

Joshua Tree General Retail Project Draft Environmental Impact Report



Prepared for:
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

June 2015



**DRAFT ENVIRONMENTAL
IMPACT REPORT**

for the

Joshua Tree General Retail Project

State Clearinghouse Number:

2012081071

June 2015

Prepared for:

County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

Table of Contents

<u>Section</u>	<u>Page</u>
1.0 Executive Summary	1-1
1.1 Project Summary	1-1
1.2 Introduction	1-1
1.3 Areas of Concern or Controversy	1-2
1.4 Summary of Significant Project Impacts.....	1-3
1.5 Alternatives to the Project.....	1-3
1.6 Summary of Impacts and Mitigation Measures	1-5
2.0 Introduction	2-1
2.1 Overview	2-1
2.2 Lead and Responsible Agencies.....	2-1
2.3 Project Applicant.....	2-2
2.4 Background.....	2-2
2.5 EIR Purpose and Focus	2-3
2.6 EIR Content and Format	2-3
2.7 Intended Use of this EIR	2-4
2.8 Documents Incorporated By Reference	2-5
3.0 Project Description	3-1
3.1 Overview	3-1
3.2 Project Location.....	3-1
3.3 Existing Land Uses & Land Use Designations.....	3-3
3.4 Project Elements	3-7
3.5 Discretionary Actions, Permits, and Consultations	3-11

4.0	Court Directed Analysis	4-1
4.1	Overview	4-1
4.2	Introduction to Urban Decay	4-1
4.3	Significance Criteria	4-2
4.4	Urban Decay Analysis	4-3
5.0	Other CEQA Considerations	5-1
5.1	Cumulative Impact Analysis	5-1
5.2	Significant Environmental Effects	5-2
5.3	Significant and Irreversible Environmental Changes	5-2
6.0	Acronyms and Abbreviations.....	6-1
7.0	References.....	7-1

APPENDICES (Provided on accompanying CD-ROM)

Appendix A: NOP and NOP Comment Letters

Appendix B: Court Directive

Appendix C: 2013 Adopted MND

Appendix D: Urban Decay Study

List of Figures

<u>Figure</u>	<u>Page</u>
3.2-1 Project Location	3-2
3.3-1 Existing Land Uses.....	3-5
3.3-2 Existing Zoning Designations	3-6
3.4-1 Conceptual Site Plan.....	3-8
4.4-1 Trade Area Map	4-5

List of Tables

<u>Table</u>	<u>Page</u>
1.6-1 Adopted MND Impacts and Mitigation Measures	1-4
3.4-1 Proposed Land Uses	3-7
4.4-1 Inventory of Existing Retail Development.....	4-4
4.4-2 Potential Demand for New GAFO Retail Space.....	4-7
4.4-3 Potential Demand for New Food Store Space	4-8

1.0 EXECUTIVE SUMMARY

1.0 EXECUTIVE SUMMARY

1.1 PROJECT SUMMARY

The Project site is located within the unincorporated community of Joshua Tree, in San Bernardino County. Specifically, the vacant site is bounded by Twentynine Palms Highway on the south, Commercial Street on the north, Sunburst Avenue on the east, and Mountain View Street on the west.

The Joshua Tree General Retail Project proposes the development of 9,100 square feet of commercial uses, on 1.45 acres. The proposed store, identified as Dollar General, would be located within an area envisioned as a commercial corridor by the San Bernardino County General Plan and Joshua Tree Community Plan. The Project also includes supporting infrastructure, with on-site parking, landscaping/hardscaping, and signage.

Please refer also to EIR Section 3.0, *Project Description*, Figure 3.2-1, *Project Location*, and Figure 3.4-1, *Site Plan Concept*.

1.2 INTRODUCTION

In 2012, the County of San Bernardino prepared a Mitigated Negative Declaration (MND) for the Joshua Tree General Retail Project. Based on comments received on the MND during the public review period, the County made minor revisions and recirculated the document from November 13, 2012 through December 12, 2012. The County adopted the MND and approved the Project in early 2013.

Following approval of the Project and adoption of the MND, a lawsuit was filed in Superior Court challenging the adequacy of the MND. While the Court ruled in favor of

the County regarding the majority of complaints, the Court determined that further analysis was needed to address potential “urban decay” impacts of the Project. This EIR has been prepared in response to the Court’s directive to analyze the potential “urban decay” impacts of the Project. Please refer also to Section 2.0, *Introduction*, for details regarding the complaint and directive.

This EIR Section summarizes relevant Project background issues, provides a brief description of the Project, and summarizes the potential environmental impacts of the Project. For a full description of the Project, its impacts, and any recommended mitigation measures, please refer to EIR Sections 3.0 and 4.0, respectively.

1.3 AREAS OF CONCERN OR CONTROVERSY

Section 15123 of the *CEQA Guidelines* requires that an EIR summary identify areas of potential concern or controversy known to the lead agency, including issues raised by other agencies and the public. In this case, based on the direction of the Court as a result of the previously mentioned lawsuit, this EIR focuses solely on the potential for the Project to result in “urban decay.”

CEQA specifically states that economic or social effects of a project shall not be treated as significant impacts on the environment. However, adverse physical changes that could indirectly result from economic or social effects of projects are within the scope of CEQA considerations. Although CEQA does not define what should be considered a significant adverse physical change due to economic forces, case law indicates that a project may have a significant impact if it results in a condition commonly referred to as “urban decay.”

CEQA does not trigger an automatic presumption that “urban decay” will occur as a result of other businesses being closed. However, store closures can lead to conditions of urban decay. “Urban decay” has routinely been defined as physical deterioration due to store closures and long-term vacancies in existing shopping centers that is so prevalent and substantial that it impairs the health, safety, and welfare of the surrounding communities. Physical deterioration includes, but is not limited to, abandoned buildings and commercial sites in disrepair, boarded doors and windows, long-term unauthorized

use of properties and parking lots, extensive graffiti painted on buildings, dumping of refuse or overturned dumpsters on properties, dead trees or shrubbery, extensive litter, uncontrolled weed growth, and homeless encampments. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184).

Section 4.0, *Court Directed Analysis*, of this EIR evaluates the extent to which the Project would have competitive impacts on existing retail facilities in the trade area and consequently have the potential to result in “urban decay.”

Additionally, EIR Section 5.0, *Other CEQA Considerations*, presents discussions of other CEQA topics including:

- Cumulative Impact Analysis;
- Significant Environmental Effects; and
- Significant and Irreversible Environmental Changes.

A summary of comments and responses to those comments received on the NOP are presented at Table 1.3-1. This Table presents a list of NOP respondents, and a corresponding summary of NOP comments, indicated by *italicized text*. Responses to comments are indicated in subsequent statements. Complete comment letters received pursuant to distribution of the NOP are presented at EIR Appendix A.

**Table 1.3-1
List of NOP Respondents and Summary of NOP Comments**

Respondent	Summary of Comments
<u>State Agencies</u>	
State of California Office of Planning and Research, State Clearinghouse (SCH)	<i>SCH provided receipt and record of distribution of the NOP. EIR Appendix A includes a copy of the Project NOP and NOP Responses.</i>
California Department of Transportation (Caltrans), District 8	<i>Caltrans requests that a Traffic Impact Analysis (TIA) be prepared for the Project, and identifies some Project-specific elements to be included in this study. Also requested are the project site plan, drainage plans, and if applicable, hydrology study. Contact information is also provided.</i>

Table 1.3-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	<p>The purpose of this EIR is to address potential urban decay impacts of the Project as required by the Sept 22, 2014 Superior Court Of The State Of California for the County of San Bernardino, San Bernardino District Judgment (Court Judgment) regarding the Project and previous (2013) MND prepared for the Project. Pursuant to the Court Judgment, the Project EIR is required to address only the Project’s potential urban decay impacts. Traffic impact analyses, hydrologic analyses, et al. requested by the commenter are not required by the Court Judgment, and moreover would not facilitate analysis of, or provide additional informational relevant to the required urban decay impact analysis. The requested analyses and studies are therefore not included. Please refer also to the Court Judgment, provided in its entirety at EIR Appendix B.</p>
Other	
Anonymous	<p><i>The commenter wishes to remain anonymous and expresses support for the proposed Project.</i></p> <p>Commenter support of the Project is acknowledged. No further response is required.</p>
Julia Buckley	<p><i>The commenter provides various definitions of terms she sees as applicable to the matter at hand. Additionally, general concerns regarding traffic, water service, and consistency with the Joshua Tree Community Plan (Community Plan) are presented. The commenter presents the entire Community Plan within her comments.</i></p> <p>Contrary to the commenter’s statements, the Court Judgment (EIR Appendix B) states: “The court denies JTDBA’s petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project’s impacts on traffic and land use consistency.” Thus, potential traffic impacts of the Project were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR. Analysis of potential water service impacts can also be found within the 2013 MND.</p> <p>No specific inconsistencies with the Joshua Tree Community Plan are identified within the comments, making a response difficult. However, as noted above, the Court found the MND’s analysis of land use consistency/compatibility to be sufficient.</p>
Stacy Doolittle	<p><i>The commenter expresses opposition to the Project and provides opinions regarding the type of retail proposed, and potential traffic and urban decay impacts of the Project.</i></p> <p>In response to the commenter’s traffic concerns, the recent Project court decision states, “The court denies JTDBA’s petition for writ of mandate to</p>

Table 1.3-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	<p>overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project’s impacts on traffic and land use consistency.” Thus, potential traffic impacts of the Project were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR.</p> <p>The commenter’s urban decay concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>.</p>
Celeste Doyle	<p><i>The commenter provides a list of topics that she feels should be reevaluated as part of the Project’s environmental process (urban decay, neighborhood impacts, traffic, access/parking, water, and sewer). The commenter also provides an opinion regarding the name of the Project (“Joshua Tree General Retail Project”).</i></p> <p>In response to the commenter’s neighborhood, traffic, and nomenclature concerns, the Court Judgment (EIR Appendix B) states: “The court denies JTDBA’s petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project’s impacts on traffic and land use consistency. The approval also is not demonstrated to be improper by the failure to identify ‘Dollar General’ in the Project description.”</p> <p>Water and sewer demand, as well as access/parking concerns, were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR.</p> <p>The commenter’s urban decay concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>.</p>
Ethan Feltges	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed building and user.</i></p> <p>These comments do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No further response is required.</p>
David Fick	<p><i>The commenter expresses wide-ranging opinions, interests, and concerns, including but not limited to: opposition to the Project; involvement in community activities and organizations; perceptions of the Project; and the Project environmental review processes.</i></p> <p>Urban decay impact analysis notwithstanding (provided herein), other environmental issues raised or alluded to by the commenter have been previously and adequately addressed. The purpose and the focus of this EIR is to address potential urban decay impacts of the Project as directed</p>

Table 1.3-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	under the Court Judgment (EIR Appendix B). The commenter's statements are included in their entirety as part of the Project administrative record and will be taken into consideration by the decision-makers.
Thomas Fjallstam	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed building and user within the community of Joshua Tree. Urban decay concerns are also presented.</i></p> <p>Opinions regarding Dollar General and the existing atmosphere of Joshua Tree do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. The commenter's urban decay concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>.</p>
Carol Gerratana	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed building and tenant.</i></p> <p>These comments do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No additional response is required.</p>
Patti Glover	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed tenant.</i></p> <p>These comments do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No further response is required.</p>
Julian Gonzalez	<p><i>The commenter endorses the Project and provides supporting information/documentation including business inventory, property information, and photographs of the Project area.</i></p> <p>Support of the Project is acknowledged. No further response is required.</p>
Nicholas Holmes	<p><i>The commenter provides a list of topics that he feels should be reevaluated as part of the Project's environmental process (urban decay, neighborhood impacts, traffic, access/parking, water, and sewer). The commenter also provides an opinion regarding the name of the Project ("Joshua Tree General Retail Project").</i></p> <p>In response to the commenter's neighborhood, traffic, and nomenclature concerns, the Project Court Judgment (EIR Appendix B) states: "The court denies JTDBA's petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project's impacts on traffic and land use consistency. The approval also is not demonstrated to be improper by the failure to identify 'Dollar General' in the Project description."</p>

Table 1.3-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	<p>Water and sewer demand, as well as access/parking concerns, were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR.</p> <p>The commenter's urban decay concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>.</p>
Tom O'Key	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of a Dollar General for the community of Joshua Tree. The commenter also provides opinions regarding increased traffic hazards and negative economic impacts of the Project.</i></p> <p>Opinions regarding Dollar General do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. The commenter's economic concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>. It is also noted that Project-related traffic impacts were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR. In pertinent part, the Project Court Judgment (EIR Appendix B) states: "The court denies JTDBA's petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project's impacts on traffic and land use consistency."</p>
Christine Pfranger	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed building and tenant.</i></p> <p>These comments do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No further response is required.</p>
Teresa Sitz	<p><i>The commenter expresses opposition to the Project and identifies crime, safety, and urban decay concerns.</i></p> <p>It is noted that the majority of the commenters concerns (impacts to police protection services, traffic, and air quality) were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR. However, the commenter's urban decay concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>.</p>
Eva Soltes	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of a Dollar General store in the community of Joshua Tree. In summary, the commenter feels the Project would negatively affect the atmosphere of the area.</i></p>

Table 1.3-1
List of NOP Respondents and Summary of NOP Comments

Respondent	Summary of Comments
	These comments do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No further response is required.
Laraine Turk	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of a chain store in the community of Joshua Tree. The commenter also provides an opinion regarding the economic impacts of the Project. Reference is also made to “traffic and noise issues.”</i></p> <p>Opinions regarding Dollar General (and the sale of alcohol) do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. The commenter’s economic concerns are the main focus of this document and are addressed at Section 4.0, <i>Court Directed Analysis</i>. Although the commenter does not provide specifics as to her “traffic and noise issues,” it is noted that both topics were adequately addressed as part of the 2013 MND prepared for the Project, presented as Appendix C to this EIR. In pertinent part, the Project Court Judgment (EIR Appendix B) states: “The court denies JTDBA’s petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project’s impacts on traffic and land use consistency.”</p>
Valeree Woodard	<p><i>The commenter expresses opposition to the Project and provides opinions as to the appropriateness of the proposed user.</i></p> <p>Opinions regarding Dollar General (and the sale of alcohol) do not pertain to the environmental impacts of the Project, and as such, are beyond the scope of this CEQA document. No further response is required.</p>

1.4 SUMMARY OF SIGNIFICANT PROJECT IMPACTS

Implementation of the Project would not result in any significant environmental impacts. That is, all potential environmental effects of the Project are determined to be less-than-significant as substantiated within this EIR and the previously-adopted MND, or are reduced below levels of significance with application of mitigation measures. Although no new mitigation measures are included within this EIR, a summary of all Project impacts and mitigation measures to be implemented pursuant to the Adopted MND is presented at EIR Section 1.5, “Summary of Impacts and Mitigation Measures.”

1.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

As previously mentioned, no new mitigation is proposed as part of this EIR. Notwithstanding, and for administrative purposes, Table 1.5-1 lists measures to be implemented pursuant to the Adopted MND to mitigate potentially significant environmental impacts of the Project, and indicates the level of significance after application of proposed mitigation.

**Table 1.5-1
Adopted MND Impacts and Mitigation Measures**

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
Biological Resources			
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.	Potentially Significant	<i>BIO-1: If project ground-breaking does not occur prior to February 15, a one visit pre-construction survey shall be conducted within 30 days of groundbreaking.</i>	Less-Than-Significant
Cultural Resources			
Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.	Potentially Significant	<i>CR-1: In the event archaeological and/or historical resources are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the</i>	Less-Than-Significant

**Table 1.5-1
Adopted MND Impacts and Mitigation Measures**

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
		<i>archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.</i>	

2.0 INTRODUCTION

2.0 INTRODUCTION

2.1 OVERVIEW

This EIR for the Joshua Tree General Retail Project has been prepared specifically to evaluate potential for the Project to generate competitive impacts resulting in “urban decay.”

The following paragraphs summarize the Project background and previous environmental analyses that initiated preparation of this EIR. Please refer to EIR Section 3.0, *Project Description*, for further details regarding the Project and its context.

2.2 LEAD AND RESPONSIBLE AGENCIES

CEQA defines a “lead agency” as the public agency which has the principal responsibility for carrying out or approving a Project which may have a significant effect upon the environment. Other agencies, e.g., the California Department of Transportation (Caltrans), the South Coast Air Quality Management District (SCAQMD) or the Regional Water Quality Control Board (RWQCB), which also have some authority or responsibility to issue permits for Project implementation, are designated as “responsible agencies.” Both the lead agency and responsible agencies must consider the information contained in the EIR prior to acting upon or approving the Project. The County of San Bernardino is the lead agency for the Project.

The County’s address is: San Bernardino County
Land Use Services Department
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Contact Person: Heidi Duron, Supervising Planner

2.3 PROJECT APPLICANT

The Project Applicant is Dynamic Development Company, LLC, 1725 21st Street, Santa Monica, CA 90404.

2.4 BACKGROUND

In 2012, the County prepared a Mitigated Negative Declaration (MND) for the Joshua Tree General Retail Project. Based on comments received on the MND during the public review period, the County made minor revisions and recirculated the document from November 13, 2012 through December 12, 2012. The County adopted the MND and approved the Project in early 2013.

Following approval of the Project and adoption of the MND, a lawsuit was filed in Superior Court challenging the adequacy of the MND. Specifically, the lawsuit alleged the following:

- a. The County violated CEQA by failing to evaluate potential “urban decay” impacts associated with the Project;
- b. The Project Description, as presented within the MND, was inadequate because Dollar General was not specifically identified as the tenant;
- c. Inconsistency with the County General Plan and Joshua Tree Community Plan; and
- d. Inadequacy of the Traffic Generation Analysis.

While the Court ruled in favor of the County regarding items b, c, and d (above), the Court also determined that further analysis was needed to address potential “urban decay” impacts of the Project. This EIR has been prepared in response to the Court’s directive, which is presented as Appendix B to this EIR.

2.5 EIR PURPOSE AND FOCUS

The Courts direction is as follows:

“The court grants JTDBA’s [Joshua Tree Downtown Business Alliance, Plaintiff] petition for writ of mandate to overturn the approval of the subject MND and CUP on the grounds of failure to properly analyze the Project’s impacts on the environment in the area of economic impacts resulting in urban decay. The county is required to undertake an EIR for the proposed Project.

The court denies JTDBA’s petition for writ of mandate to overturn the approval of the subject MND and CUP on grounds of alleged failure to properly analyze the Project’s impacts on traffic and land use consistency. The approval also is not demonstrated to be improper by the failure to identify “Dollar General” in the Project description.”

The primary purpose of this EIR is to respond to the Court’s directive by analyzing the potential for the Project to generate competitive impacts resulting in “urban decay.” A detailed analysis in this regard entitled *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014 has been conducted for the Project. Please refer to Section 4.0, *Court Directed Analysis*, and Appendix D to this EIR.

2.6 EIR CONTENT AND FORMAT

This EIR is presented in seven (7) sections, as follows:

- Section 1.0, *Executive Summary*, presents a summary of the Project; and analysis conclusions, and recommendations of this EIR.

- Section 2.0, *Introduction*, provides Project background information, focus and purpose, organization of the EIR, and its intended uses. Documents incorporated by reference are also listed within this Section.
- Section 3.0, *Project Description*, summarizes the Project as described and evaluated in the Adopted MND. This EIR does not propose nor consider any substantive revisions to the Project. Rather, and as noted previously, this EIR responds specifically to Court directives to provide additional analysis of potential “urban decay” impacts.
- Section 4.0, *Court Directed Analysis*, presents the analysis of potential Project-related “urban decay” impacts in response to the Courts direction.
- Section 5.0, *Other CEQA Considerations*, addresses other environmental considerations and topics pursuant to the California Environmental Quality Act (CEQA).
- Section 6.0, *Acronyms and Abbreviations*, presents a list of all acronyms and abbreviations used within this EIR.
- Section 7.0, *References*, lists the information sources and persons consulted during the analysis process and presents a list of the persons who prepared the EIR.

2.7 INTENDED USE OF THIS EIR

This EIR for the Joshua Tree General Retail Project has been prepared at the direction of the County of San Bernardino (the Lead Agency). In combination with the 2013 MND for the Project, this EIR is intended to assist the Lead Agency in making decisions with regard to the Project. Specifically, this document provides additional analysis regarding the potential for the Project to generate competitive impacts resulting in “urban decay.” In so doing, this EIR responds to the previously-described Court-directed action.

Other agencies may use this EIR in combination with the Adopted MND for evaluating the impacts of the Project on public service levels during the processing of development and building permits; in conjunction with changes in services that may occur with any future redevelopment of the site; and to assist agencies in planning for future facility expansions and service level upgrades.

2.8 DOCUMENTS INCORPORATED BY REFERENCE

Section 15150 of the State *CEQA Guidelines* permits and encourages an environmental document to incorporate, by reference, other documents that provide relevant data. The documents summarized below are incorporated by reference, and the pertinent material is summarized throughout this EIR, where that information is relevant to the analysis of potential impacts of the Project. All documents incorporated by reference are available for review at, or can be obtained through, the County of San Bernardino Land Use Services Department.

2.8.1 Court Directive

The Court's directive requiring additional analysis of potential "urban decay" impacts, as excerpted in pertinent part within this EIR, is presented at Appendix B.

2.8.2 2013 Adopted MND

The 2013 Adopted MND, APN: 0603-205-04, *Dynamic Development, LLC, P201100357/CUP ENVIRONMENTAL INITIAL STUDY, November 6, 2012*, provides a detailed description of the Project, describes existing environmental conditions, and with the exception of potential "urban decay" issues, provides full and adequate analysis of all Project environmental issues. The MND is provided as Appendix C to this EIR.

2.8.3 Urban Decay Study

An Urban Decay Study was conducted for the Project: *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014. Section 4.0

of this EIR presents the findings and conclusions, and the Study, in its entirety, is presented as Appendix D to this EIR.

3.0 PROJECT DESCRIPTION

3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

As previously mentioned, the Joshua Tree General Retail Project proposes the development of a 9,100-square-foot general retail store on 1.45 acres. The Project also includes on-site supporting infrastructure, parking, landscaping/hardscaping, and signage.

3.2 PROJECT LOCATION

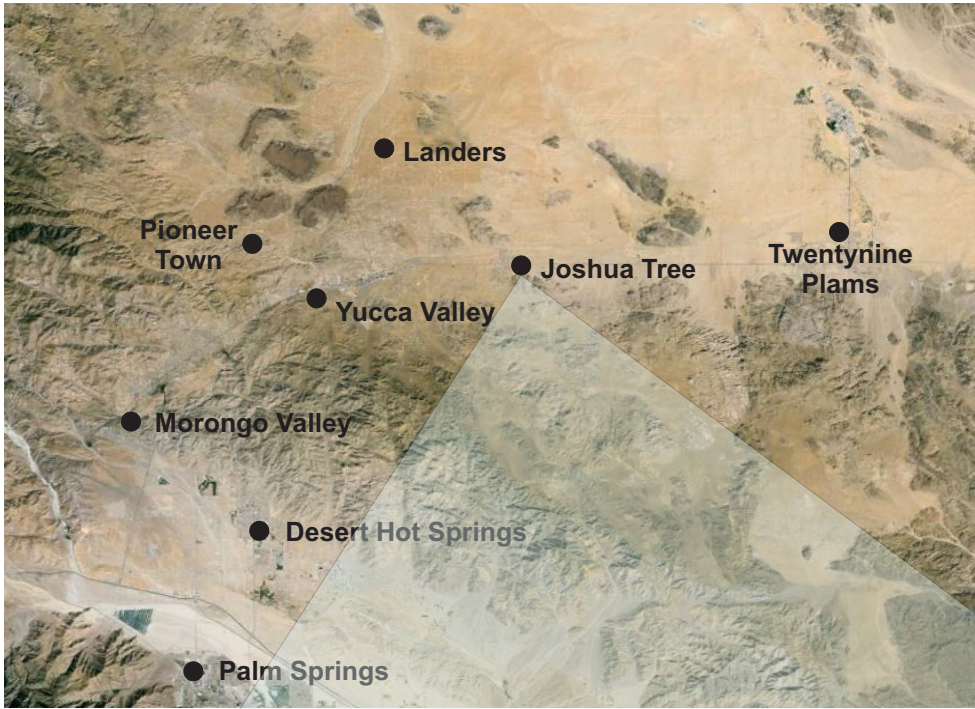
The Project site is located within the downtown commercial core of the unincorporated community of Joshua Tree, in San Bernardino County. Specifically, the site is bounded by Twentynine Palms Highway on the south, Commercial Street on the north, Sunburst Avenue on the east, and Mountain View Street on the west. Please refer also to Figure 3.2-1, *Project Location*.

3.3 EXISTING LAND USES AND LAND USE DESIGNATIONS

The following discussions summarize existing land use conditions in the Project vicinity and provide general context for the Project.

3.3.1.1 Project Site Land Use

The Project site is currently vacant and has been substantially disturbed as a result of previous human use. The Project site has little vegetation and consists of sparse creosote brush, burrobrush, and cheesebrush. The site is relatively flat and generally slopes from the southeast to the northwest with an elevation ranging from 2,734 feet above mean sea level at the southeast corner of the site to 2,730 feet above mean sea level at the northwest corner of the site.



NOT TO SCALE

Source: Google Earth, Applied Planning, Inc.

Figure 3.2-1
Project Location

3.3.1.2 Vicinity Land Uses

Residential uses are located north of the Project site, across Commercial Street. Properties to the east and west of the site (across Sunburst Street and Mountain View Street, respectively) are vacant. Additional vacant land and residential uses are located south of the site, across Twentynine Palms Highway. Existing land uses are illustrated at Figure 3.3-1.

3.3.2 Existing Land Use Designations

Existing land use designations for the Project site and vicinity properties are illustrated at Figure 3.3-2, and summarized below.

3.3.2.1 Project Site Land Use Designation

The San Bernardino County Land Use Services Regional Zoning Map FI22A and the Joshua Tree Community Plan designate the Project site as *General Commercial* (JT/CG-SCp)¹.

It is noted that the development of the site with commercial uses, such as those proposed by the Project, supports applicable Economic Development and Land Use Goals set forth in the Joshua Tree Community Plan. Most notably:

- Goal JT/ED 3. Facilitate development of downtown Joshua Tree as focal point and core activity center within the plan area.
- Goal JT/ED 4. Commercial uses and commercial zoning districts within the community shall be of small scale as needed to provide goods and services to residents and travelers, and shall not be of a regional scale.

¹ The “SCp” designation denotes billboard regulations. No billboards are proposed as part of the Project.

- Goal JT/LU 2. Support development of the existing downtown commercial area of Joshua Tree as a focal point and core activity center within the community.
- Goal JT/LU 3. Enhance commercial development within the plan area that is compatible in type and scale with the rural desert character, is located appropriately, and meets the needs of local residents and visitors.

Consistent with the vision of the San Bernardino County General Plan and the Joshua Tree Community Plan, the Project proposes small scale commercial uses with an area envisioned as the “focal point and core activity center” of the community. No amendments to the land use designations would be necessary to provide for implementation of the Project.

3.3.2.2 Vicinity Land Use Designations

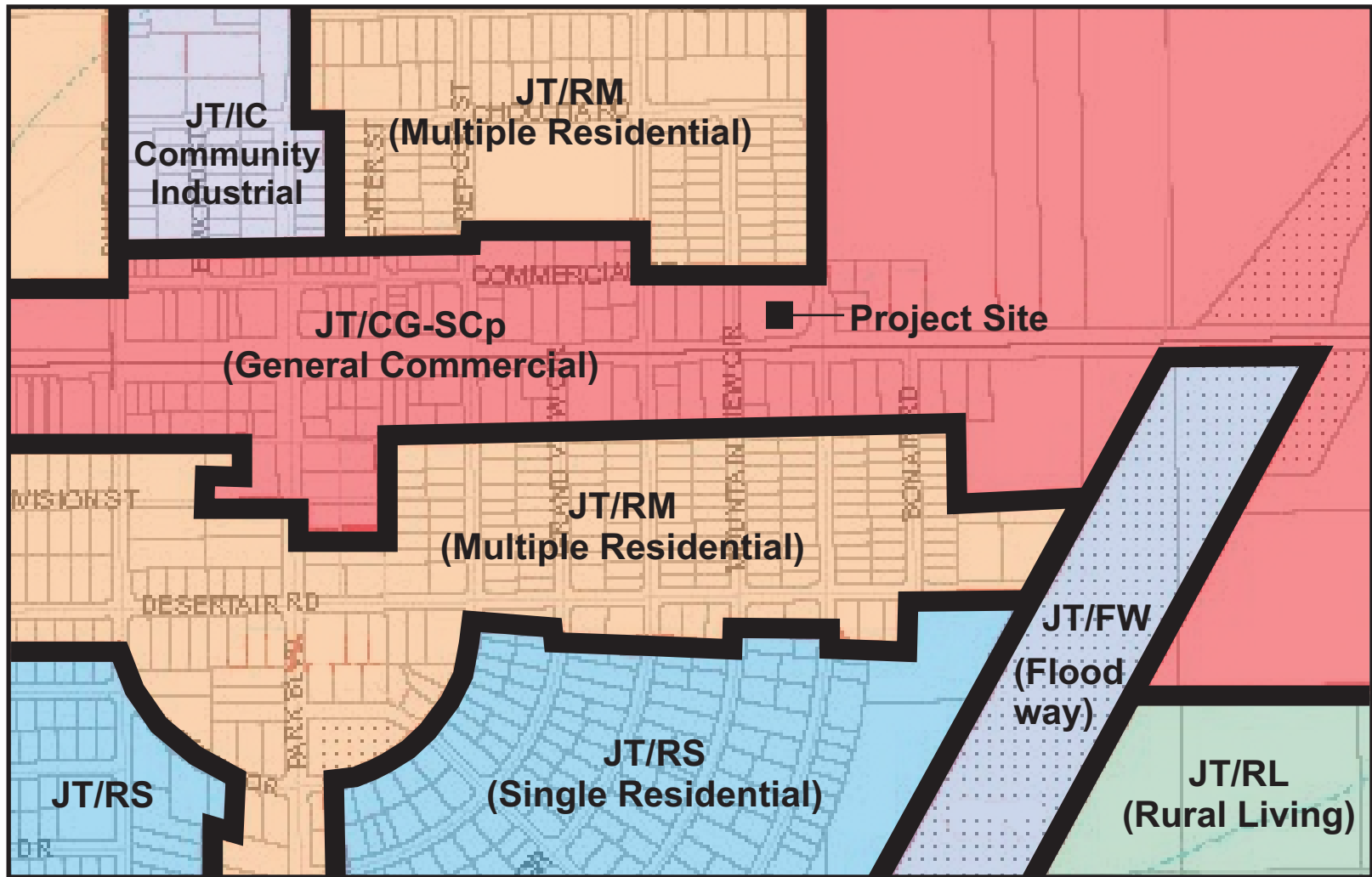
Properties located to the east, west, and south² of the site are designated as *General Commercial* (JT/CG-SCp). Property to the north of the site is designated *Multiple Residential* (JT/RM).

² It is noted that the existing residential use located to the south of the site, across Twentynine Palms Highway, is a non-conforming use.



NOT TO SCALE

Source: Google Earth; Applied Planning, Inc.



NOT TO SCALE

Source: County of San Bernardino

3.4 PROJECT ELEMENTS

3.4.1 Site Preparation

The site will need to be cleared prior to the commencement of grading and utility installation. Any debris generated by site preparation activities would be disposed of and recycled consistent with provisions of the California Integrated Waste Management Plan Act (AB 939). In order to avoid or minimize temporary construction-related traffic impacts, the Project Applicant is required to prepare and implement a construction traffic management plan. The construction traffic management plan must be reviewed and approved by the County prior to the issuance of the building permit.

Utility service lines within, or connecting to, the Project site will also likely require relocation and/or modification to accommodate proposed development. All utilities will be realigned/reconfigured pursuant to County and purveyor requirements.

3.4.2 Development Concept

The Project proposes the development of 9,100 square feet of commercial uses (identified as Dollar General). Table 3.4-1 provides a breakdown of internal floor area. The Project site plan concept is presented graphically at Figure 3.4-1.

**Table 3.4-1
Joshua Tree General Retail Project**

Store area	Size
General merchandise sales area	4,500 sq. ft.
Food (grocery) sales area	4,000 sq. ft.
Stockroom/non-sales areas	600 sq. ft.
<i>Total</i>	<i>9,100 sq. ft.</i>

3.4.3 Access and Parking

As shown at Figure 3.4-1, vehicular access would be provided to the site via driveways along Commercial Street and Mountain View Street. Unless otherwise specified by the County, all parking areas, to include parking stalls, drive aisles, parking lot landscaping, and hardscaping will be designed and constructed pursuant to County requirements. Final design and implementation of all improvements would be subject to review and approval by the County.

3.4.4 Utilities Infrastructure

As elements of the Project, public utility systems would be modified or extended to serve the Project facilities. Such modifications may include, but are not limited to: new service connections, service/distribution line upgrades, and realignment(s) of existing service/distribution lines. Certain aspects and attributes of infrastructure improvements and modifications incorporated in the Project are summarized below.

3.4.4.1 Domestic Water

Water service to the site would be provided by the Joshua Basin Water District (District). According to the District, "There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable." (Joshua Basin form W1 Public Water Certification, July 20, 2012).

3.4.4.2 Sanitary Sewer

A 1,500-gallon capacity septic system would be installed to handle the sanitary sewer needs of the Project. Final design and implementation of all improvements would be subject to review and approval by the County of San Bernardino Environmental Health Services Department.

3.4.4.3 Storm Drainage

The vacant site currently drains south to north (Twentynine Palms Highway to Commercial Street) via sheet flow. The Project does not propose substantial alteration of this drainage pattern. Bioswales, to be located in the landscaped setback areas along Sunburst Avenue, Commercial Street, and Mountain View Street, would be used to filter and detain onsite stormwater flow. Catch basin inserts would also be used to prevent unwanted materials from moving downstream. Roof drains and hardscaped areas would be designed to direct flows toward the landscaped areas and bioswales.

3.4.4.4 Dry Utilities

The Joshua Tree community receives electrical service from Southern California Edison (SCE), natural gas service from The Gas Company, and trash service from Waste Management.

3.4.5 Landscape Concept

The perimeter of the site would feature enhanced setbacks with planting clusters and themed landscaping treatments. Landscaping used along the site periphery will also be used in parking lot plantings and pedestrian path planters to provide cohesion.

3.4.6 Lighting

The Project will include building-mounted, wall-mounted, and pole-mounted fixtures to properly illuminate Project entrances, walkways, and parking areas. All lighting will be provided consistent with County requirements.

3.4.7 Signage

Signage, including freestanding, building, directional and informational signage, will be provided onsite. All signage is subject to County review and approval.

3.5 PROJECT DISCRETIONARY ACTIONS, PERMITS, CONSULTATION

Discretionary actions, permits and related consultation(s) necessary to approve and implement the Project are summarized below.

3.5.1 Discretionary Actions

CEQA Guidelines Section 15124 states in pertinent part that if “a public agency must make more than one decision on a Project, all its decisions subject to CEQA should be listed . . .” Requested decisions, or discretionary actions, necessary to realize the Project include, but may not be limited to, the following:

- Certification of the EIR;
- Site Plan approval for Project design and architectural details;
- Approval of a Conditional Use Permit pursuant to San Bernardino Development Code Section 85.06.040(b);

Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the County to allow implementation of the Project facilities.

3.5.2 Consultation and Permits

CEQA Guidelines Section 15124 also states that the EIR should, to the extent known, include a list of all the agencies expected to use the EIR in their decision-making (Responsible Agencies) and a list other permits or approvals required to implement the Project. Based on the current Project design concept, anticipated permits necessary to realize the proposal would likely include, but are not limited to the following:

- Permitting through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the County’s National Pollutant Discharge Elimination System (NPDES) Permit;

- Permitting through the Mojave Desert Air Quality Management District (MDAQMD) for certain equipment or land uses that may be implemented within the Project area;
- Permitting may be required by/through Caltrans to allow for any necessary modifications to Caltrans facilities, including but not limited to work within or encroachment upon Caltrans rights-of-way; and
- Various construction, grading, and encroachment permits allowing implementation of the Project facilities.

4.0 COURT DIRECTED ANALYSIS

4.0 COURT DIRECTED ANALYSIS

4.1 OVERVIEW

As noted at EIR Section 2.0, *Introduction*, following approval of the Project and adoption of the MND in 2013, a lawsuit was filed in Superior Court challenging the adequacy of the MND. In its findings, the Court determined that further analysis was needed to address potential “urban decay” impacts of the Project. This EIR Section responds directly to the Court’s requirement for additional analysis. Information presented in this Section summarizes the findings and conclusions of the Project-specific urban decay study (*Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014), presented as EIR Appendix D.

4.2 INTRODUCTION TO URBAN DECAY

CEQA specifically states that economic or social effects of a project shall not be treated as significant impacts on the environment. However, adverse physical changes that could indirectly result from economic or social effects of projects are within the scope of CEQA considerations. Although CEQA does not define what should be considered a significant adverse physical change due to economic forces, case law indicates that a project may have a significant impact if it results in a condition commonly referred to as “urban decay.”

CEQA does not trigger an automatic presumption that “urban decay” will occur as a result of other businesses being closed. However, store closures can lead to conditions of “urban decay.” “Urban decay” has been routinely defined as physical deterioration due to store closures and long-term vacancies in existing shopping centers that is so prevalent and substantial that it impairs the health, safety, and welfare of the surrounding community. Physical deterioration includes, but is not limited to, abandoned buildings and commercial sites in disrepair, boarded doors and windows, long-term unauthorized use of properties and parking lots, extensive gang or offensive graffiti painted on buildings, dumping of

refuse or overturned dumpsters on properties, dead trees or shrubbery, extensive litter, uncontrolled weed growth, and homeless encampments.

The Urban Decay Study evaluates the extent to which the Project would have competitive impacts on existing retail facilities in the trade area and consequently have the potential to result in “urban decay.” In addition to addressing the potential impacts of the Project itself, the Study also considers cumulative impacts, taking into account the impacts from other planned and proposed retail projects in the trade area.

The analysis addresses three key issues:

- The potential for the Project’s general merchandise space to negatively impact existing GAFO¹ stores in the trade area;
- The potential for the Project’s grocery component to negatively impact existing food stores in the area; and
- The cumulative impacts associated with the Project when its impacts are considered together with economic impacts of all retail projects currently planned for development in the trade area.

4.3 SIGNIFICANCE CRITERIA²

The Project may result in a significant “urban decay” impact if:

- Any diversion of sales from existing retail facilities would be severe enough to result in business closings; and

¹ “GAFO” is a retail industry acronym for the General Merchandise, Apparel, Furniture, and Other/Specialty sales categories. These categories correspond to the typical merchandise mix of a discount general merchandise store. The GAFO retail categories are also referred to as “shopper” or “comparison” goods.

² *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

- The business closures would be significant enough in scale (i.e., in terms of the total square footage affected and/or the loss of key “anchor” tenants) to affect the long-term viability of existing shopping centers or districts. “Urban decay” is considered a downward spiral of store closures and long-term vacancies. While the phenomenon of “urban decay” is not defined under CEQA, it is assumed to be indicated by significant deterioration of structures and/or their surroundings. Such deterioration occurs when property owners reduce property maintenance activities below that required to keep their properties in good condition. A store closure, in and of itself, does not constitute “urban decay.” While the closure of a business is clearly a severe impact to the owners and employees of the firm, within the context of CEQA it is only significant if it results in sustained vacancies and related deterioration of the physical condition of the vacant building(s).

4.4 URBAN DECAY ANALYSIS

4.4.1 Existing Retail Market in Trade Area

For the community of Joshua Tree, the effective retail trade area (i.e., the geographic area from which retail facilities draw their primary patronage) is influenced by the following factors:

- Relatively remote location;
- Limited inventory of existing retail facilities; and
- Close proximity to larger places (the cities of Yucca Valley and Twentynine Palms) with substantially more retail space.

The combined effect of the above factors is that much of Joshua Tree’s resident retail demand currently “leaks” to shopping facilities in neighboring communities. Moreover, residents of the neighboring areas have little reason to routinely patronize Joshua Tree businesses since they have a much wider range of shopping options in their own communities. For this reason, the Project is unlikely to attract substantial patronage from

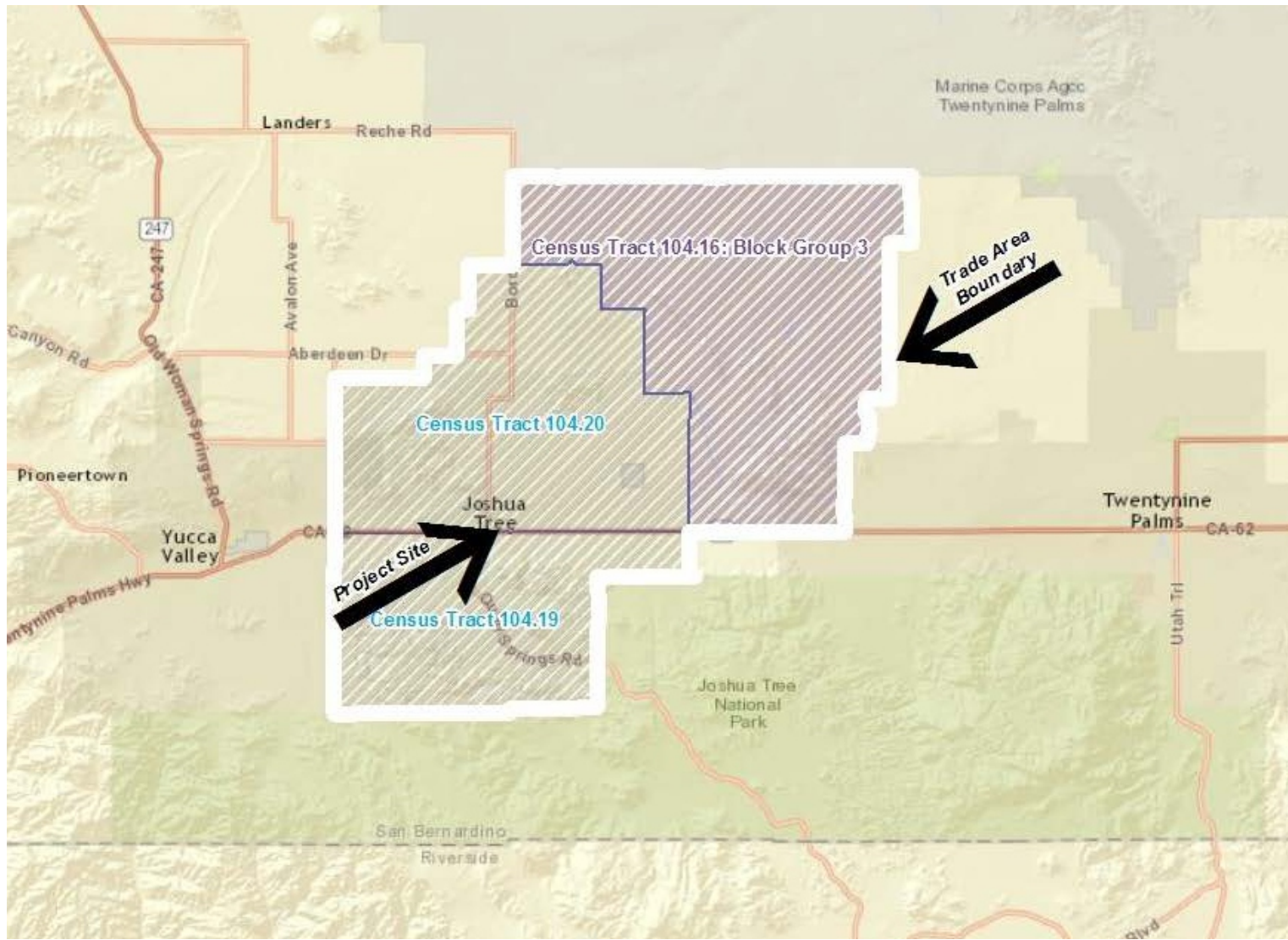
residents of Yucca Valley and Twentynine Palms. As such, the trade area considered in this analysis has been defined to include the unincorporated areas immediately surrounding Joshua Tree, and specifically excludes residents of the two adjacent cities. A map of the trade area boundaries is provided at Figure 4.4-1. This area corresponds to the following geographies designated by the U.S. Census Bureau: Census Tract 104.19 (all), Census Tract 104.20 (all), and Census Tract 104.16 (Block Group 3).

A comprehensive inventory of all existing retail tenants and vacancies in the trade area was conducted. The total inventory of competitive retail space in the trade area is estimated at approximately 84,500 square feet, as shown at Table 4.4-1.

Table 4.4-1
Inventory of Existing Retail Development
Joshua Tree Retail Trade Area

Retail Category	Square Feet
Apparel	550
General Merchandise	N/A
Home Furnishings and Appliances	N/A
Specialty/Other	31,000
Food (Grocery/Convenience)	12,601
Food Service and Drinking	13,506
Bldg. Materials/Garden Equip./Supplies	N/A
Auto Parts	N/A
Services Spaces	22,975
Vacant Spaces	3,881
Total	84,513

Source: *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014.



NOT TO SCALE

Source: The Natelson Dale Group

Figure 4.4-1
Trade Area Map

With the exception of one small strip shopping center³, all of the trade area's retail space is contained in freestanding buildings (i.e., not in anchored shopping centers), mostly located along Highway 62. The overall retail vacancy rate in the trade area is estimated at 4.6 percent⁴, which is at the low end of the range (5 to 10 percent) generally considered to be reflective of a healthy retail market⁵. The trade area's vacancy rate is well below the current (3rd Quarter, 2014) 10.3 percent national vacancy rate for neighborhood and community shopping centers⁶. The very low vacancy rate in Joshua Tree reflects a strong commercial real estate market, and is generally indicative of a trade area that is positioned to absorb additional retail development.

4.4.2 Impact of Project Sales

4.4.2.1 General Merchandise Sales

As indicated at Table 3.4-1 (presented previously in Section 3.0), the Project would include 4,500 square feet of sales area devoted to GAFO merchandise. In addition, it can be assumed that half (300 square feet) of the stockroom area would be related to the GAFO sales. Therefore, the total new space related to the GAFO category is 4,800 square feet.

The demand analysis presented in the Urban Decay Study indicates existing (year 2014) market support for \$13.4 million in GAFO retail sales in the trade area⁷. The \$13.4 million in market demand translates into approximately 53,709 square feet of GAFO retail space

³ Starr Plaza, located at 61380 Highway 62 and anchored by a small grocery store.

⁴ Please refer also to Section II-B of the Urban Decay Study (EIR Appendix D).

⁵ "Real Estate Principles: A Value Approach, 3rd Ed., 2010, Ling and Archer." According to the standard real estate textbook used in real estate courses at both undergraduate and graduate levels, the natural vacancy rate, for purposes of estimating potential gross income, for apartment, office, and retail properties is 5 to 15 percent. The textbook indicates that this is the typical vacancy rate when the market is in equilibrium.

⁶ As estimated by REIS, the nation's leading provider of commercial real estate information. See <http://www.reuters.com/article/2014/10/03/us-retail-usa-idUSKCN0HS06L20141003>. Accessed on 12/2/2014.

⁷ The estimated GAFO demand of \$13.4 million is very conservative in that it assumes that the trade area will capture only 40 percent of potential resident and visitor demand (with the other 60 percent "leaking" to retail facilities in larger communities).

that could be currently supported in the trade area. Based on the field survey completed for the Study, there is approximately 31,550 square feet of existing GAFO space in the trade area. Thus, it can be estimated that the trade area could currently support approximately 22,159 square feet of additional GAFO space over and above the existing inventory.

Within the trade area, potential demand for new retail space in the GAFO retail categories is projected to grow. Table 4.4-2, below, presents the growth in demand that can be expected within the trade area from 2014 to 2019.

Table 4.4-2
Potential Demand for New GAFO Retail Space (sq. ft.)
Joshua Tree Retail Trade Area

Retail Category	2014	2015	2016	2017	2018	2019
GAFO	22,159	22,370	22,581	22,794	23,007	23,222

Source: *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014.

As shown above, by 2019, the projected demand for new GAFO retail space within the Joshua Tree Retail Trade Area would be approximately 23,222 square feet. Given that the Project would result in 4,800 square feet of GAFO retail space, which is well within the level of residual market support for GAFO space in the trade area, the general merchandise component of the Project will not have significant competitive impacts on existing stores within the trade area.

4.4.2.2 Food (Grocery) Sales

The grocery component of the Project would total 4,300 square feet (4,000 square feet of grocery sales area, plus 300 square feet of grocery stockroom/support space).

The demand analysis presented in the Urban Decay Study indicates existing (year 2014) market support for \$8.4 million in food store (grocery) sales in the trade area⁸. The \$8.4

⁸ The estimated grocery demand of \$8.4 million is very conservative in that it assumes that the trade area will capture only 40 percent of potential resident and visitor demand (with the other 60 percent “leaking” to retail facilities in larger communities).

million in market demand translates into approximately 18,742 square feet of food store space that could be currently supported in the trade area. Based on estimates from the field survey completed for the Study, there is approximately 12,601 square feet of existing food store space within the trade area (including 6,563 square feet of freestanding grocery markets and 6,038 square feet of gas station convenience stores). Therefore, it can be estimated that the trade area could currently support approximately 6,141 square feet of additional grocery space over and above the existing inventory.

Within the trade area, potential demand for new grocery space is projected to grow. Table 4.4-3, below, presents the growth in demand that can be expected within the trade area from 2014 to 2019.

**Table 4.4-3
Potential Demand for New Food Store Space (sq. ft.)
Joshua Tree Retail Trade Area**

Retail Category	2014	2015	2016	2017	2018	2019
Grocery Stores	6,141	6,214	6,286	6,359	6,433	6,506

Source: *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014.

As shown above, by 2019, the projected demand for new grocery space within the Joshua Tree Retail Trade Area would be approximately 6,506 square feet. Given that the Project would result in 4,300 square feet of grocery space, which is well within the level of residual market support for grocery space in the trade area, the grocery component of the Project will not have significant competitive impacts on existing stores within the trade area.

4.4.3 Cumulative Impacts

Based on a comprehensive review by County Land Use Services staff, there are currently no other planned or pending retail development projects within the trade area. As such, there would be no cumulative economic impacts beyond the impacts presented in the preceding discussions.

4.4.4 Potential for Urban Decay

As presented above, the Project would not have significant impacts on existing retail businesses in the trade area. The general merchandise and grocery space associated with the Project would be well within the envelope of available demand for new space and thus is not projected to result in the closure of existing GAFO or grocery stores. This conclusion reflects the following factors:

- The Project is relatively small in size and would fill a “niche” of market demand that is currently under-served in the trade area. In effect, rather than competing with existing stores for the same demand, the Project would be re-capturing demand that currently leaves the community entirely.
- The existing retail commercial market in Joshua Tree, although limited in size, is strong in terms of occupancy levels. The existing vacancy rate of 4.6 percent is well below the national average and is reflective of a healthy real estate market.
- Although the Urban Decay Study identified several vacant retail buildings in the trade area, these buildings are not likely to attract tenant types that are directly competitive with the Project. As such, the Project would not affect their reuse potentials. Several non-retail commercial vacancies were also identified. Again, due to the tenant types that are likely for these buildings, the Project would not affect their reuse potentials.⁹

Based on the preceding analysis, the Project would not cause significant competitive impacts on existing retail facilities in the trade area and consequently have the potential to result in “urban decay”. The Project’s impacts in this regard are less-than-significant.

⁹ Please refer also to Section II-B of the Urban Decay Study (EIR Appendix D).

5.0 OTHER CEQA CONSIDERATIONS

5.0 OTHER CEQA CONSIDERATIONS

This Section of the EIR addresses Cumulative Impacts, Significant Environmental Effects of the Project, and Significant and Irreversible Environmental Changes.

5.1 CUMULATIVE IMPACT ANALYSIS

The *CEQA Guidelines* require that an EIR identify any significant cumulative impacts associated with a project [*CEQA Guidelines*, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. Cumulative impacts are “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” [*CEQA Guidelines*, Section 15355]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and with other related past, present, and foreseeable probable future projects, whose impacts might compound or interrelate with those of the Project considered here.

The Project Urban Decay Study is, by definition, a cumulative impact analysis. That is, the Study evaluates potential competitive and “urban decay” effects of the Project in the context of similar existing commercial/retail development and known or probable related commercial/retail projects. As supported by the findings of the Project Urban Decay Study, there would be sufficient market demand to support the proposed Project without negatively impacting existing retailers in the trade area. This conclusion is based on consideration of current market conditions, findings regarding diverted sales and existing leakage to surrounding communities. The Study also examined the potential for re-tenanting of existing retail buildings. Additionally, as stated within the Study, “Based on a comprehensive review by County Land Use Services staff, there are currently no other planned or pending retail development projects within the trade area considered in this

analysis. Thus, there would be no cumulative economic impacts beyond the impact associated with the proposed project itself...”¹

For other environmental topical areas of consideration addressed within the Adopted MND, Project impacts were determined to be less-than-significant and no further substantive cumulative analysis is required.

5.2 SIGNIFICANT ENVIRONMENTAL EFFECTS

An EIR must identify any significant environmental effects that would result from the Project. (Public Resources Code, §21100, subd. (b)(2)(B).) As substantiated within the Adopted MND and Section 4.0 of this EIR, the Joshua Tree General Retail Project would not result in any significant environmental impacts.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The *CEQA Guidelines* sections 15126 (c), 15126.2 (c) & 15127 require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented. As presented at *CEQA Guidelines* section 15127, the topic of Significant Irreversible Environmental Changes need be addressed in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A project which would be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321-4347.

The Project does not meet any of the above criteria; nor would the Project result in any significant irreversible environmental changes.

¹ *Urban Decay Study for Proposed Retail Project Joshua Tree, CA* (Natelson Dale Group, Inc.) December 12, 2014, Page 9.

6.0 ACRONYMS AND ABBREVIATIONS

6.0 ACRONYMS AND ABBREVIATIONS

AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
EIR	Environmental Impact Report
GAFO	General Merchandise, Apparel, Furniture, and Other Specialty Retail
IS	Initial Study
JTDBA	Joshua Tree Downtown Business Alliance
msl	mean sea level
MDAQMD	Mojave Desert Air Quality Management District
MND	Mitigated Negative Declaration
MUTCD	Manual of Uniform Traffic Control Devices
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
RWQCB	Regional Water Quality Control Board
SCH	State Clearinghouse

7.0 REFERENCES

7.0 REFERENCES

PERSONS AND ORGANIZATIONS CONSULTED

County of San Bernardino

Ernest Perea, Contract Planner

Heidi Duron, Supervising Planner

Project Applicant

Dynamic Development Company, LLC.

1725 21st Street

Santa Monica, CA 90404

EIR PREPARERS

Applied Planning, Inc.

Ross S. Geller, Principal

Charly Ray, Senior Project Manager

Jani Monk, Project Manager

Amy Flores, Assistant Project Manager

Jennifer Gilbert, Staff Editor

The Natelson-Dale Group, Inc.

Roger Dale, Managing Principal

Alan Levenson, Senior Associate

DOCUMENTS CONSULTED

APN: 0603-205-04, Dynamic Development, LLC, P201100357/CUP ENVIRONMENTAL INITIAL STUDY, November 6, 2012

Urban Decay Study for Proposed Retail Project Joshua Tree, CA (Natelson Dale Group, Inc.) December 12, 2014

Joshua Tree Community Plan, County of San Bernardino, March 13, 2007