 12,200 square foot (sf) building with 9,600 sf utilized as a convenience store and 2,600 sf for fast-food branded restaurants, above ground diesel storage, below ground storage tanks, auto fueling station with 16 fueling positions, truck

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¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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fueling station with 7 fueling positions, truck scale, single Recreational Vehicle (RV) dump station, 5 bioretention areas, 100 overnight truck parking spots, 48 car parking spots, 3 RV parking spots, 11 overnight RV parking spots with water and RV dump hookup station, trash enclosure and utility yard, underground storm drain system, and 5,000 sf dog park. The travel stop is proposed to operate 24 hours a day, 7 days a week and employ 55 workers.

The mobile home portion of the Project occurs on 2.18 acres and would be used as residences for employees of the travel stop. The mobile home includes the installation of 8 mobile homes sized by 60 feet by 14 feet. Additionally, construction associated with the mobile home park will include 2 parking spots for each mobile home, 14 visitor parking spots, 2 bioretention areas, 6-foot-tall fence surrounding mobile home and landscaping with shaded canopies.

The Project utility connection would be connected by Baker Community Services District. The travel stop would connect to water and sewer via 4-inch water pipe for fast-food restaurants, convenience store, RV hookup and dump station; 4, 6 and 8-inch pipes for sewer connection, and 10-inch pipes for fire hydrant connections. The mobile home portion of the Project will connect to water via 1-inch water services that would connect to 8-inch water main located on the road. An 8-inch sewer pipe located along the road will also connecting to existing facilities on Baker Boulevard.

Location: The Project is located in Baker, County of San Bernardino, State of California. The Project occurs on two Assessor Parcel Numbers (APN) 0544-471-11 with latitude/longitude of 35.27794066583571, -116.05592096641799, and APN 0544-472-03 with a latitude and longitude of 35.27680043496089, -116.05509763926909. APN 0544-471-11 is bordered by Silver Lane to the north, Baker Boulevard to the south and east, Lakeview Road to the east, and Caltrans Avenue to the west. APN 0544-472-03 is bordered by Baker Boulevard to the north, Interstate 15 (I-15) to the south and undeveloped land to the east and west.

Timeframe: Construction is anticipated to occur over 1-year period, with both the travel stop and mobile home park being completed simultaneously.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Western Burrowing Owl (*Athene cunicularia hypugaea*)

IS/MND page 44, Appendix B Biological Resources Supporting Information page 13-14

Issue: On October 25, 2024, the western burrowing owl (burrowing owl) was designated as a candidate species under the California Endangered Species Act (CESA) and as such is granted the full protection of a threatened species under CESA. The Project has the potential to result in permanent and temporary loss, degradation, and impacts to western burrowing owl and its habitat.

Specific impact: Although no evidence of burrowing owl was detected within the Project site or in the adjoining areas, the Project site is within predicted burrowing owl habitat (CNDDDB). The Project site also has suitable nesting habitat as stated in the Appendix B Biological Resources document. The Project includes the potential to impact burrowing owl through the collapsing of burrows, entombment, displacement, direct take associated with vehicle and equipment strike, indirect take associated with Project activities such as attracting predators, reduction of habitat and habitat quality associated with the construction of the travel stop. The Project may cause permanent and temporary impacts to burrowing owl foraging and potential nesting habitat.

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Why impact would occur: The Appendix B Biological Resources document mentions burrowing owl and the fact that possible suitable habitat occurs onsite with unvegetated/vegetation with low growing plant species that allow for line of sight. The document continues to mention that no burrows or sign of burrowing owl was observed during the site visit of October 6, 2021. The Appendix B Biological Resources document and the MND do not provide information on whether fossorial mammals occur onsite providing burrows for burrowing owl to utilize, nor mention in the species compendium list what species were observed or sign of species observed during site visits conducted October 6, 2021, and June 29, 2023. Burrowing owls have been known to use highly degraded and marginal habitats where existing burrows are available, and often live in close proximity to human developments. Additionally,, the Appendix B Biological Resources document and MND mention no burrows sized 4 inches or greater were found during the site visits but does not give further context as to what size burrows were found. Finally, the MND does not address the potential for burrowing owl to utilize the Project site and provide for surveys prior to vegetation removal and/or ground-disturbing activities.

Evidence impact would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Additionally, burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to direct and indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). As a candidate species, western burrowing owl is granted full protection as a threatened species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the following measures to be included into the final MND.

MM-BIO-3: Burrowing Owl Surveys

Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow cannot be fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of

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quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the incidental take permit as a minimization measure.

4
CONT

COMMENT #2: Permanent Lighting

Issue: The IS/MND does not adequately discuss plans for artificial nighttime lighting. The Project is mentioned to incorporate multiple “on-site lighting” aspects as part of the travel stop of the Project.

Specific impact: The Project has the potential to adversely affect wildlife in the open-space areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson, et al., 2013).

Why impact would occur: The Project proposes multiple on-site lighting throughout the Project with a brief mention that the lighting will be faced downward and shielded, however the IS/MND does not provide any further context or design for shielding or structure for lighting. Furthermore, The Project IS/MND discusses the new sources of lighting to include nighttime lighting from streetlights, decorative landscaping, exterior building lights, and artificial light created by employees and customers. Finally, the travel stop portion of the Project is mentioned to be open 24-hours a day, 7 days a week, inferring the artificial lighting will be continuous. CDFW does not find this information adequately addresses the potential impacts from artificial lighting for the Project. CDFW recommends the final IS/MND includes an analysis of the direct, indirect, and cumulative impacts of permanent artificial nighttime lighting on biological resources within open-space adjacent to the Project.

5

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration. Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the following measure be included into the final MND.

MM-BIO-4: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, San Bernardino County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. San Bernardino County and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). San Bernardino County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #3: Nesting Birds

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Issue: The Project has the potential to impact nesting birds, including CESA-listed birds, CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project implementation could result in the loss of nesting and/or foraging habitat for (non-) passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of and/or modification of habitat features by the construction of the travel stop or mobile home portions of the Project, and vibration during construction and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Both the IS/MND and the Biological Resources document indicate nesting bird surveys would only occur during February-August, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the inclusion of the below revisions to MM-BIO-1a and 1b in the Final MND to ensure impacts to nesting birds, and the habitats thereof, are mitigated to a level of less than significant. Additions are in **bold** and edits are in ~~strike through~~.

MM-BIO-1a: Nesting Bird Pre-construction Surveys

In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs, **regardless of the time of year, between February 1 and August 31**, a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. **The survey shall be conducted by a Biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.** The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur.

MM-BIO-1b: Avoidance of Active Avian Nests

If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-

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disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behaviors is not adversely affected by the construction activity. **No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities.** Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

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ADDITIONAL COMMENTS AND RECOMMENDATIONS

Native Landscaping: To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at: Calscape - Restore Nature One Garden at a Time. Water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Additionally, some facilities display drought tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: Home - Save Our Water, California.

7

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

8

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

9

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist San Bernardino County in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to CDFW staff Steven Recinos, Environmental Scientist at 909-731-5954 or Steven.Recinos@wildlife.ca.gov.

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Sincerely,

DocuSigned by:



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Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

- Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108
- California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency.
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- Longcore, T., and C. Rich. 2004. Ecological light pollution – Review. *Frontiers in Ecology and the Environment* 2:191–198.
- Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.
- Rosenberg, D. K., and K. L. Haley. 2004. The ecology of burrowing owls in the agroecosystem of the Imperial Valley, California. *Studies in Avian Biology* 27:120-135.
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Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

| Mitigation Measure (MM) Description | | Timing | Responsible Party |
|---|--|---|--------------------------|
| MM-BIO-3 Burrowing Owl Surveys | <p>Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow cannot be fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat</p> | <p>Prior to commencing ground-or vegetation-disturbing activities</p> | <p>Project proponent</p> |

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| | enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the incidental take permit as a minimization measure. | | |
| MM-BIO-4 Artificial Nighttime Lighting | Throughout construction and the lifetime operations of the Project, San Bernardino County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. San Bernardino County and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). San Bernardino County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler. | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |
| MM-BIO-1a Nesting Bird Preconstruction Surveys | In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs, regardless of the time of year, between February 1 and August 31 , a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The survey shall be conducted by a Biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |

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CONT

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| | <p>and monitoring the efficacy of implemented avoidance and minimization measures. The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur.</p> | | |
| MM-BIO-1b | <p>If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behaviors is not adversely affected by the construction activity. No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.</p> | Prior to commencing ground-or vegetation-disturbing activities | Project proponent |

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CONT

State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1

The commenter offers thanks for the opportunity to provide comments and recommendations regarding the proposed project.

The comment is noted and appreciated. The commenter does not raise any specific project-related environmental issues and therefore no further response is required.

Response to CDFW-2

The commenter sets forth CDFW's scope of regulatory authority with respect to its role as a Trustee Agency and as a Responsible Agency.

The comment is noted for the record. The commenter does not raise any specific project-related environmental issues and therefore no further response is required.

Response to CDFW-3

The comment provides a summary of project description, including land uses; acreages; project details, including square footage; project location, including latitude and longitude and Assessor's Parcel Number (APN); and construction timeline; however, the comment does not identify any environmental issues or provide any comments on either the proposed project or the environmental documentation.

Response to CDFW-4

CDFW provides comments concerning western burrowing owl and references pages 13–14 of 88 of Appendix B Biological Resources Supporting Information. CDFW acknowledges that on October 25, 2024, the western burrowing owl was designated as a candidate species under California Endangered Species Act (CESA). CDFW notes that the proposed project could result in impacts to western burrowing owl and its habitat. CDFW states that the proposed project does not provide information on whether fossorial mammals occur on-site, does not mention in the species list what species were observed on-site during the two site surveys, does not state what size burrows were found within the site other than that they were not larger than 4 inches wide, and does not mention the potential for western burrowing owl to utilize the site or provide for surveys prior to vegetation removal and/or ground-disturbing activities. CDFW then asserts that impacts would be significant to this species through habitat loss. CDFW recommends a new mitigation measure, MM BIO-3 Burrowing Owl Surveys, to mitigate for impacts to this species.

Comment noted. The proposed project addresses the potential for western burrowing owl to occur within the project site. Although the Draft IS/MND does not address which type of fossorial mammals are present within the site, it does state that rodent burrows were present within the site and attention was paid to these burrows. Additionally, the report states that no burrows were greater than 4 inches wide, which is the minimum width needed for western burrowing owl occupancy. No additional signs of western burrowing owls were observed on-site, including pellets, feathers, castings, or whitewash, leading to the conclusion that no western burrowing owl are present within the site. Additionally, no California Natural Diversity Database (CNDDB) recorded

occurrences of western burrowing owl were observed within 10 miles of the project site. The nearest recorded occurrence of western burrowing owl was recorded 17 miles southeast of the site. Although habitat may be present to support this species, the project site is located between two busy roadways; this location, coupled with the lack of western burrowing owl indicators, the lack of CNDDDB recorded occurrences, and the presence of perching opportunities for large raptors leads to the conclusion that this species is not present within the site. The suggested mitigation provided by CDFW is therefore rejected as inapplicable for the proposed project and no revisions to the Draft IS/MND are required.

Response to CDFW-5

CDFW argues that the Draft IS/MND does not adequately discuss plans for artificial nighttime lighting and therefore has the potential to adversely affect wildlife in the open-space areas adjacent to the site. CDFW acknowledges that there is discussion of the lights being faced downward and shielded but asserts that the Draft IS/MND does not provide any further context or design for shielding or structure. CDFW concludes that impacts would be significant and recommends a new mitigation measure, MM BIO-4 Artificial Nighttime Lighting, to mitigate for potential impacts to wildlife species.

Comment noted. Although the project site would provide new sources of light to the area, the project site is located adjacent to existing development, such as the Baker Travel Plaza to the west and mobile homes to the north, both of which contain existing sources of light and glare. In addition, Interstate 15 (I-15), a major regional highway located approximately 70 feet south of the project site, also acts as a substantial source of light and glare from passing vehicles and roadside billboards. Furthermore, all on-site lights would be facing downward and shielded.

The proposed project would be required to comply with Countywide Plan Policy LU-4.7, which requires light pollution and glare to be minimized to preserve night sky views, particularly in the Mountain and Desert Regions where the proposed project is located. Furthermore, the proposed project would also comply with the San Bernardino County Development Code (Development Code) Chapter 83.07, Light Trespass, which regulates outdoor lighting in order to reduce light pollution and glare. Specifically, Section 83.07.060 of the Development Code details standards for outdoor lighting in the Mountain and Desert Regions. Therefore, as stated in the Draft IS/MND, compliance with Countywide Plan Policies and the Development Code would ensure that impacts would be less than significant with respect to substantial light or glare, and, therefore, the suggested mitigation measure is not necessary and no revisions to the Draft IS/MND are required. No additional response is required.

Response to CDFW-6

CDFW asserts that the proposed project has the potential to impact nesting birds and could result in the loss of nesting and/or foraging habitat for (non-) passerine and raptor species. CDFW states that both the Draft IS/MND and the Habitat and Jurisdictional Assessment, included as Appendix B1 of the Draft IS/MND, indicate nesting bird surveys would only occur during February–August and recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. CDFW recommends edits and additions to MM BIO-1a and MM BIO-1b.

Comment noted. It is unlikely for nesting birds to be present within the project site outside of the nesting season, which is recorded by CDFW for many bird species in California as being between February–August. However, the Habitat and Jurisdictional Assessment, included as Appendix B1 of the Draft IS/MND, states that “the project site and surrounding area provides foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area.” Therefore, it is acknowledged that, though it is rare, nesting could occur year-round within the project site and surrounding area. CDFW recommended edits and additions to MM BIO-1a and MM BIO-1b are therefore accepted and appropriate changes are included in Section 3, Errata, of this Final IS/MND. Additions and clarifications to mitigation measures may be adopted without triggering recirculation when they are added in response to comments on environmental impacts already identified in the Negative Declaration (CEQA Guidelines § 15073.5(c)(2)).

Response to CDFW-7

The commenter offers suggestions to ameliorate the water demands of the proposed project, such as incorporation of water-wise concepts in landscape design plans.

In 2020, the County passed the San Bernardino County Code of Ordinance Section 63.2201, Adoption of Model Water Efficient Landscape Ordinance (MWELO), which adopts the California Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7, §§ 490–495) as the County’s MWELO.¹ The proposed project would be required to adhere to the requirements and restrictions in MWELO. No further response is required.

Response to CDFW-8

The commenter states the requirement to report any special-status species and natural communities detected during surveys at the project site to the CNDDDB.

No special-status species or natural communities were observed during surveys at the project site that are not accounted for in MM BIO-1a and MM BIO-2 of the Draft IS/MND. As such, there are no findings to report and no reporting is required.

Response to CDFW-9

No response is required for the commenter statement regarding payment of environmental document filing fees.

Response to CDFW-10

The commenter concludes with providing contact information for communication or questions. The comment is noted for the record. No further response is required.

Response to CDFW-11

The commenter provides a Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in the comment letter.

¹ San Bernardino County Code of Ordinances. Chapter 22: Model Water Efficient Landscape Ordinance. Website: https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-166093#JD_63.2201. Accessed December 30, 2024.

All proposed mitigation measures or revisions listed in this comment are addressed above:

- See Response to CDFW-4 for response regarding MM BIO-3 (Burrowing Owls Surveys).
- See Response to CDFW-5 for response regarding MM BIO-4 (Artificial Nighttime Lighting).
- See Response to CDFW-6 for response regarding MM BIO-1a (Nesting Bird Pre-construction Surveys).
- See Response to CDFW-6 for response regarding MM BIO-1b (Avoidance of Active Avian Nests).

None of the proposed mitigation measures or suggested revisions require substantial revisions to the Draft IS/MND that would require recirculation.

CHAPTER 3: ERRATA

The following are revisions to the Draft IS/MND for the Baker Travel Stop and Mobile Home Park Project.

These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Section IV, Biological Resources

Page 46, Mitigation Measures

In response to Comment CDFW-6, the following edits are made to Mitigation Measure (MM) BIO-1a:

MM BIO-1a Nesting Bird Pre-construction Surveys

In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs ~~between February 1 and August 31, regardless of the time of year,~~ a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The survey shall be conducted by a Biologist experienced in the following:

- identifying local and migratory bird species;
- conducting bird surveys using appropriate survey methodology;
- nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success;
- determining/establishing appropriate avoidance and minimization measures; and
- monitoring the efficacy of implemented avoidance and minimization measures.

The Biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests shall occur.

Section IV, Biological Resources

Page 46, Mitigation Measures

In response to Comment CDFW-6, the following edits are made to MM BIO-1b:

MM BIO-1b Avoidance of Active Avian Nests

If an active avian nest is discovered during the pre-construction clearance survey, construction activities must stay outside of a no-disturbance buffer. The size of the no-disturbance buffer shall be determined by the wildlife Biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A Biological Monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. No-disturbance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.