SAN BERNARDINO COUNTY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

APN:	0438-165-33
APPLICANT:	Munem Maida
COMMUNITY:	Apple Valley
LOCATION:	Southwest corner of Rock Springs Road and Deep Creek Road
PROJECT NO:	P201800369
STAFF:	Magda Gonzalez, MPA, Senior Planner
REP('S):	Steeno Design Studio, Inc.
PROPOSAL:	Tentative Parcel Map for the subdivision of a 6.28-acre parcel into 4 parcels and a remainder and a Conditional Use Permit for the construction and operation of a 4,995 square-foot convenience store with a six fuel pump service station and a 500 gallon propane tank for propane sales.

USGS Quad:	Apple Valley South
T, R, Section:	**T:** 4N **R:** 3W **Sec:** 19
Thomas Bros.:	Page 4477, Grid: E-7
Planning Area:	Apple Valley
Land Use Zoning:	AV/CN (Apple Valley/Neighborhood Commercial)
Overlays:	Dam Inundation Fire Safety Area 1

PROJECT CONTACT INFORMATION:

Lead Agency: County of San Bernardino
Land Use Services Department - Current Planning
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Contact Person: Magda Gonzalez, MPA, Senior Planner,
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Project Sponsor: Munem Maida
13302 Ranchero Road
Oak Hills, CA 92344
Phone No: (760) 964-7936

PROJECT DESCRIPTION:

Tentative Parcel Map

Tentative Parcel Map No. 19991 to subdivide 6.28 acres into four (4) parcels. Parcels 1, 2, and 3 are not proposed for development at this time and future development on these parcels may be subject to further CEQA review. Parcel 4 is proposed for the development of a convenience store/gas station as described below.

Conditional Use Permit

The construction and operation of a 4,995 square-foot convenience store with a six fuel pump service station and a 500 gallon propane tank for propane sales.

Street Improvements

The Project proposes the following street improvements:

- Construct frontage improvements (curb, gutter, and sidewalk) to County standards along Rock Springs Road and Deep Creek Road.
- Construct a full access driveway on Rock Springs Road at the location identified as Project Driveway "A" on the site plan.
- Construct a full access driveway on Deep Creek Road at the location identified as Project Driveway "B" on the site plan.

Drainage Improvements

The site will be developed with structures and pavement and surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site.

Water and Wastewater Improvements

A new water well is proposed to provide water service.

A septic system with leach line is proposed to provide wastewater treatment.

Construction Duration

Project construction is anticipated to occur over an approximately 3-month period.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]).

The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the Project's Initial Study Checklist commenced in November 2018.

Currently the Project site is vacant and undeveloped land. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way further to the north, to the east by Deep Creek Road and undeveloped land further to the east, to the south by residential housing, and to the west by undeveloped land. The site is mostly cleared and supports a highly disturbed desert scrub community with a limited number of plant species on the site. The surface topography of the site has an approximate gradient slope of 1% towards the west.

Rock Springs Road located along the northern border of the site is an east-west primarily two-lane road (one in each direction, with turn pockets at key intersections). Deep Creek Road located along the eastern border of the site is a local north-south roadway primarily two-lane (one in each direction).

Surrounding land uses and Land Use/Overlay districts are shown in Table 1.

Table 1. Existing Land Use and Land Use/Overlay Districts

AREA	EXISTING LAND USE	LAND USE DISTRICT	OVERLAY DISTRICT
Site	Vacant land.	AV/CN (Apple Valley/Neighborhood Commercial)	FS1 (Fire Safety Area 1)
North	Rock Springs Road followed by BNSF Railroad right-of-way further to the north.	AV/AG (Apple Valley/Agriculture)	FS1 (Fire Safety Area 1)
South	Residential development.	AV/AG (Apple Valley/Rural Living)	FS1 (Fire Safety Area 1)
East	Vacant land with residential development further to the east.	AV/CN (Apple Valley/Neighborhood Commercial)	FS1 (Fire Safety Area 1)
West	Vacant land with residential development further to the west	AV/AG (Apple Valley/Agriculture)	FS1 (Fire Safety Area 1)

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

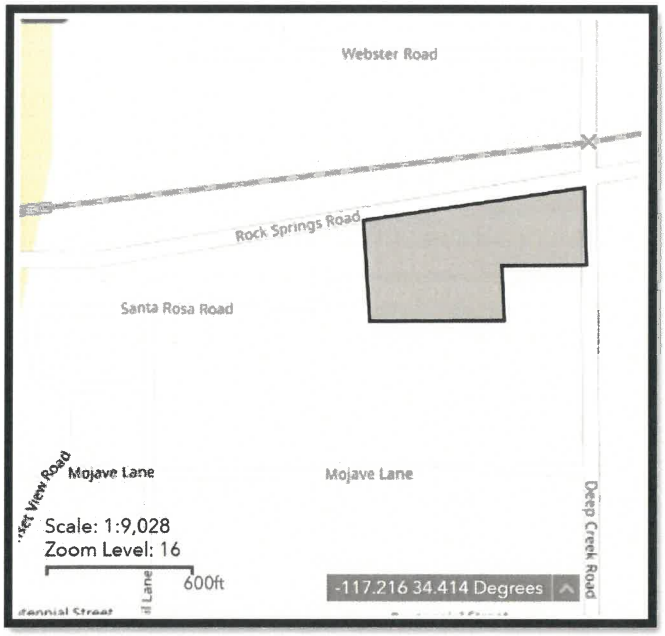
Federal: None.

State of California: Lahontan Water Board.

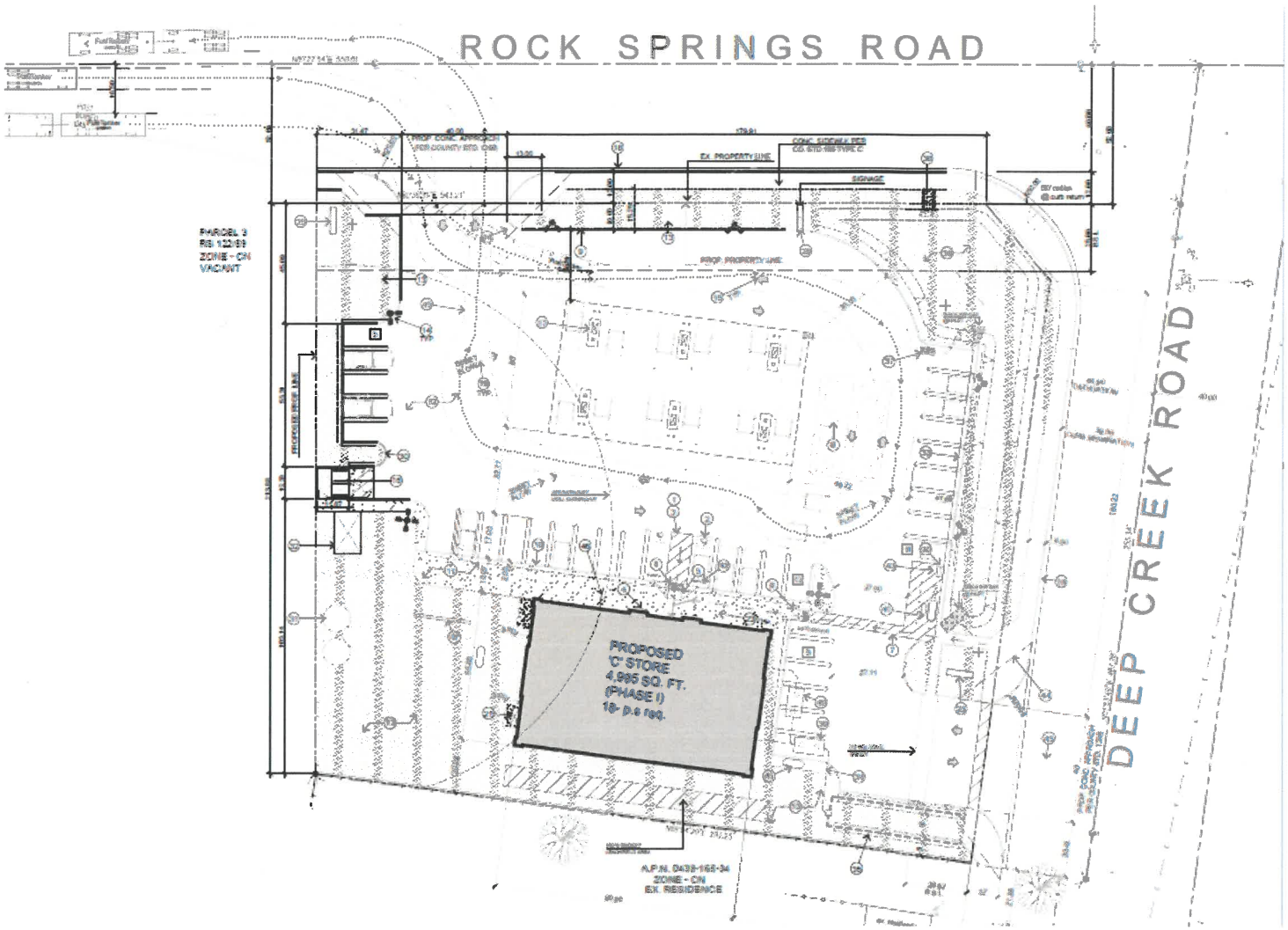
County of San Bernardino: Land Use Services Department-Building and Safety; Geologist, Public Health-Environmental Health Services, Special Districts, and Land Development Public Works: Surveyor, Traffic, Solid Waste Management, and Hazardous Materials.

Regional: Mojave Desert Air Quality Management District.

Local: Apple Valley Fire Protection District



Maida-Deep Creek Project	Location /Aerial Photo	Exhibit 1



Maida-Deep Creek Project	Site Plan	**Exhibit 2**

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact**: No impacts are identified or anticipated and no mitigation measures are required.

2. **Less than Significant Impact**: No significant adverse impacts are identified or anticipated and no mitigation measures are required.

3. **Less than Significant Impact with Mitigation Incorporated**: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self-monitoring or as requiring a Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology /Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

Because none of the environmental factors above are "checked", the Project does not require the preparation of an Environmental Impact Report.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** shall be prepared.
☐	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Maida Daniels
Signature

July 23, 2019
Date

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
I.	**AESTHETICS** - Except as provided in Public Resources Code Section 21099, would the project				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SUBSTANTIATION (Check ☐ if project is located within the view-shed of any Scenic Route listed in the General Plan):

Ia) **Less Than Significant Impact.** County of San Bernardino General Plan Open Space Element, Policy OS 5.1. states that a feature or vista can be considered scenic if it:

- Provides a vista of undisturbed natural areas;
- Includes a unique or unusual feature that comprises an important or dominant portion of the viewshed; or,
- Offers a distant vista that provides relief from less attractive views of nearby features such as views of mountain backdrops from urban areas).

The Mojave River located approximately 1,300 feet west of the site and Ord Mountain located approximately 8,000 feet southeast of the Project site meet the criteria of a scenic vista pursuant to County of San Bernardino General Plan Open Space Element Policy OS 5.1.

The public views of these features are from the public right-of-ways of Rock Springs Road and Deep Creek Road adjacent to the project site. The scenic features of the Mojave river are not visible from the project site because of the topography (Mojave River is at a lower elevation) and intervening development. Public views of Ord Mountain will not be impacted because the proposed structures (convenience store and gas station canopy) only cover approximately 11% of the site and the structure height is restricted to a maximum height of 35 feet by the Development Code.

Based on the analysis above, public views of the Mojave River and Ord Mountain will not be impacted and the Project will have a less than significant impact on a scenic vista.

Ib) **No Impact.** According to the County of San Bernardino General Plan the Project site is not within a scenic route (Ref. General Plan Pg. IV-16). Therefore, no impact is anticipated

Ic) **Less than Significant impact.** According to the Census 2010 Urbanized Area Outline Maps, the project site is located in the Victorville-Hesperia-Apple Valley Urbanized Area. The Project is subject to mandatory Development Code requirements governing scenic quality that stipulate that new land uses and structures shall be designed, constructed, and established in compliance with the requirements in Development Code Tables 82-13A and B, 8-14A and B, 82-15A and B, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards) and Division 4 (Standards for Specific Land Uses and Activities). Compliance with these mandatory Development Code requirements will ensure that the Project will not degrade the existing visual character or quality of public views of the site and its surroundings.

Id) **Less Than Significant Impact.** The Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07-Glare and Outdoor Lighting of the Development Code ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required, as a condition of Project approval, to ensure the standards are met.

	Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
II.	**AGRICULTURE and FORESTRY RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

SUBSTANTIATION (Check ☐ if project is located in the Important Farmlands Overlay):

IIa) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.

IIb) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is zoned AV/CN (Apple Valley Neighborhood Commercial) which in intended for commercial development and not agricultural use. There are no agricultural uses on the Project site.

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The Project site is not under a Williamson Act Contract. As such, there is no impact with respect to a Williamson Act Contract.

IIc) **No Impact.** The Project site is zoned AV/CN (Apple Valley Neighborhood Commercial). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.

IId) **No Impact.** The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.

IIe) **No Impact.** The Project site is located in an area largely characterized by residential development and vacant land. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way further to the north, to the east by Deep Creek Road and undeveloped land, to the south by residential housing, and to the west by undeveloped land. The site is mostly cleared and supports a highly disturbed desert scrub community with a limited number of plant species on the site.The Project site is planned for commercial development by the County's General Plan and this type of development has been anticipated for the Project site.

Based on the analysis above, the Project would not result in conversion of Farmland to non-agricultural use or forest land to non-forest use and no impacts would occur.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
III.	**AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

SUBSTANTIATION (Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):

The Project Site is located in the Mojave Desert Air Basin. The Mojave Desert Air Quality Management District has jurisdiction over air quality issues and regulations within the Mojave Desert Air Basin. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the Mojave Desert Air Quality Management District has prepared *the California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2016.* The air and dust emissions from the operational use of the Project were evaluated and compared to the Mojave Desert Air Quality Management District standards and evaluated against the most recent thresholds applicable.

The following analysis is based in part on the *Air Quality Impact Analysis*, Urban Crossroads, October 3, 2018, (Appendix A).

III a) **Less than Significant Impact.** The Mojave Desert Air Quality Management District ("District") is responsible for preparing and updating an Air Quality Management Plan. The primary purpose of an Air Quality Management Plan is for controlling emissions to maintain all federal and state ambient air standards for the District. The District has adopted a variety of attainment plans for a variety of non-attainment pollutants which together comprise the Air Quality Management Plan for the District.

A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that a project is consistent with the land use plan that was used to generate the growth forecast.

The Project is consistent with the zoning and land use classifications that were used to prepare the

Attainment Plan, AV/CN (Apple Valley/Neighborhood Commercial). In addition, based on Table 3 below, Project-generated emissions generated will not exceed District emission thresholds. Therefore, the Project's emissions are in compliance with the thresholds established by the District. The Project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the Attainment Plans. Therefore, no impact is anticipated.

IIIb) **Less than Significant Impact.**

Both construction and operational emissions for the Project were estimated by using the *California Emissions Estimator Model* which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the Mojave Desert Air Quality Management District ("District').

Construction Emissions

Construction activities associated with the Project will result in emissions of CO, VOCs, NOX, SOX, PM_{10}, and $PM_{2.5}$. Construction related emissions are expected from the following construction activities:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

Project construction is anticipated to occur over an approximately 3-month period. The estimated maximum daily construction emissions without mitigation are summarized on Table 3 below.

Table 3.Construction Emissions (Pounds per Day)

Year	ROG (VOC)	NO_x	CO	PM_{10}	$PM_{2.5}$
2019	26.37	20.37	12.97	7.24	4.39
MDAQMD Threshold (lbs/day)	**137**	**137**	**548**	**82**	**65**
Significant	**No**	**No**	**No**	**No**	**No**
Source: *Air Quality Impact Analysis,* Appendix A.					

Emissions resulting from the Project construction would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during construction activity and no mitigation is required.

Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOC, NOX, CO, SOX, PM_{10}, and $PM_{2.5}$. Operational emissions would be expected from the following primary sources:

- Area Source Emissions (architectural coatings, consumer products, landscape maintenance equipment);

- Energy Source Emissions (combustion emissions associated with natural gas and electricity);and

• Mobile Source Emissions (vehicles, fugitive dust related to vehicular travel).

The estimated maximum daily worst case peak operational emissions without mitigation are summarized on Table 4 below.

Table 4.Operational Emissions (Pounds per Day)

Source	ROG (VOC)	NO_x	CO	SOx	PM_{10}	$PM_{2.5}$
Area Source	0.28	5.00E-05	4.95E-03	0.00	2.00E-05	2.00E-05
Energy Source	6.30E-04	5.72E-03	4.81E-03	3.00E-05	4.30E-04	4.30E-04
Mobile Source	4.55	22.95	23.91	0.06	2.88	0.81
Total Peak (lbs/day)	**4.83**	**22.96**	**23.91**	**0.06**	**2.88**	**0.81**
MDAQMD Threshold (lbs/day)	**137**	**137**	**548**	**137**	**82**	**82**
Significant	**No**	**No**	**No**		**No**	**No**
Source: *Air Quality Impact Analysis,* Appendix A.						

Emissions resulting from the Project operation would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during on-going operational activity and no mitigation is required.

IIIc) **Less Than Significant Impact.** The Mojave Desert Air Quality Management District defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilitates. The following project types proposed for sites within the specified distance to an existing or planned sensitive receptor must not expose sensitive receptors to substantial pollutant concentrations: any industrial project within 1,000 feet, a distribution center (40 or more trucks per day) within 1,000 feet, a major transportation project (50,000 or more vehicles per day) within 1,000 feet, a dry cleaner using perchloroethylene within 500 feet or a gasoline dispending facility within 300 feet.

There is an existing residential structure within 300 feet of the gasoline dispensing component of the Project. Emissions resulting from the gasoline service station have the potential to result in toxic air contaminants (TACs) (e.g., benzene, hexane, MTBE, toluene, xylene) and have the potential to contribute to health risk in the Project vicinity. It should be noted that standard regulatory controls would apply to the Project in addition to any permits required that demonstrate appropriate operational controls. The District currently does not have a procedure for determining screening-level health risk estimates for gasoline dispensing operations and therefore relies on South Coast Air Quality Management District (SCAQMD) methodology. It is unknown at the time the annual amount of gasoline that will be required for the proposed gas station. As a conservative measure, it is assumed that the gasoline station would have an annual throughout of approximately 1,000,000 gallons. For purposes of this evaluation, cancer risk estimates can be made consistent with the methodology presented in SCAQMD's *Risk Assessment Procedures for Rules 1401, 1401.1 & 212* which provides screening-level risk estimates for gasoline dispensing operations. The Project site is located 8.45 miles north of Source Receptor Area (SRA) 37 and is approximately 33.15 meters north of a residential site. Based on this screening procedure, it is anticipated that no residential sensitive receptors in the Project vicinity will be exposed to a cancer risk of greater than 2.64 in two million and that no worker sensitive receptors will be exposed to a cancer risk of greater than 0.22 in two million which is less than the applicable threshold of 10 in one million. It should be noted that this screening-level risk estimate is very conservative (i.e. it would overstate rather than understate potential impacts).
Based on the analysis above, the Project will not expose sensitive receptors to substantial pollutant concentrations.

IIId) **Less Than Significant Impact.** Land uses generally associated with odor complaints include:

- Agricultural uses (livestock and farming);
- Wastewater treatment plants;
- Food processing plants;
- Chemical plants;
- Composting operations;
- Refineries;
- Landfills;
- Dairies; and
- Fiberglass molding facilities.

The Project does not contain any of the above described land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant.

All retail service stations under MDAQMD jurisdiction have Phase I and II vapor recovery systems to control gasoline emissions and reduce odors. Phase I vapor recovery refers to the collection of gasoline vapors displaced from storage tanks when cargo tank trucks make gasoline deliveries. Phase II vapor recovery systems control the vapors displaced from the vehicle fuel tanks during refueling. In addition, all gasoline is stored underground with valves installed on the tank vent pipes to further control gasoline emissions.

It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations. The Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
IV.	**BIOLOGICAL RESOURCES** - Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

SUBSTANTIATION (Check☐ if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

The following analysis is based in part on the *General Biological Resources Assessment*, RCA Associates, March 13, 2018, (Appendix B).

IVa) **Less Than Significant Impact With Mitigation Incorporated.** The site was previously cleared of most native vegetation and currently supports a ruderal desert community. A limited number of plants were observed including Russian thistle (*Salsola tragus*), Sahara mustard (*Brassica tournefortii*), schismus (*Schismus barbatus*), and brome grasses (*Bromus* sp.).

No wildlife were observed directly on the site during the March, 7, 2018 surveys except for a few ravens (*Corvus corax*). However, a few small mammal burrows were noted indicating the possible presence of Merriam's kangaroo rats (*Dipodomys merriami*) and/or antelope ground squirrels (*Ammospermophilus leucurus*), which are common in the area.

Mohave Ground Squirrel: Mohave ground squirrel populations have been documented in the surrounding area with the most recent observation approximately 5 miles northwest of the site. There are no recent observations of the species in the immediate area surrounding the site; furthermore, based on the results of the habitat assessment, the site does not support suitable habitat for the species nor is the species expected to inhabit the site.

Desert Tortoise: Desert tortoises have been documented in the region however, there are no documented observations of the tortoise in the area immediately surrounding the site, and no tortoises or tortoise sign were observed on the site during the protocol surveys.

Burrowing Owl: There are numerous owl colonies that have been observed in the region. In addition, there are numerous other documented owl colonies within about five miles of the site. However, no burrows were detected on the site that were of sufficient size to be suitable for owls; furthermore, no owls or owl sign (whitewash, castings, etc.) were observed during the field investigations. Based on the results of the field surveys and the absence of suitable burrows for owls, the species is not expected to inhabit the property in the near future. However, Since burrowing owls can quickly occupy a site, a pre-construction survey is required to confirm absence before ground-disturbing activities commence as required by Mitigation Measure BIO-1 below.

Mitigation Measure -BIO-1: Pre-Construction Burrowing Owl Survey. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

"Within 30 calendar days prior to grading for any phase, a qualified biologist shall conduct a survey of the Project's proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of san Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit and subject to the following provisions:

a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.

b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit.

Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee

to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

With implementation of Mitigation Measure BIO-1, impacts are less than significant.

IVb) **No Impact.** There is no surface water on site or any riparian habitat or other sensitive natural community. As such, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

IVc) **No Impact.** No state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.)exist on the site.

IVd) **No Impact.** The Project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none exist on the site.

IVe) **No Impact.** The County's Plant Protection and Management Ordinance requires a Tree & Plant Removal Permit for the removal of any Native Desert Plant listed in Chapter 88.01.060(c) of the Development Code or listed in Food and Agriculture Code Section 80001 et sq. None of the species listed in Chapter 88.01.060(c) or in Food and Agriculture Code Section 80001 et seq.) were identified on site.

IVf) **No Impact.** The Project site is located within the planning area of the *West Mojave California Desert Conservation Area Plan* Amendment. The *West Mojave California Desert Conservation Area Plan* Amendment was adopted by the Bureau of Land Management in 2006. The Record-of-Decision applies only to 3.3 million acres of BLM-managed lands. To date no approvals have been issued for the Habitat Conservation Plan component by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. All land within the Project site is located on private property outside of the Bureau of Land Management; therefore the *West Mojave California Desert Conservation Area Plan* does not apply. Additionally, the Project site is located within the boundaries of the *Desert Renewable Energy Conservation Plan*. Phase I of the *Desert Renewable Energy Conservation Plan* was approved by the Bureau of Land Management on September 14, 2016 and applies to Bureau of Land Management land only. Phase II which would apply to non-federal land is an on-going process and no implementing agreements have been issued. All land within Project site is located on private property outside of the Bureau of Land Management land; therefore the *Desert Renewable Energy Conservation Plan* does not apply.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
V.	**CULTURAL RESOURCES** - Would the project				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

SUBSTANTIATION (Check if the project is located in the Cultural ☐ Resources overlays or cite results of cultural resource review):

The following analysis is based in part on the *Cultural Resources Assessment (Phase 1),* RCA Associates, April 20, 2018, (Appendix C) and the *Excavation of Test Pits, RCA Associates*, RCA Associates, November 9, 2018, (Appendix D).

Va) **No Impact**. Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

On March 20, 2018, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the Project area.

The Project area was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to historical resources as a result of the Project and no mitigation measures are required.

Vb) **Less Than Significant Impact With Mitigation Incorporated:** Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As noted under Issue Va) above, a record search and field survey were conducted for the Project site. No archaeological resources pursuant to §15064.5 were discovered.

As part of the AB52 consultation process, the San Manuel Band of Mission Indians has indicated that although the *Cultural Resources Assessment (Phase 1)* and the *Excavation of Test Pits* were negative, they are concerned with the inadvertent discovery of resources during grading. The following mitigation measure is required:

Mitigation Measure CR-1: Inadvertent Discoveries

1. In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during the assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within Mitigation Measure TCR-2, if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

2. If significant pre-contact resources, as defined by CEQA (as amended 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within Mitigation Measure TCR-2. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.

With implementation of Mitigation Measure CR-1, impacts are less than significant.

Vc) **Less Than Significant Impact.** The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable mandatory provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall

be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
VI.	**ENERGY** - Would the project				
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

SUBSTANTIATION

VIa) **Less Than Significant Impact.**

Short-Term Construction Impacts

Construction of the Project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions. Construction of the Project would require electricity use to power some of the construction-related equipment. The electricity use during construction would vary during different phases of construction, where the majority of construction equipment during grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered, such as interior construction and architectural coatings.

Table 4 below shows the estimated energy consumption for Project construction.

Table 4. Energy Consumption Estimate for Project Construction.

Construction Phase	Number of Construction Days	Average Worker and Vendor Trips Per Day	Horse Power Hours per Construction Phase	Construction Equipment		Worker and Vendor Trips	
				Energy Use (1)	Gas & Fuel Use (2)	Gas & Fuel Use (3)	
Site Preparation	1	5	776		42	3	
Grading	2	10	1,552		84	11	
Building Const., Paving, Architectural Coating.	115	38	3,952		213	2,399	
			TOTALS	**11.4 kWh**	**339 Gal.**	**2,413 Gal.**	

1: Calculation is based on an average construction energy cost of $2.28 per month of energy use per 1,000 square feet of building space (15,220 s.f.) over the total duration of construction (8 months), at the rate of 8 cents per kilowatt hour (kWh).
2: Calculation is based on expected horsepower (HP) hours and an average factor of 1 gallon of fuel per 18.5 horsepower-hour.
3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 14.7 miles and based on the average fuel economy of a light duty automobile of 26.77 miles per gallon.
4. This calculation overstates the HP hours per construction phase because it does not apply a load factor.

Since the Project site is already served by onsite electrical infrastructure, adequate electrical infrastructure capacity is available to accommodate the electricity demand during construction would not require additional or expanded electrical infrastructure.

The construction contractors are anticipated to minimize idling of construction equipment during construction and reduce construction and demolition waste by recycling. Such required practices would limit wasteful and unnecessary fuel and electrical energy consumption. Thus, impacts from energy use during short-term construction activities would be less than significant.

Long-Term Operational Impacts

Operation of the Project would create additional demands for electricity as compared to existing conditions, and would result in increased transportation energy use. Operational use of energy would include heating, cooling, and ventilation of buildings; operation of electrical systems, security and control center functions, use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting.

The Project would create a net increase in electricity demand of approximately 132,755 kWh per year. This net increase is well within SCE's systemwide net increase in electricity supplies of approximately 15,273 GWh annually over the 2012-2024 period (CEC, Electricity Consumption by County, 2017). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies.

Additionally, plans submitted for building permits of development projects in the Project area would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards and are also required to be reviewed. The Project would also be required adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

Based on the above analysis, the proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation

VIb) **No Impact:** The County of San Bernardino General Plan Renewable Energy and Conservation Element RE Policy 1.1 states: "*Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.* The County's *Greenhouse Gas Emissions Reduction* Plan is considered a "local plan" for renewable energy or energy efficiency." As noted in the analysis for Issue VIIIa-b, *Greenhouse Gas Emissions*, the Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project. As such, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
VII.	**GEOLOGY AND SOILS** - Would the project:				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☐	☒
	ii. Strong seismic ground shaking?	☐	☐	☒	☐
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv. Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 181B of the California Building Code (2001) creating substantial risks to life or property?	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

SUBSTANTIATION (Check ☐ if project is located in the Geologic Hazards Overlay District):

The following analysis is based in part on the *Preliminary Geotechnical Investigation*, ALR Engineering & Testing, Revised December 6, 2018 (Appendix E).

VIIai) **No Impact.** The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.

VIaii) **Less Than Significant Impact**. The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code. The County's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the buildings during construction, which would ensure that all required California Building Code seismic safety measures are incorporated into the buildings. Compliance with the California Building Code as verified by the County's review process, would reduce impacts related to strong seismic ground shaking.

VIIaiii) **Less Than Significant Impact**. Based on ground water being at a depth of at least 64 feet in the area and that the soils have a very high infiltration rate, the site is not subject to liquefaction. However, detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low potential for liquefaction to a less than significant level.

VIIaiv) **No Impact**. The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.

VIIb) **Less Than Significant Impact.** During construction, the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. A Construction General Permit would be obtained and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction. Potential impacts would be mitigated for through sediment, erosion, and non-storm water control methods identified in the SWPPP pursuant to the requirements of the NPDES General Construction Permit. Implementation of a SWPPP would ensure the project does not result in significant impacts to water quality due to construction-related activities.

The Project includes installation of landscaping throughout the Project site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section X, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater on the Project site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, the Project requires a Water Quality Management Plan (WQMP), which would ensure that appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur during operation of the Project. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

VIIc) **Less Than Significant Impact.**

Landslide

As noted in the response to Issue VIIaiv above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides

Lateral Spreading

Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow horizontal movement. Most lateral spreading is caused by earthquakes but it is also caused by landslides. As noted in the response to Issue VIIaiv above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to lateral spreading.

Subsidence

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink which causes damage to the building or structure. The top four (4) feet of soils are likely to settle due to loading and introduction of water. Subsidence is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce thepotential for subsidence to a less than significant level.

Liquefaction

As noted in the response to Issue VIIaiii above, the potential for exposure to liquefaction is not expected because the depth of groundwater is more than 64 feet.

Collapse

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures. The site is subject to low to moderate potential for collapse. Collapse is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low to moderate potential for collapse to a less than significant level.

VIId) **Less Than Significant Impact**. Soils on the Project site have a very low to low expansion potential. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department and will ensure that impacts are less than significant.

VIIe) **Less Than Significant Impact.** The Project will require an Environmental Health Services approved wastewater treatment device since no public sewer is available. The County's Environmental Health Services Department reviewed the Project and has approved the site for on-site wastewater treatment subject to an approved percolation report.

VIIf) **Less Than Significant Impact With Mitigation Incorporated**. Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The Project area is located in the Northern and Eastern Mojave planning area of the *California Desert Conservation Area Plan*. According to Figure III.10-2 of the Plan, *Potential Fossil Yield Classification of Geology - Subarea Index Map* of the **Draft DRECP and EIR/EIS** (August 2014), the Project area is identified as having the potential to contain paleontological resources. To minimize the effects of this potential impact, Mitigation Measure GEO-1 is recommended.

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources. If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.

With implementation of Mitigation Measure GEO-1, impacts are less than significant.

	Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
VIII.	**GREENHOUSE GAS EMISSIONS -** Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

SUBSTANTIATION

The following analysis is based in part on the *Greenhouse Gas Analysis*, Urban Crossroads, October 3, 2018 (Appendix F).

VIIIa) **Less Than Significant Impact.** In December September 2011, the County of San Bernardino adopted the "*Greenhouse Gas Emissions Reduction Plan*" ("GHG Plan"). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020 in consistency with State climate change goals pursuant to AB32. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan.

Section 5.6 of the GHG Plan identifies the procedures for reviewing development projects for consistency with the GHG Plan. The GHG Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the Plan pursuant to Section 15183.5 of the State CEQA Guidelines. The initial screening procedure is to determine if a project will emit 3,000 metric tons of carbon dioxide equivalent ($MTCO_2E$) per year or more. Projects that do not exceed this threshold require no further climate change analysis but are required to implement mandatory reducing measures in the project's conditions of approval.

Projects exceeding this threshold must meet a minimum 31 percent emissions reduction in order to garner a less than significant determination. This can be met by either (1) achieving 100 points from a menu of mitigation options provided in the GHG Plan or (2) quantifying proposed reduction measures. Projects failing to meet the 31 percent reduction threshold would have a potentially significant impact related to climate change and greenhouse gas emissions.

A GHG emissions inventory was conducted for the Project utilizing the California Emissions Estimator Model (CalEEMod) as shown on Table 5 below.

Table 5. Project Greenhouse Gas (GHG) Emissions

Source	GHG Emissions MT/yr			
	CO2	CH4	N20	Total CO2E
Annual construction related emissions amortized over 30 years	3.01	0.00	0.00	3.03
Area	8.60E-04	0.00	0.00	9.20E-04
Energy	43.44	1.77E-03	3.80E-04	43.59
Mobile Sources	1,022.41	0.11	0.00	1,025.25
Waste	0.00	0.00	0.00	0.00
Water Usage	0.83	4.12E-03	1.00E-04	0.97
TOTAL CO2E (All Sources)	**1,072.84**			
Screening Threshold	**3,000**			
Exceed Threshold?	**NO**			

Source: *Greenhouse Gas Analysis*, Urban Crossroads, October 3, 2018 (Appendix F).

As shown on Table 5 above, the Project's GHG emissions are less than the initial screening threshold of 3,000 $MTCO_2E$ per year Projects that do not exceed this threshold require no further climate change analysis. However, Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project.

VIIIb) **Less Than Significant Impact.** The State and local regulatory programs for GHG emissions and climate change are described in the response to Issue VIIIa above. The Performance Standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts will be less than significant, and no mitigation would be required.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
IX.	**HAZARDS AND HAZARDOUS MATERIALS -** Would the project:				
a)	Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

SUBSTANTIATION

IX a-b) **Less Than Significant Impact.**

Construction Activities

Heavy equipment that would be used during construction of the Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of

hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonably consequence of the Project than would occur on any other similar construction site.

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, Mojave Desert Air Quality Management District, and the Lahontan Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

Operational Activities

Because the Project will handle and/or stores substantial quantities of hazardous materials (e.g. motor vehicle fuels), it will be subject to the requirements of the Hazardous Materials Division of the San Bernardino County Fire Department. Typical conditions applied to planning projects include obtaining permits, filing a business emergency/contingency plan, preparing a Risk Management Plan, filing construction plans and obtaining construction permits for the installation of underground storage tanks.

With mandatory regulatory compliance imposed by the Hazardous Materials Division of the San Bernardino County Fire Department, potential hazardous materials impacts associated with long-term operation of the gas station and convenience store is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment.

IXc) **No Impact.** The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. The nearest school is Carmel Elementary School located approximately 0.80 miles northwest of the Project site. In addition, as discussed in the responses to issues IXa-b above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials.

IXd) **No impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.

IXe) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Hesperia Airport located approximately 5 miles to the southwest of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses. No impact is anticipated.

IXf) **No Impact.** Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.

IXg) **No Impact.** The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. According to the San Bernardino County Hazards Overlay Map (Apple Valley FH07B), the Project Site is located within the Fire Safety 1 Overlay District. The Project will have adequate brush clearance around the structure; will have nearby fire hydrants, fire sprinklers installed within the structure. The materials of the structure will be required to meet the Fire Safety 1 Overlay requirements for combustible materials. Implementation of the Fire Safety 1 standards will result in any potential impact being less than significant.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
X.	**HYDROLOGY AND WATER QUALITY** - Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
i)	Result in substantial erosion or siltation on- or offsite?	☐	☐	☒	☐
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv)	(iv) Impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

SUBSTANTIATION

The following analysis is based in part on the *Final 2015 Water Management Plan for Mojave Water Agency* (available at https://www.mojavewater.org/uwm-plan.html), *Preliminary Geotechnical Investigation*, ALR Engineering & Testing, Revised December 6, 2018 (Appendix E), *Preliminary Hydrology Study*, ALR Engineering & Testing, February 2, 2018 (Appendix H), *Water Quality Management Plan*, ALR Engineering and Testing, June 27, 2018 (Appendix I), and *Storm Water Pollution Prevention Plan*, ALR Engineering and Testing, May 2, 2018 (Appendix J).

Xa) **Less Than Significant Impact.**

Construction Impacts

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Lahontan Regional Water Quality Control Board and the County of San Bernardino, the Project will be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project will be required to comply with the Lahontan Regional Water Quality Control Board's *Basin Plan*. Compliance with the National Pollutant Discharge Elimination System permit and the *Basin Plan* involves the preparation and implementation of a Storm Water Pollution Prevention Plan for construction-related activities, including grading. The Storm Water Pollution Prevention Plan would specify the Best Management Practices that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the Project site.

Operational Impacts

Storm water pollutants commonly associated with the type of land uses that could occupy the proposed buildings include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the City's National Pollutant Discharge Elimination System permit, a Water Quality Management Plan is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A Water Quality Management Plan describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

The site will be developed with structures and pavement and surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site.

Based on the analysis above, impacts will be less than significant.

Xb) **Less Than Significant Impact.** A new water well is proposed to provide water service. The Project site is located within the boundaries of the Mojave Water Agency (MWA). According to the MWA *2015 Urban Water Management Plan*, The MWA has four existing sources of water supply – State Water Project (SWP) imports, natural local surface water flows, return flow from pumped groundwater not consumptively used, and wastewater imports from outside the MWA service area. Almost all of the water use within MWA is supplied by pumped groundwater. Natural surface supply, return flow, wastewater imports, and SWP imports recharge the groundwater basins.

For management purposes under the Mojave Basin Judgment, MWA split the Mojave River watershed and associated groundwater basins into five separate "Subareas." The locations of the five Subareas are; 1) Oeste, 2) Este, 3) Alto, 4) Centro and 5) Baja. The Project site is located within the Alto Subarea

The Mojave Basin Judgment assigned Base Annual Production (BAP) rights to each producer using 10 acre-feet or more, based on historical production during the period 1986-1990. Parties to the Judgment are assigned a variable Free Production Allowance (FPA), which is a percentage of the BAP set for each Subarea each year by the Watermaster. The BAP is reduced or "ramped-down" over time until FPA comes within 5 percent of the Production Safe Yield (PSY) as defined by the Judgment. The FPA for the Alto Subarea is 80 percent of BAP for agriculture and 60 percent of BAP for municipal and industrial uses. Any Producer that pumps more than their FPA must purchase Replacement Water from the Watermaster equal to the amount of production in excess of their total available FPA, or transfer unused FPA from another party within their Subarea. Funds collected for Replacement Water are then used by the MWA for purchase of SWP supplies and recharged into the Subarea they were produced from.

The Alto Subarea water levels near the Mojave River are relatively stable exhibiting seasonal fluctuations with rising levels in winter and declining levels in summer. It is expected that under current pumping conditions and long-term average flows in the river, water levels in the Floodplain Aquifer will generally remain stable. Water levels in the western portion of Alto in the Regional Aquifer have historically exhibited declines consistent with heavy pumping and limited local recharge. Currently water levels in the western Alto area show stability or slight recovery. Water levels in the eastern portion of Alto indicate similar trends although to a lesser extent; most likely due to limited pumping in the regional aquifer east of the river and possibly higher localized septic return flow due to the lack of sewers in some areas. Continued pumping in depleted areas of the Regional Aquifer may result in long-term local negative impacts such as declining yields and water quality problems. As a whole, the Alto Subarea presently appears to be in relative regional balance.

The long term supply to each Subarea, and the Basin Area as a whole, is assumed to be available in all year types, normal, single dry year and multiple dry year. A premise of the Judgment is that all demands are met. The Judgment requires that any deficit in any year, must be purchased and recharged the following year. During dry periods water will be depleted from groundwater storage (as measured against the long term average) and replaced into storage during wet periods. Annual Deficits in each Subarea are to be resolved by importation of SWP imports. Because water use within the MWA service area is supplied entirely by groundwater, MWA does not have any inconsistent water sources that cause reduced deliveries to users within the service area.

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

Xci) **Less Than Significant Impact.** Development of the Project site will create impervious surfaces and increase the amount of surface runoff. Surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site which will manage erosion or siltation on- or offsite.

Xcii) **Less Than Significant Impact.** The water quality retention basin is designed to mitigate 100% of storm water runoff from any rain fall event for the developed condition. The preliminary volume of required storm water retention is approximately 9,878 cf. The proposed water quality retention basin is designed to capture and infiltrate a minimum of 9,878 cf. As such, the Project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite..

Xcii) **Less Than Significant Impact.** The site will be developed with structures and pavement and surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site. The water quality retention basin is designed to mitigate 100% of storm water runoff from any rain fall event for the developed condition. The preliminary volume of required storm water retention is approximately 9,878 cf. The proposed water

quality retention basin is designed to capture and infiltrate a minimum of 9,878 cf. As such, the Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Xiv) **Less Than Significant Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C6515J) and is not subject to flooding from the Mojave River. The Project site is also not impacted by offsite storm water runoff. As such, the Project will not Impede or redirect flood flows

Xd) **No Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C6515J) and is not subject to flooding from the Mojave River. According to the California Department of Conservation, California Official Tsunami Inundation Maps the site is not located within a tsunami inundation zone. The Project would not be at risk from seiche because Silverwood Lake, Lake Arrowhead, and Lake Gregory are all upstream and the Project site is protected by the Mojave River Forks Reservoir.

Xe) **Less Than Significant Impact.** With construction of the water quality retention basin, the Project will not conflict with or obstruct implementation of the *Lahontan Basin Plan*.

	ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI.	**LAND USE AND PLANNING** - Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

SUBSTANTIATION

XIa) **No Impact.** The Project site is located at the intersection of two roadways and is a logical and orderly extension of the planned land uses and development that are established within the surrounding area.

XIb) **No Impact.** As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the Project would not conflict with any applicable policy document, including, without limitation, the *California Desert Conservation Area Plan,* the Mojave Desert Air Quality Management District's *Air Quality Management Plan,* and the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan.* The purpose of these plans is to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts would be less than significant.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XII.	**MINERAL RESOURCES** - Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

SUBSTANTIATION (Check ☒ if project is located within the Mineral Resource Zone Overlay):

XIIa) **No Impact.** The Project site is located within the MRZ-3a overlay identified by the *Mineral Land Classification of a Part of Southwestern San Bernardino County: The Barstow-Victorville-Area, California* report. MRZ-3a Areas of undetermined mineral resource significance. Given the small size of the Project site, the site is of little importance or value for concrete aggregate mining and would be incompatible with surrounding uses for mining operations.

XIIb) **No Impact.** The Project site is not identified as a recourse recovery site on the General Plan, a specific plan or other land use plan. Therefore, no impact is anticipated.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XIII.	**NOISE** - Would the project:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

SUBSTANTIATION (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):
The following analysis is based in part on the *Noise Impact Analysis*, Urban Crossroads, October 22, 2018 (Appendix L).

XIIIa) **Less Than Significant Impact With Mitigation Incorporated.**

Construction Noise

Noise generated by the Project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The number and mix of construction equipment is expected to occur in the following stages:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

As shown on Table 6 below, noise levels generated by heavy construction equipment can range from approximately 68 dBA to 99 dBA when measured at 50 feet.

Table 6. Typical Construction Equipment Noise Levels

Type of Equipment	Range of Sound Levels Measured (dBA at 50 feet)
Pile Drivers	81 to 96
Rock Drills	83 to 99
Jack Hammers	75 to 85
Pneumatic Tools	78 to 88
Pumps	68 to 80
Dozers	85 to 90
Tractors	77 to 82
Front-End Loaders	86 to 90
Graders	79 to 89
Air Compressors	76 to 86
Trucks	81 to 87
Source: "Noise Control for Buildings and Manufacturing Plants", Bolt, Beranek & Newman, 1987,	

To analyze noise impacts originating from the construction of the Project, noise from construction activities are typically limited to the hours of operation established under a jurisdiction's Municipal Code. Section 83.01.080(g) (3) of the *County of San Bernardino Development Code* indicates that construction activity is considered exempt from the noise level standards between the hours of 7:00a.m. to 7:00 p.m. except on Sundays and Federal holidays. Regardless of the Project's consistency with the *Development Code* as described above, construction activities would result in Development Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers. Therefore, to evaluate whether the Project will generate potentially significant construction noise levels at off-site sensitive receiver locations, a construction-related noise level threshold is adopted from the *Criteria for Recommended Standard: Occupational Noise Exposure* prepared by the National Institute for Occupational Safety and Health (NIOSH) which has been used in past CEQA documents in the County.

NIOSH identifies a noise level threshold based on the duration of exposure to the source. The construction related noise level threshold starts at 85 dBA for more than eight hours per day, and for every 3 dBA increase, the exposure time is cut in half. This results in noise level thresholds of 88 dBA for more than four hours per day, 92 dBA for more than one hour per day, 96 dBA for more than 30 minutes per day, and up to 100 dBA for more than 15 minutes per day. For the purposes of this analysis, the lowest, more conservative construction noise level threshold of 85 dBA Leq is used as an acceptable threshold for construction noise at the nearby sensitive receiver locations. Since this construction-relate noise level threshold represents the energy average of the noise source over a given time, they are expressed as Leq noise levels. Therefore, the noise level threshold of 85 dBA

Leq over a period of eight hours or more is used to evaluate the potential Project-related construction noise level impacts at the nearby sensitive receiver locations.

Table 7 below shows the highest construction noise levels at the potentially impacted receiver locations are expected to approach 76.6 dBA Leq.

Table 7 Unmitigated Construction Noise Level Compliance.

Receiver Location (1)	Construction Noise Levels (dBA Leq)		
	Highest Levels	Threshold (2)	Threshold Exceeded?
R1	59.3	85	No
R2	48.7	85	No
R3	76.6	85	No
R4	49.8	85	No

Source; Noise Impact Analysis, Urban Crossroads, October 22, 2018 (Appendix L).

Notes:

1. Noise receiver locations are shown on Exhibit 3...
2. NIOSH construction noise level threshold.

As shown on Table 7 above, Project construction noise levels will satisfy the 85 dBA Leq construction noise level standard at the nearby receiver locations. However, in order to reduce construction noise levels to the maximum extent feasible, the following mitigation measure is required.

Mitigation Measure NOI-1: Construction Noise.

The "developer" shall submit and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce noise impacts during construction, which shall include the following vehicle and equipment emissions and other impacts to the noise environment by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:

a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.

b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday excluding holidays.

d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
[Mitigation Measure XII-1] Prior to Grading Permit/Planning

Operational Noise (Stationary)

The Project would introduce new commercial land uses on vacant land. Existing residences near the Project may periodically be subjected to noise associated with on-site operation of the commercial facility. On-site operational noise would include noise form HVAC equipment and activities at the fueling stations. In addition, the commercial facility would generate new traffic on the Project site and off-site on Rock Springs Road and Deep Creek Road, increasing roadway noise. It is assumed that the commercial facility would operate 24-hours per day, thereby generating daytime and nighttime operational noise. Each operational noise source is discussed below.

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the County of San Bernardino exterior noise level standards at nearby noise-sensitive residential uses, and non-noise-sensitive commercial and industrial uses as shown in Table 8 below.

Table 8. Unmitigated Operational Noise Level Compliance

Receiver Location (1)	Unmitigated Noise Level at Receiver Locations						Threshold Exceeded?	
	Leq (E. Avg.)	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 mins)	Lmax (Anytime	AM	PM
AM	**55**	**55**	**60**	**65**	**70**	**75**		
PM	**45**	**45**	**50**	**55**	**60**	**65**		
R1	38.4	35.6	37.2	38.9	41.5	47.9	No	No
R2	30.5	27.7	29.3	30.9	32.7	38.1	No	No
R3	44.6	41.9	43.4	45.2	47.8	54.3	No	No
R4	31.7	28.9	30.5	32.1	33.9	39.3	No	No

Source; Noise Impact Analysis, Urban Crossroads, October 22, 2018 (Appendix L).

Notes:

1. Noise receiver locations are shown on Exhibit 4.

As shown on Table 8 above, the operational noise levels associated with the Project will satisfy the exterior noise level standards at all nearby receiver locations.

Traffic Noise

The proposed Project is expected to generate approximately 2,464 trips (150 trips in the AM peak hours and 168 trips in the PM peak hours respectively. The majority of these trips are pass-by trips (trips that are already passing by the site on adjacent streets and that stop at the site as an interim stop between their origin and primary destination). As such, the Project would generate 1,010 primary trips (57 primary trips during the AM peak and 74 primary trips during the PM peak hour).Primary trips are new trips added to the surrounding street network. Typically, a doubling of traffic volumes is required to result in an increase of 3 dBA, which is considered to be a barely audible change. Project generated traffic will not result in a doubling of traffic volumes along any affected roadway segment. As such, the proposed Project traffic would not result in a substantial permanent increase in ambient roadway noise levels. Off-site transportation-related noise impacts created by the Project would be less than significant and mitigation is not required.

XIIIb) **Less Than Significant Impact.**

Construction Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. The Project's construction activities most likely to cause vibration impacts are:

• Heavy Construction Equipment: Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage.

• Trucks: Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Construction activities that would have the potential to generate low levels of ground-borne vibration within the Project site include grading. Table 9 below presents the expected Project related vibration levels at each of the sensitive receiver locations.

Table 9. Unmitigated Construction Equipment Vibration Levels

Receiver (1)	Distance to Activity (feet)	Receiver PPV Levels (in/sec) (2)					Threshold (PPV)	Threshold Exceeded?
		Small Bulldozer	Jack-Hammer	Loaded Trucks	Large Bulldozer	Peak Vibration		
R1	225	0.000	0.001	0.002	0.003	0.003	0.2	No
R2	869	0.000	0.000	0.000	0.000	0.000	0.2	No
R3	35	0.002	0.021	0.046	0.054	0.054	0.2	No
R4	763	0.000	0.000	0.000	0.001	0.001	0.2	No

Source; Noise Impact Analysis, Urban Crossroads, October 22, 2018 (Appendix L).

Notes:

1. Noise receiver locations are shown on Exhibit 3.

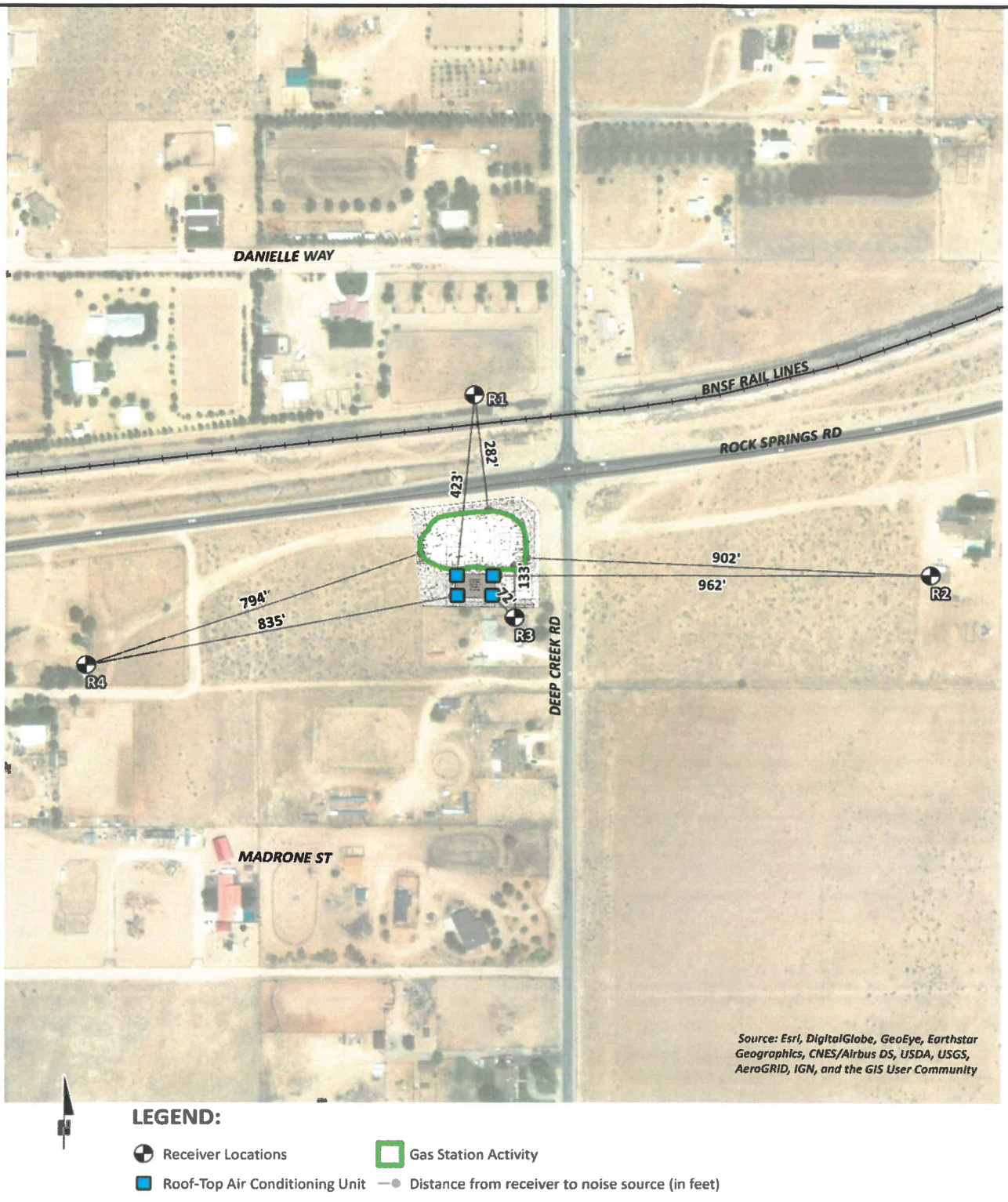
As shown on Table 9 Project construction vibration levels will remain below the County of San Bernardino of 0.2 in/sec PPV standard.

Operational Vibration

Typically, groundborne vibration sources that could potentially affect nearby properties are from rail roads and trucks traveling at higher speeds on freeways and highways. The Project does not have rail access nor is it a major transportation facility or roadway. Therefore, the operational impacts associated with ground-borne vibration would be less than significant at nearby sensitive uses

XIIIc) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Hesperia Airport located approximately 5 miles to the southwest of the Project site. As such, the Project would not expose people residing or working in the project area to excessive noise levels. No impact is anticipated.

Maida-Deep Creek Project	Construction Activity and Receptor Locations	Exhibit 3



Maida-Deep Creek Project	**Operational Activity and Receptor Locations**	**Exhibit 4**

	ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIV.	**POPULATION AND HOUSING** - Would the project:				
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SUBSTANTIATION

XIVa) **Less Than Significant Impact.** The Project would not directly result in population growth because it does not propose any residential dwelling units. It is anticipated that new employees generated by the commercial facility would be within commuting distance and would not generate needs for any housing. As such, impacts are less than significant.

XIVb) **No Impact.** The Project would not displace substantial numbers of existing people or existing housing units, or require the construction of replacement housing, as no housing units exist on the site.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XV.	**PUBLIC SERVICES**				
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	Fire Protection?	☐	☐	☒	☐
	Police Protection?	☐	☐	☒	☐
	Schools?	☐	☐	☒	☐
	Parks?	☐	☐	☒	☐
	Other Public Facilities?	☐	☐	☒	☐

SUBSTANTIATION

XVa) **Less Than Significant Impact.**

Fire Protection

The Apple Valley Fire Protection District provides fire protection services to the Project area. The Project would be primarily served by Fire Station #337 located approximately three (3) miles northwest of the Project site at 19305 Jess Ranch Parkway or Fire Station #335 located approximately three (3) miles northeast of the Project site at 21860 Tussing Ranch Road.

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources. The Project would be conditioned by the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. Although the Project would increase the demand for fire protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the Fire Department has reviewed the Project and will provide fire protection services from existing facilities.

Based on the above analysis, impacts related to fire protection are less than significant.

Police Protection

The San Bernardino County Sheriff's Department provides police protection services to the Project site. The Project site would be primarily served by the Apple Valley Patrol Station located at 14931 Dale Evans Parkway. Deputy Sheriffs assigned to the Apple Valley Patrol Station patrol the area in which the Project site is located. The Sheriff's Department has indicated that it can provide police protection services to the Project site from existing facilities so the provision of new or physically altered sheriff facilities or need for new or physically altered sheriff facilities is not required.

Schools

The Project does not propose any housing and would not directly create additional students to be served by the Apple Valley Unified School District. However, the Project would be required to contribute fees to the Apple Valley Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

Parks

The Project will not create an additional need for housing thus directly increasing the overall population of the County and generating additional need for parkland.

Other Public Facilities

The Project would not result in a direct increase in the population of the Project area and would not increase the demand for public services, including public health services and library services which would require the construction of new or expanded public facilities.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XVI.	**RECREATION**				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

SUBSTANTIATION

XVIa) **Less Than Significant Impact.** The Project would increase the use of park facilities or other recreational facilities in the region because it does not result in a direct increase in the population that would use parks.

VIIb) **No Impact.** The Project is a small commercial facility and does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XVII.	**TRANSPORTATION -** Would the project:				
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, taking into account all modes of transportation including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d)	Result in inadequate emergency access?	☐	☐	☐	☒

SUBSTANTIATION

The following analysis is based in part on the *Traffic Impact Study*, David Evans & Associates, September 24, 2018 (Appendix M).

XVIIa) **Less Than Significant Impact.**

Motor Vehicle Analysis

Significance Thresholds

The San Bernardino County General Plan Circulation Element states that peak hour intersection operations of Level of Service C or better are generally acceptable in the Desert Region. Therefore, any intersection operating at a Level of Service D to F will be considered deficient. In addition, a traffic impact is considered significant if the Project both: i) contributes measureable traffic to and ii) substantially and adversely changes the Level of Service at any off-site location projected to experience deficient operations under foreseeable cumulative conditions, where feasible improvements consistent with the County of San Bernardino General Plan cannot be constructed.

Study Area Intersections

The following intersections were analyzed:

1) Rock Springs Road and Deep Creek Road.
2) Rock Springs Road and Project Driveway A.
3) Deep Creel Road and Project Driveway B.

Study Scenarios

The following study scenarios were analyzed:

- Existing Conditions;
- Background (Cumulative) Conditions;
- Project Conditions;
- Future Year 2040 Conditions; and
- Future Year 2040 Plus Project Conditions.

Existing Conditions

As presented in *Table 2-4,* under Existing Conditions, the study intersection operates at an acceptable LOS.

Background (Cumulative) Conditions

The Background Conditions scenario evaluates impacts due to ambient growth in traffic within the study area up to the Project opening year of 2019. Typically, ambient growth in traffic ranges from 1% to 2% annually-the ambient growth in traffic in this report uses a 2% annual rate of growth applied to existing traffic volumes. The study intersection under Background Conditions continues to operate at an acceptable LOS.

Project Conditions

To identify potential traffic impacts, trip generation factors are applied to the proposed land uses to estimate Project vehicle trips. Trip generation factors for the Gas Station with Convenience Market (ITE Land Use Category 945) were obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition. The total trips at the Project driveways is estimated to be 150 and 168 trips in the AM and PM peak hours respectively. The majority of these trips are pass-by trips-trips that are already passing by the site on adjacent streets and that stop at the site as an interim stop between their origin and primary destination. The Project would generate 1,010 primary trips (57 primary trips during the AM peak and 74 primary trips during the PM peak hours).Primary trips are new trips added to the surrounding street network. All study intersections under Project Conditions would operate at an acceptable level of service (LOS C or better).

Future Year 2040 Conditions

The Future Year 2040 Condition evaluates impacts of forecasted regional growth to the year 2040. under the Future Year 2040 Conditions without the Project, the study intersection would operate at an acceptable level of service (LOS C or better).

Future Year 2040 Plus Project Conditions

The public street intersections operate at an acceptable LOS B in the AM peak hour and LOS C in the PM peak hour. Project Driveway "A" on Rock Springs Road would operate at a LOS E in the AM peak hour and LOS D in the PM peak hour. LOS D and LOS E are acceptable levels of service for private driveways with the delay occurring on the driveway approach of the intersection.

In summary, the addition of traffic from the Project does not cause any of the public street study intersections to exceed the County of San Bernardino's level of service standard, individually or cumulatively, and therefore does not result in any significant traffic impacts requiring mitigation.

Transit Service Analysis

The Victor Valley Transit Authority, a public transit agency serves the Project area. There is no bus service adjacent to the Project site. In addition, the Project is not proposing to construct any improvements that would interfere with any future bus service.

Bicycle & Pedestrian Facilities Analysis

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. The Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Rock Springs Road and Deep Creek Road and bicycle and pedestrian access will be facilitated with the construction of these improvements. In addition, bicycle parking will be provided on the Project site. Therefore, the Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.

XVIIb) **No Impact.** CEQA Guidelines Section 15064.3 (b) describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. For purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.

Note: On September 27, 2013, SB 743 was signed into law. SB 743 fundamentally changed the way the transportation impact analysis as part of CEQA compliance is conducted. Automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment. There will be an opt-in period until July 1, 2020. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. To date, the County of San Bernardino has not adopted a VMT threshold. As such, this threshold is not applicable to the Project.

XVIIc) **No Impact**. The Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Rock Springs Road and Deep Creek Road. As such, the Project will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way, to the east by Deep Creek Road and undeveloped land, to the south by residential housing, and to the west by undeveloped land. There are no agricultural uses in the vicinity of the site which would increase incompatible uses with farm equipment.

XVIId) **No Impact.** The project will not result in inadequate emergency access because there are a minimum of two access points and the Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Rock Springs Road and Deep Creek Road.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
XVIII.	**TRIBAL CULTURAL RESOURCES** - Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

SUBSTANTIATION

XVIIIi) **No Impact.** Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

On March 20, 2018, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and

cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the project area.

A field survey was conducted for the Project site. During the field survey, the Project area was carefully examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

Based on the analysis above, there are no resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). As such, there is no impact and no mitigation measures are required. (Also refer to analysis under *Cultural Resources*, Issue V).

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ii) **Less Than Significant Impact With Mitigation Incorporated** On July 1, 2015 AB 52 (Gatto, 2014) went into effect. AB 52 established "Tribal Cultural resources" as a resource subject to CEQA review. Tribal Cultural Resources are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

Through the AB52 notification process, the County Land Use Services Department received comments from the following tribes:

- Morongo Band of Mission Indians.
- San Manuel Band of Mission Indians.
- Twenty-Nine Palms Band of Mission Indians.

The Morongo Band of Mission Indians and the San Manuel Band of Mission Indians indicated that there is a possibility that Tribal Cultural Resources may be encountered. The following mitigation measure is required.

Mitigation Measure TCR-1: Twenty-Nine Palms Band of Mission Indians.

Prior to the issuance of a grading permit for any parcel proposed for development within the Project site, the applicant shall contact the Twenty-Nine Palms Band of Mission Indians to develop a Tribal Monitoring Agreement(s). A copy of the executed agreement shall be provided to the County of San Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit

Mitigation Measure TCR-2: San Manuel Band of Mission Indians

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted , as detailed in Mitigation Measure CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to the Plan. This plan shall allow for a monitor to be present that represents SMBMI for the remainder of grading activities, should SMBMI elect to place a monitor on-site.

2. Any and all archaeological/cultural documents created as part of the project (insolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and lead Agency for dissemination to SMBMI. The Lead Agency/ or applicant, in good faith, shall consult with SMBMI until concluded per PRC 21082.3.2(b)(1)-(2),

With implementation of Mitigation Measures TCR-1 and TCR-2, impacts are less than significant.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
XIX.	**UTILITIES AND SERVICE SYSTEMS -** Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water, drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

SUBSTANTIATION

XIXa) **Less Than Significant Impact.** The Project would require the relocation or construction of new water (well), wastewater (septic system), storm water drainage facilities, electric power, and telecommunications facilities to serve the Project.

The installation of the above described facilities as proposed by the Project would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study. In instances where significant impacts have been identified, Mitigation Measures have been required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study would not be required.

XIXb) **Less Than Significant Impact**. The following analysis is based in part on the *Final 2015 Water Management Plan for Mojave Water Agency* (available at https://www.mojavewater.org/uwm-plan.html).

As noted in the response to Issue Xb under *Hydrology and Water Quality*, a new water well is proposed to provide water service. The Project site is located within the boundaries of the Mojave Water Agency (MWA). According to the MWA *2015 Urban Water Management Plan*, the project site is located within the Alto Subarea of the Mojave Water Agency (MWA).

The Mojave Basin Judgment assigned Base Annual Production (BAP) rights to each producer using 10 acre-feet or more, based on historical production during the period 1986-1990. Parties to the Judgment are assigned a variable Free Production Allowance (FPA), which is a percentage of the BAP set for each Subarea each year by the Watermaster. The BAP is reduced or "ramped-down" over time until FPA comes within 5 percent of the Production Safe Yield (PSY) as defined by the Judgment. The FPA for the Alto Subarea is 80 percent of BAP for agriculture and 60 percent of BAP for municipal and industrial uses. Any Producer that pumps more than their FPA must purchase Replacement Water from the Watermaster equal to the amount of production in excess of their total available FPA, or transfer unused FPA from another party within their Subarea. Funds collected for Replacement Water are then used by the MWA for purchase of SWP supplies and recharged into the Subarea they were produced from.

MWA has a net natural supply of 57,349 AFY, including surface and subsurface water flows to the five Subareas in the Mojave Basin area and to the Morongo Area. Because the definition of the net natural supply is long-term natural supply estimates, the supplies are going to remain constant regardless of any annual changes in hydrology. Annual fluctuations in natural supplies do not impact the long-term sustainability of the groundwater basins; therefore, the supply is assumed to be 100 percent available in single-dry year and multiple-dry year conditions.

Based on the analysis above, the Project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple years and impacts are less than significant.

XIXc) **No Impact.** A wastewater treatment provider does not serve the Project site. Wastewater is proposed to be treated by a septic system and leach lines.

XIXd) **Less Than Significant Impact.** Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities.

Waste generated during the operation of the Project is estimated to be 35 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents

Solid waste generated in Apple Valley is generally transported to the Victorville Landfill. According to the Cal Recycle Facility/Site Summary Details website accessed on February 14, 2018 (https://www2.calrecycle.ca.gov/swfacilities/Directory/36-AA-0045/), the Victorville landfill has a maximum capacity of 81,510,000 cy and is not anticipated to reach capacity until 2047. As such, the Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

XIXe) **No Impact.** The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by

the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the *County of San Bernardino Countywide Integrated Waste Management Plan* which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The Project operator(s) will be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the commercial facility include paper products, glass, aluminum, and plastic.

Additionally, the Project's waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the commercial facility are reduced in accordance with existing regulations.

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
XX.	**WILDFIRE -If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:**				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

SUBSTANTIATION

The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. The Project site is located within Fire Safety Area 1.

XXa) **Less Than Significant Impact.** Access to the Project site is proposed from Rock Springs Road and Deep Creek Road which are improved roadways. The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles via Rock Creek Road and Deep Creek Road and connecting roadways as required by the County. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant.

XXb) **Less Than Significant Impact.** The Project site is located approximately 1.5 miles west of the Ord Mountain. The northern border of the site is adjacent to Rock Springs Road which is a paved roadway and the BNSF railway line is located further north. The eastern border of the site is adjacent to Deep Creek Road which is a paved roadway. These features serve as fire breaks.

Because the site is located within Fire Safety Area 1, the Project is mandated to comply with the applicable provisions of Development Code Chapter 82.13 -Fire Safety (FS) Overlay. Compliance with mandatory requirements will ensure impacts are less than significant.

XXc) **Less Than Significant Impact**. The Project site is located in an area largely characterized by residential development and vacant land. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way, to the east by Deep Creek Road and undeveloped land, to the south by residential housing, and to the west by undeveloped land. The site is mostly cleared and supports minimal vegetation.

The installation of the new infrastructure facilities is minimal and primarily consists of paving the site and constructing a convenience store with gasoline dispensing facilities. Given the above described conditions and location of the site, the construction of the infrastructure will not exacerbate fire risk or result in temporary or ongoing impacts to the environment.

The Project would result in physical impacts to the surface and subsurface of the Project site. However, these impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study. In instances where significant impacts have been identified, Mitigation Measures have been required to reduce impacts to less-than-significant levels.

XXd) **Less Than Significant Impact.** . The site is relatively flat and contains no slopes that may be subject to landslides. The retention basin is designed to mitigate 100% of storm water runoff from any rain fall event for the developed condition. The preliminary volume of required storm water retention is approximately 9,878 cf. The proposed water quality retention basin is designed to capture and infiltrate a minimum of 9,878 cf. As such, the Project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

	ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XXI.	**MANDATORY FINDINGS OF SIGNIFICANCE:**				
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c)	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

SUBSTANTIATION

XXIa) **Less Than Significant Impact With Mitigation Incorporated.** In instances where significant impacts have been identified, Mitigation Measures BIO-1, CR-1, TCR-1, and TCR-2 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

XXIb) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures BIO-1, CR-1, GEO-1, NOI-1, TCR-1, and TCR-2 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.

XXIc) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures NOI-1 is required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which will cause substantial adverse effects on human beings, either directly or indirectly

XVIII MITGATION MEASURES. Include mitigation measures here.

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval)

Mitigation Measure -BIO-1: Pre-Construction Burrowing Owl Survey. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

"Within 30 calendar days prior to grading for any phase, a qualified biologist shall conduct a survey of the Project's proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of san Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit and subject to the following provisions:

a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.

b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit.

Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

Mitigation Measure CR-1: Inadvertent Discoveries

1. In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during the assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within Mitigation Measure TCR-2, if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

2. If significant pre-contact resources, as defined by CEQA (as amended 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within Mitigation Measure TCR-2. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources. If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.

Mitigation Measure NOI-1: Construction Noise.

The "developer" shall submit and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce noise impacts during construction, which shall include the following vehicle and equipment emissions and other impacts to the noise environment by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:

a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.

b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.

d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
[Mitigation Measure XII-1] Prior to Grading Permit/Planning

Mitigation Measure TCR-1: Twenty-Nine Palms Band of Mission Indians.

Prior to the issuance of a grading permit for any parcel proposed for development within the Project site, the applicant shall contact the Twenty-Nine Palms Band of Mission Indians to develop a Tribal Monitoring Agreement(s). A copy of the executed agreement shall be provided to the County of San Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit

Mitigation Measure TCR-2: San Manuel Band of Mission Indians

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted , as detailed in Mitigation Measure CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to the Plan. This plan shall allow for a monitor to be present that represents SMBMI for the remainder of grading activities, should SMBMI elect to place a monitor on-site.

2. Any and all archaeological/cultural documents created as part of the project (insolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and lead Agency for dissemination to SMBMI. The Lead Agency/ or applicant, in good faith, shall consult with SMBMI until concluded per PRC 21082.3.2(b) (1)-(2),

GENERAL REFERENCES

Bureau of Land Management, *West Mojave California Desert Conservation Area Plan Amendment*, 2006.

Bureau of Land Management, *Desert Renewable Energy Conservation Plan. Phase I,* September 14, 2016.

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California Department of Transportation. *Caltrans Scenic Highway Corridor Map.* http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

California Department of Conservation. *Mineral Land Classification of a Part of Southwestern San Bernardino County: The Barstow-Victorville Area, California.*

California Energy Commission, *Electricity Consumption by County*, 2017
http://ecdms.energy.ca.gov/elecbycounty.aspx

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CEQA Guidelines, Appendix G.

County of San Bernardino. 2007. *County of San Bernardino 2007 Development Code.* http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx

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County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011, www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf

County of San Bernardino Hazard Overlay Map FHO7B. http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps/HazardMaps.aspx

Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2016,* http://mdaqmd.ca.gov/rules/overview

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403-2 Fugitive Dust Control for the Mojave Desert Planning Area. 1996. http://www.arb.ca.gov/DRDB/MOJ/CURHTML/R403-2.HTM

Mojave Desert Air Quality Management District, 2004 Ozone Attainment Plan

National Institute for Occupational Safety and Health, *Criteria for Recommended Standard: Occupational Noise Exposure,* 1998

South Coast Air Quality Management District, *Risk Assessment Procedures for Rules 1401, 1401.1 & 212*

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.

PROJECT SPECIFIC REFERENCES

Appendices: (Under Separate Cover or on Compact Disk)

A. Urban Crossroads *Air Quality Impact Analysis*, October 3, 2018.

B. RCA Associates, *General Biological Resources Assessment*, March 13, 2018.

C. RCA Associates, *Cultural Resources Assessment (Phase 1),* April 20, 2018.

D. RCA Associates, *Excavation of Test Pits,* November 9, 2018.

E. ALR Engineering & Testing, *Preliminary Geotechnical Investigation*, Revised December 6, 2018.

F. Urban Crossroads, *Greenhouse Gas Analysis*, October 3, 2018.

G. ALR Engineering & Testing, Preliminary *Hydrology Study*, February 2, 2018.

H. ALR Engineering & Testing, *Percolation Test Study*, March 25, 2018.

I. ALR Engineering and Testing, *Water Quality Management Plan*, June 27, 2018.

J. ALR Engineering and Testing *Storm Water Pollution Prevention Plan*, May 2, 2018.

K... ALR Engineering and Testing, *Infiltrometer Test*, March 25, 2018.

L. Urban Crossroads, *Noise Impact Analysis*, October 22, 2018.

M. David Evans & Associates *Traffic Impact Study*, September 24, 2018.