

**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:**

<b>APNs:</b>	0357-421-15	<b>USGS Quad:</b>	Hesperia
<b>Applicant:</b>	Blue Mist LLC (formerly Yellow Canary Ventures)	<b>T, R, Section:</b>	T03N, R05E, Section 2, NE 1/4
<b>Location</b>	Southeast Corner of Ranchoero Road and Escondido Ave	<b>Thomas Bros</b>	P4565/Grid F5
<b>Project No:</b>	PRAA-2023-00020	<b>Community Plan</b>	Oak Hills
<b>Rep</b>	Sara Kaseeb Blue Mist LLC 20158 Yucca Loma Apple Valley, CA 91356 Phone: (805) 801-4676	<b>Land Use Category:</b>	Commercial (C)
		<b>Zoning Designation</b>	Oak Hills/Neighborhood Commercial (OH/CN)
<b>Proposal:</b>	A Minor Revision to an approved action to redesign a previously approved project that includes the construction of a 7,839 square foot convenience store with a drive-through restaurant, an eight-fuel dispenser gas station with a 6,720 square foot canopy and the addition reciprocal access by way of an agreement (easement) to the development adjacent to the east by way of two additional driveways.	<b>Overlays:</b>	Paleontological Overlay Fire Safety Overlay (FS-2)

**1 PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

**Contact person:** Jon Braginton, Senior Planner

**Phone No:** 760-776-6144    **Fax No:** 909-387-3223

**E-mail:** Jon.Braginton@lus.sbcounty.gov

## **2 USE OF AN ADDENDUM TO A MITIGATED NEGATIVE DECLARATION**

This document is prepared as Addendum No. 1 to the Initial Study/Mitigated Negative Declaration titled *County of San Bernardino Initial Study Environmental Checklist Form, Applicant: Yellow Canary Ventures, LLC* dated September 2, 2010. Since the time of the preparation of the Initial Study, Yellow Canary Ventures LLC reorganized and became known as Blue Mist LLC.

This Addendum has been prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which provides for the use of this form of environmental documentation when minor technical changes or additions are necessary.

The CEQA Guidelines indicate that an Addendum need not be circulated for public review but can be included in or attached to the adopted Negative Declaration. This Addendum addresses a modification to the project description as presented in the current application. It addresses a project description change consisting of a revision to the Reclamation Plan to excavate the North Quarry to a uniform depth of 150 feet below ground surface (bgs).

This document evaluates the differences, if any, in potential environmental impacts and mitigation measures considered in the previous CEQA document.

## **3 PROJECT DESCRIPTION:**

### ***Summary***

The Proposed Project is Minor Revision PRAA-2023-00020 which consists of a redesign of the previously approved Project that includes the construction of a 7,839 square foot convenience store/retail outlet, an eight-fuel dispenser gas station with a 6,720 square foot canopy and a 500 gallon propane tank for sales on the southeast corner of Escondido Avenue and Rancho Road in the Oak Hills area (refer to **Figure 1- Regional Location** and **Figure 2 – Project Location: Aerial** and **Figure 3 – Project Location: USGS**). The Proposed Project removes the car wash and drive through restaurant, which were also included in the 2010 Initial Study/Mitigated Negative Declaration analysis. Therefore, the 2010 Initial Study/Mitigated Negative Declaration addressed a larger Project than currently proposed.

### ***Background***

In October 2010, San Bernardino County (County) adopted an Initial Study/Mitigated Negative Declaration and approved a Conditional Use Permit to establish a 6,375 square foot gas station, convenience store, fast-food establishment with a drive through, and a 3,000 square foot carwash in two phases on a 3.17 acre portion of 13.6 acres and Tentative Parcel Map 19030 to create two commercial parcels on 13.6 acres on the southeast corner of Escondido Avenue and Rancho Road in the Oak Hills area. The County authorized the action as P200800270 (refer to **Appendix F - San Bernardino County Initial Study Checklist Form, Yellow Canary Ventures**).

In April 2017, the County administratively approved Minor Revision P201400514 that extended the date for filing the Tentative Parcel Map to May 9, 2020. Due to construction delays and the COVID-19 pandemic, the County granted the Applicant until March 12, 2024 to file Tentative Parcel Map 19030.

In October 2020, the California Fish and Game Commission designated the western Joshua Tree as a candidate species for listing as threatened under the California Endangered Species Act (CESA). During the candidacy period, and until a listing decision is made, the western Joshua

tree is afforded all the legal protections of a listed species, such that an applicant must secure take authorization for impacts to the species. The western Joshua tree is also a covered species under the CA Desert Plant Protection Act. The California Department of Fish and Wildlife (CDFW) can issue a permit under CESA to remove the Joshua Tree, but the permit can only be issued after the CDFW complies with CEQA. The CDFW can rely on the Applicant's CEQA document to issue the permit.

The 2010 Initial Study did not identify any Joshua trees that existed on site. However, a January 2021 biological survey performed identified that four Joshua Trees existed primarily in the northwestern and eastern central portion of the parcel. Based on the results of the survey, the trees were all under approximately 3 feet high. Given that the trees are considered juvenile, it is unknown if they were established after the preparation of the 2010 Initial Study.

In January 2022, the County administratively approved Minor Revision PRAA-2020-00037 to establish a 6,375 square foot gas station, convenience store, and drive-through restaurant that would be constructed in a single phase. The County determined that an Addendum to the 2010 Initial Study would be prepared.

In June 2023, the Applicant removed the drive-through restaurant element from the previously approved Project and adding reciprocal access by way of an agreement (easement) to the development adjacent to the east by way of two additional driveways, resulting in the current action (PRAA-2023-00020).

On July 10, 2023, the State approved the Western Joshua Tree Conservation Act (WJTCA) which serves to replace the CESA candidate listing, although the California Department of Fish and Game Commission must still decide whether to continue to list the species as a candidate. The WJTCA requires applicants to obtain a CDFW permit to remove the western Joshua trees and sets forth a fee schedule to be paid or obtain a removal permit under the CESA regulations. The CDFW permit issuance under the WJTCA must also comply with CEQA.

### ***Rationale for Preparation of An Initial Study Addendum***

The Proposed Project is a project under the California Environmental Quality Act (Public Resource Code § 21000 et seq.: "CEQA"). The primary purpose of CEQA is to inform the public and decision makers as to the potential impacts of a project and to allow an opportunity for public input to ensure informed decision-making. CEQA requires all state and local government agencies to consider the environmental effects of projects over which they have discretionary authority. CEQA also requires each public agency to mitigate or avoid any significant environmental impacts resulting from the implementation of projects subject to CEQA.

Pursuant to Section 15367 of the State CEQA Guidelines, the County is the lead agency for the Proposed Project. The lead agency is the public agency that has the principal responsibility for conducting or approving a project. The County, as the lead agency for the Proposed Project, is responsible for preparing environmental documentation in accordance with CEQA to determine if approval of the discretionary actions requested and subsequent development of the Proposed Project would have a significant impact on the environment.

Minor Revision PRAA-2020-00037, approved administratively in January 2022, included changes to land uses and development that were previously analyzed in a previously adopted environmental document. Mitigation measures were adopted to reduce impacts to less than significant.

The current Proposed Project is Minor Revision PRAA-2023-00020 which proposes additional revisions to the Project, namely removing the drive-through restaurant and adding reciprocal access by way of an agreement (easement) to the development adjacent to the east by way of two additional driveways. Entitlements include the following:

- Site Plan Approval for PRAA-2023-00020 to approve a 7,839 square foot convenience store with a drive-through restaurant, an eight-fuel dispenser gas station with a 6,720 square foot canopy and a 500-gallon propane tank for sales in the Oak Hills area.

Additionally, the Proposed Project would require the removal of four Western Joshua Trees, the impacts of which were not identified in the 2010 Initial Study or Mitigation Monitoring and Reporting Program.

Pursuant to CEQA Guidelines Section 15162, a subsequent Mitigated Negative Declaration would be required if new significant environmental effects were identified or a substantial increase in the severity of previously identified effects were expected pursuant to the Minor Revision PRAA-2023-00020, and the removal of four Western Joshua Trees.

The following discussion demonstrates that Minor Revision PRAA-2023-00020, and the removal of four Western Joshua Trees is within the scope of the environmental analysis presented in the October 2010 Initial Study/Mitigated Negative Declaration, and that the proposed project will not result in any new significant impacts or require any new or augmented mitigation measures. No further environmental review is required at this time to approve the project as proposed.

#### **4 PROJECT EVALUATION – SITE PLAN**

##### ***Project Location, Existing Site Land Uses and Existing Conditions***

The Project Site location has not changed since the 2010 Initial Study approval. The Project Site is located on the southeast corner of Ranchoero Road and Escondido Avenue in the San Bernardino County unincorporated community identified as Oak Hills. Regional access is provided by Interstate 15 (I-15), approximately 3.6 miles west of the project site. Local access is provided from Ranchoero Road and Escondido Avenue. Project Site access would be provided from the two proposed driveways (one on each Escondido Avenue and Ranchoero Road).

The Project Site is currently vacant and has been graded. The County's Countywide Plan designates the Project area as Commercial (C) and zoned Oak Hills/Neighborhood Commercial (OH/CN), as are the adjacent properties to the north and west of the Project Site, which have not changed since the 2010 Initial Study (**Figure 4 – Project Site Zoning**).

##### ***Site Development***

The Proposed Project includes the following which are shown on **Figure 5 – Site Plan Approved 1/19/22** and on **Figure 6 – Revised Site Plan (Proposed Project)**. Overall, the Project would be developed on the southeast corner of Ranchoero Road and Escondido Road within the northern portion of the site, with an 11,014 square foot (SF) area (approx. 0.25 acre) strip along the southern boundary to remain undeveloped for future use that has not yet been identified.

The Site Plan identifies the following features:

- Two driveways: one 40-foot-wide driveway off of Ranchoero Road, one 34-foot-wide driveway off of Escondido Avenue;

- A 6,720 square foot (SF) fueling station to be located on the northwest corner of the site that contains eight vehicle positions with solar panels to be installed as canopy roof;
- 7,839 SF building located on the southern portion of the Project Site that would contain 5,029 SF convenience store on the west side and 2,810 SF of retail space on the eastern end of the building. The building height would be 23 feet where a maximum of 35 feet is allowed in the OC/CN Zoning District (**Figure 7 – Elevations**).

### Landscaping

Approximately 21,299 sf (20%) of the Project Site would be landscaped. Landscaping would be provided along the Rancho Road and Escondido Project Site frontages, as well as along the western property boundary, southern boundary (south of the building), and eastern property boundary. Water-efficient landscaping would be used throughout the Project Site.

### Utilities:

- Water: San Bernardino County Special District 70 – Zone J
- Sewer/Wastewater: On-Site seepage pit system on the southeastern corner of the site
- Stormwater: The site will drain to the northeast corner, where treatment will be handled by a catch basin filter and underground infiltration chamber system that is designed to meet 100-year peak runoff.

### Grading

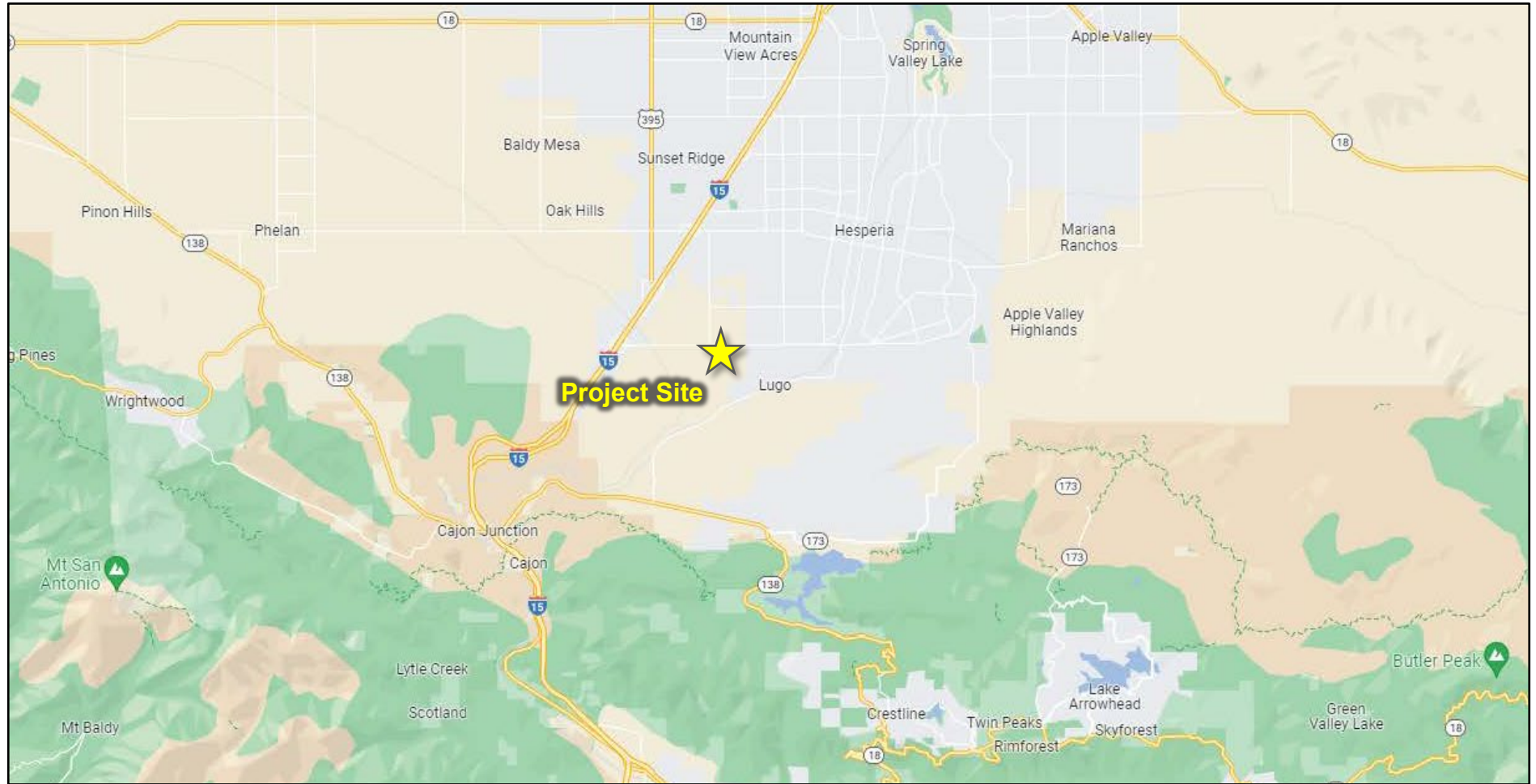
Approximately 2 acres of the 2.29-acre parcel would be disturbed as a part of the Project. Project grading assumes approximately 1,340 cubic yards of cut and 875 cubic yards of fill. See **Figure 8 – Preliminary Grading Plan**.

### **Operations**

One of two tenants have been identified. Tripco Fuel, which also has locations in Hesperia, will operate the convenience store and fueling station. It is anticipated that the convenience store would be open 24 hours per day, 7 days a week and be staffed by three employees. The tenant for the retail outlet has not yet been identified.

On-site circulation includes all-way access from both Escondido Avenue and Rancho Road. Parking would be provided by 50 vehicle parking stalls, including three American with Disabilities Act (ADA) stalls, and four electric vehicle (EV) charging stalls. The charging stalls will be fully developed with credit-card pay chargers.

Initial Study Amendment PRAA-2023-00020  
Blue Mist LLC (formerly Yellow Canary Ventures) – Convenience Store/Gas Station  
APN: 0357-421-15  
April 2024









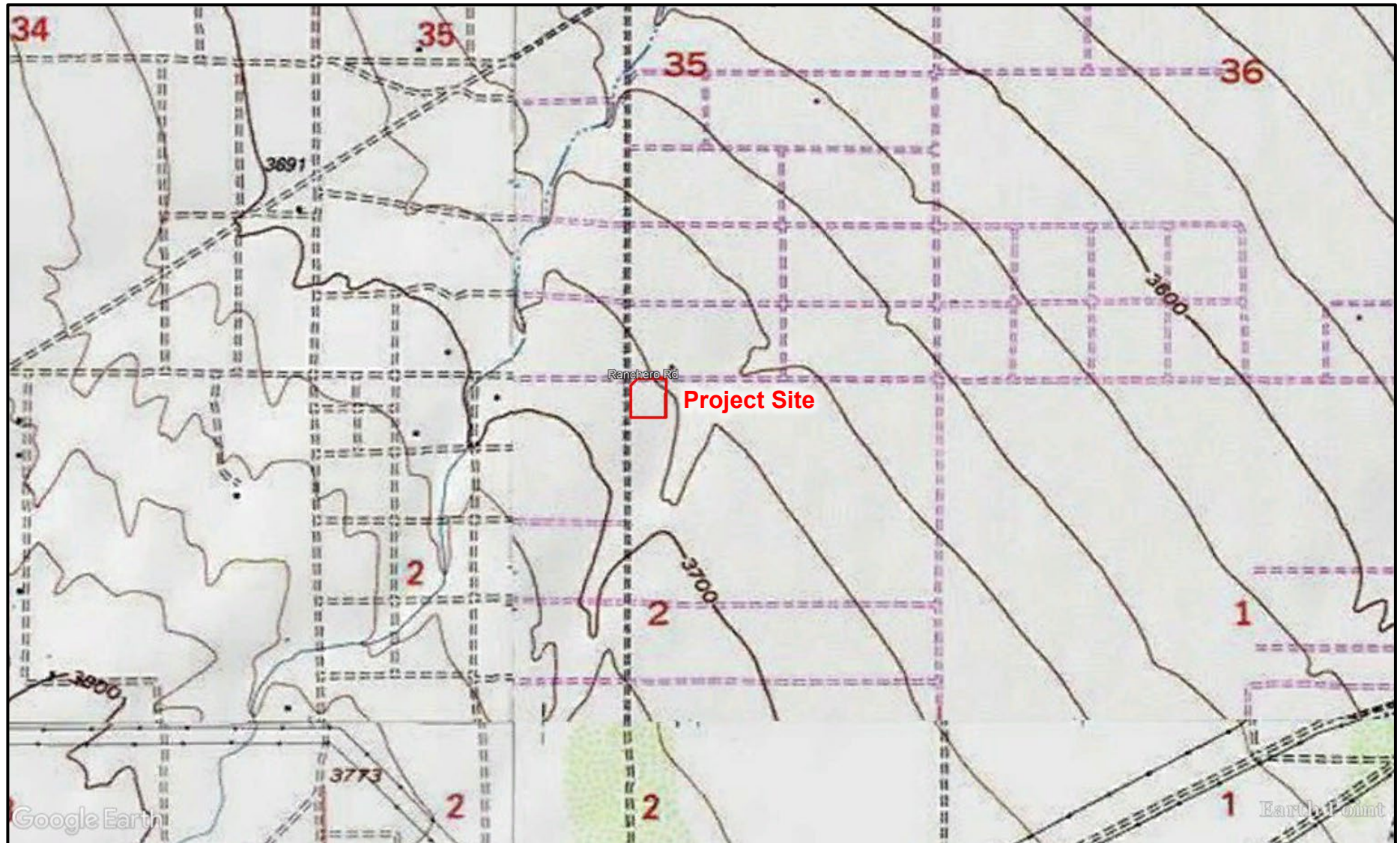


Figure 3 - Project Location: USGS  
Source: Google Earth Point Topo  
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Initial Study Amendment PRAA-2023-00020  
 Blue Mist LLC (formerly Yellow Canary Ventures) – Convenience Store/Gas Station  
 APN: 0357-421-15  
 April 2024

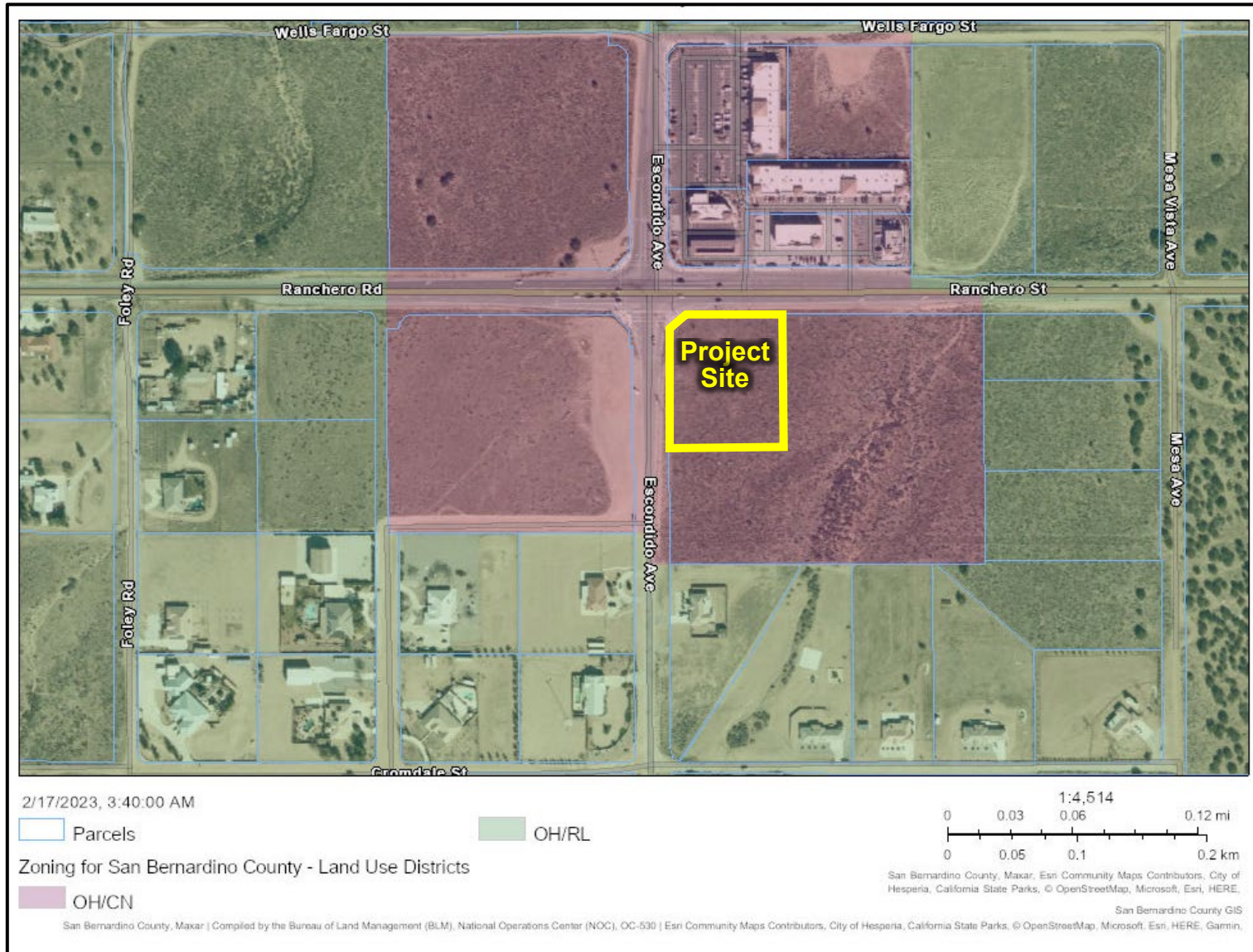


Figure 4 – Project Site Zoning  
 Source: San Bernardino County Parcel Viewer  
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Initial Study Amendment PRAA-2023-00020  
 Blue Mist LLC (formerly Yellow Canary Ventures) – Convenience Store/Gas Station  
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 April 2024

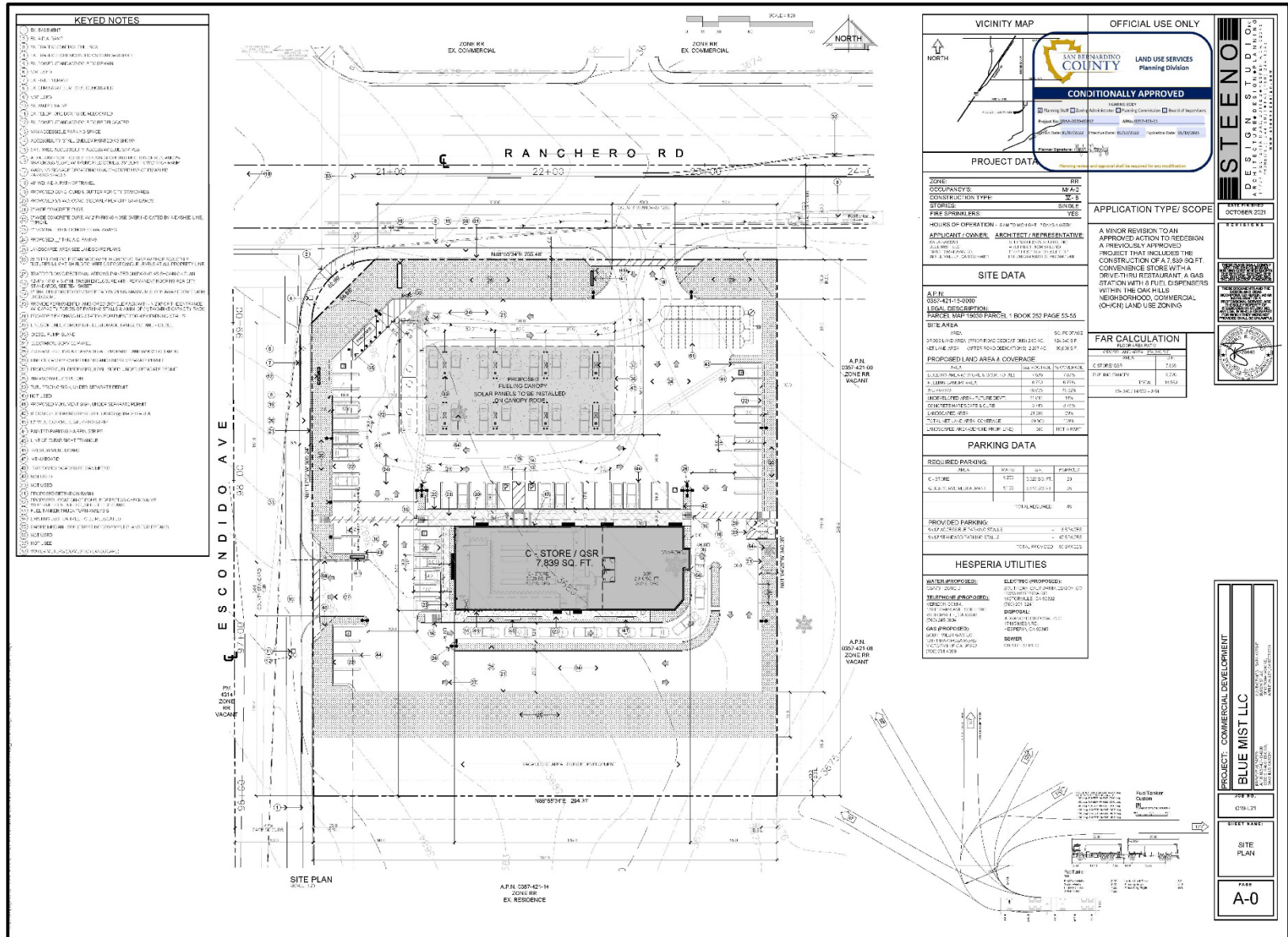


Figure 5 – Site Plan Approved 1/19/22  
 Source: San Bernardino County Application Materials  
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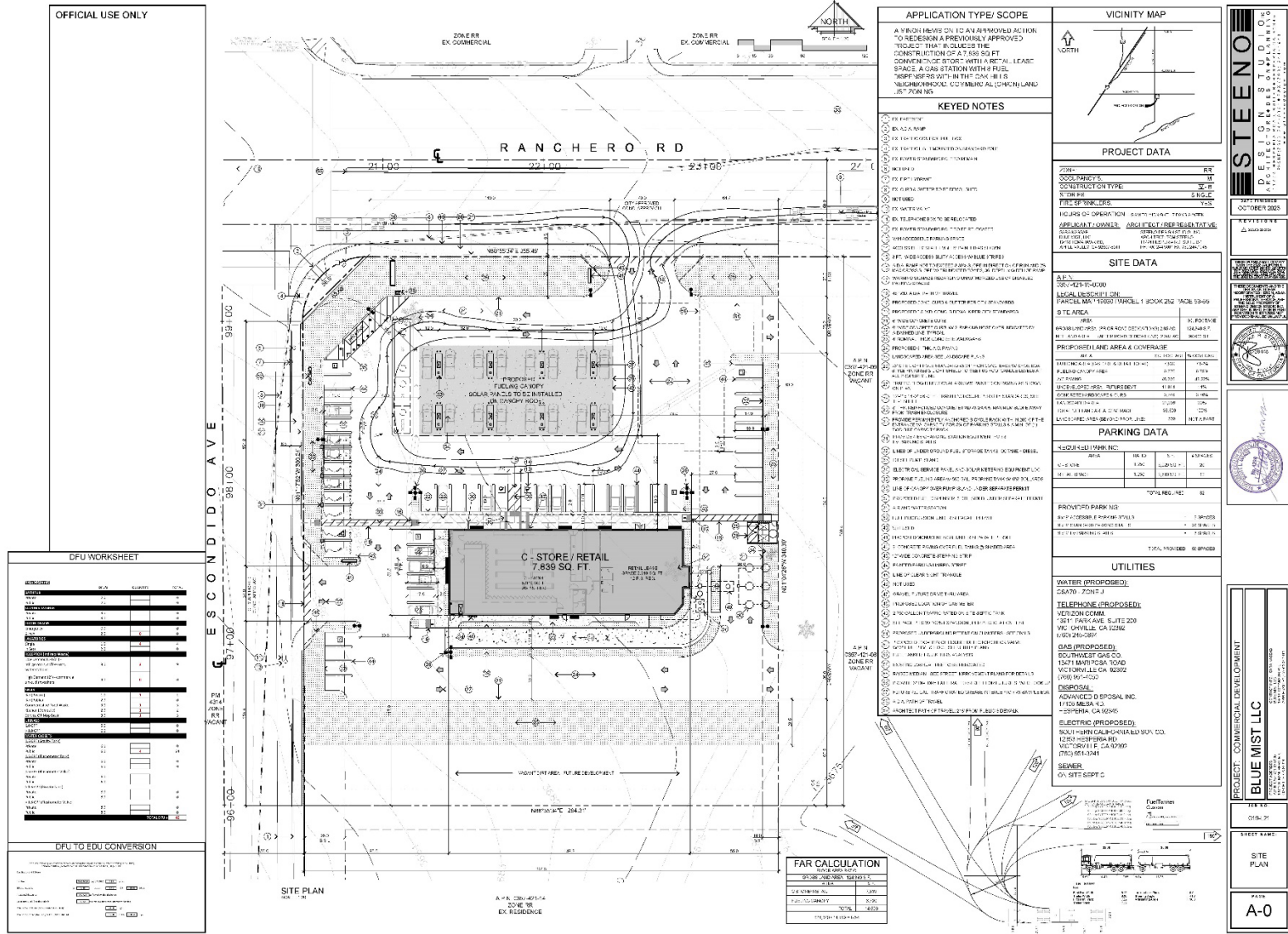
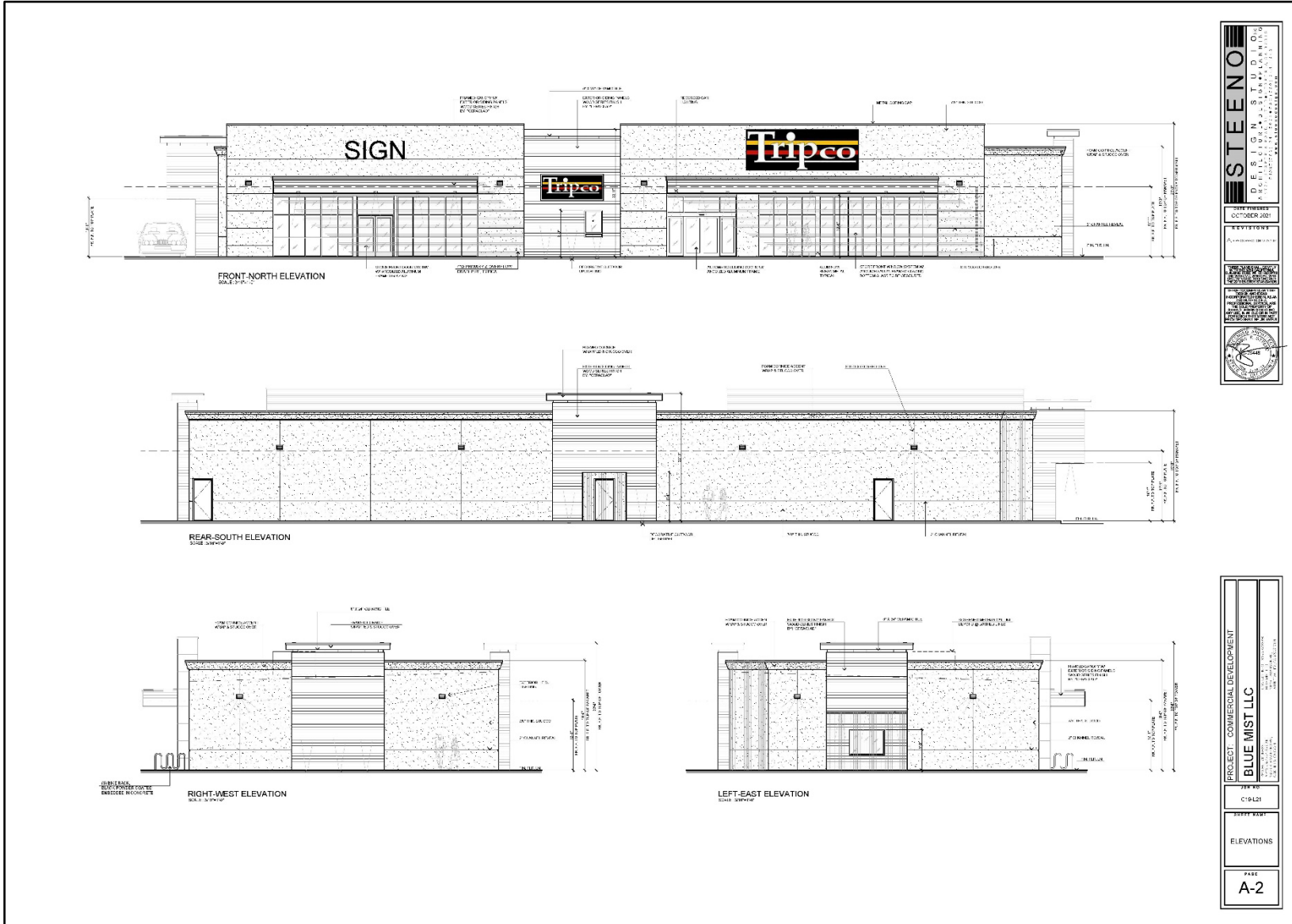
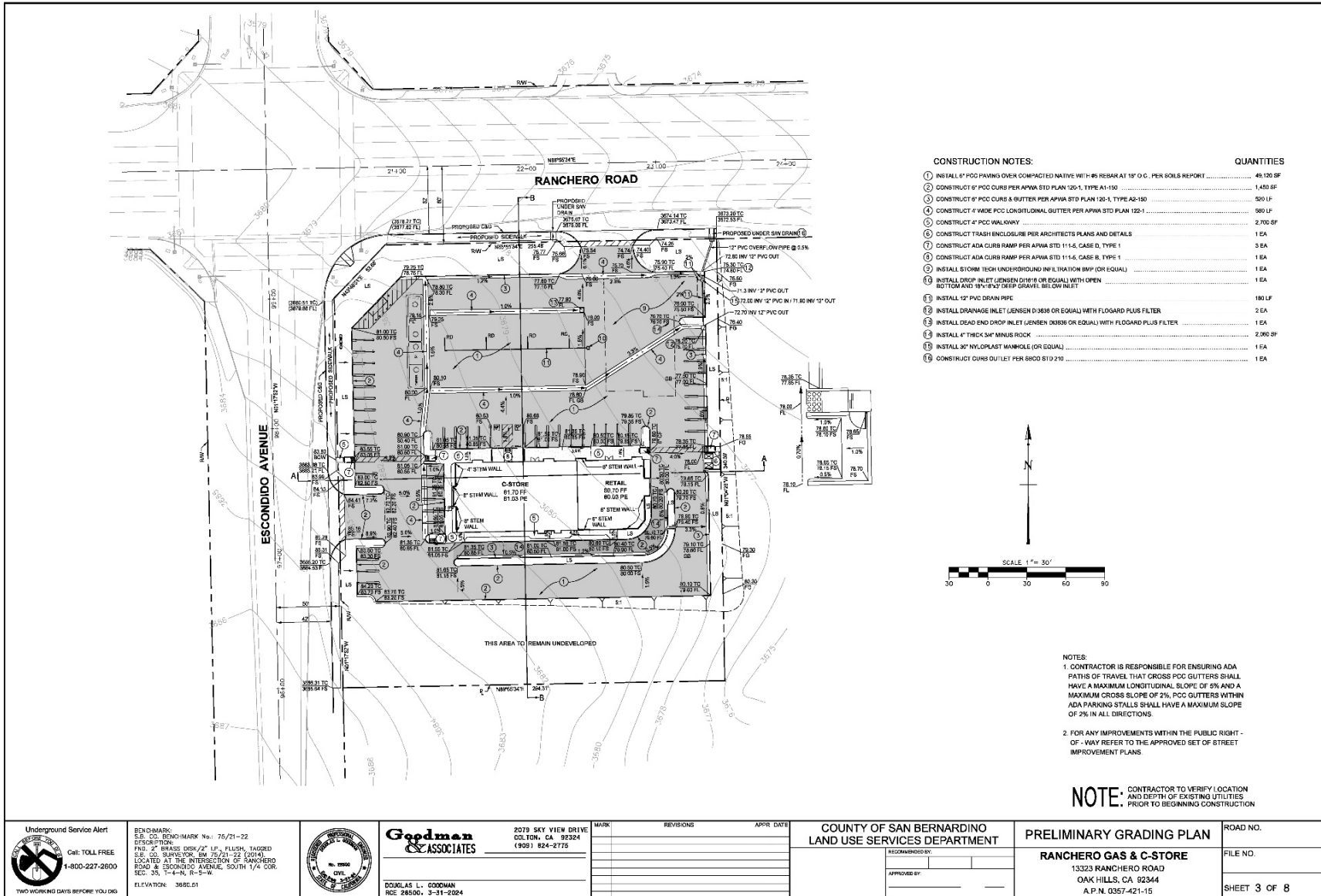


Figure 6 – Revised Site Plan (Proposed Project)  
 Source: San Bernardino County Application Materials  
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## **5 PROJECT EVALUATION – ENVIRONMENTAL CHECKLIST**

### ***Aesthetics***

There have been no substantive changes to the Project Site’s overall design. The buildings in the Proposed Project would be designed to comply with the maximum 35-foot height limit for the OC/CN Zoning District.

The 2010 Initial Study identified that mitigation measures are required as a condition of project approval to reduce any potential impacts to a level below significance, and the mitigation measures would be implemented with the Proposed Project. Therefore, with the implementation of Mitigation Measure 1a, impacts would remain less than significant as identified in the 2010 Initial Study/Mitigated Negative Declaration.

#### ***[Mitigation Measure 1 a]***

*To ensure that the proposed development is an aesthetic enhancement to the area, the applicant shall submit exterior architectural elevations of the proposed and existing development for review and approval by the Planning Department prior to issuance of building permits.*

*In order to improve the existing visual character of the site, landscaping along Rancho Road and Escondido Avenue is required.*

*Implementation of the above mitigation measure shall reduce potential aesthetic or scenic impacts to below a level of significance.*

### ***Agriculture and Forestry Resources***

The 2010 Initial Study did not identify any impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Therefore, there would be no impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

### ***Air Quality***

Reference: *Air Quality, Greenhouse Gas and Energy Impact Study*, prepared by MD Acoustics, LLC, February 27, 2023 (Appendix A)

Because the Project’s Initial Study is 13 years old, an Air Quality, Greenhouse Gas and Energy Impact Study was prepared in February 2023 for the Proposed Project using the latest regulations and guidelines (Appendix A) to ensure the Project was still consistent with the latest guidelines. Construction and operational emissions were modeled using CalEEMod version 2020.4.0 and identified that the Proposed Project would not exceed thresholds (refer to **Table 1: Construction Emissions (pounds/day)** and **Table 2: Operational Emissions (tons/year)**).

**Table 1:  
 Construction Emissions (pounds/day)**

Activity	Pollutant Emissions					
	VOC	NOx	CO	SO <sub>2</sub>	PM10	PM2.5
<b>Daily Emissions (pounds/day)</b>						
2023	2.00	26.00	19.10	0.07	10.10	4.85
2024	6.60	11.30	12.20	0.02	0.60	0.43
<b>Maximum</b>	<b>6.60</b>	<b>26.00</b>	<b>19.10</b>	<b>0.07</b>	<b>10.10</b>	<b>4.85</b>
<b>MDAQMD Thresholds</b>	<b>137</b>	<b>137</b>	<b>548</b>	<b>137</b>	<b>82</b>	<b>65</b>
<b>Exceeds Thresholds</b>	No	No	No	No	No	No

Notes:

<sup>1</sup> Source: CalEEMod Version 2022.1

<sup>2</sup> On-site emissions from equipment operated on-site that is not operated on public roads. On-site grading PM10 and PM2.5 emissions show mitigated values for fugitive dust for compliance with MDAQMD Rule 403.

<sup>3</sup> Off-site emissions from equipment operated on public roads.

<sup>4</sup> Construction, architectural coatings and paving phases may overlap.

Table 1 shows that construction pollutant emissions would remain below their respective thresholds with implementation of required MDAQMD Rule 403.2. The Project would also be required to comply with MDAQMD Rules 402 and 1113, which prohibit nuisances and limit VOC content in paints, respectively. Compliance with MDAQMD Rules 402 and 1113 would further reduce specific construction-related emissions. As identified in the table, all criteria pollutant emissions would remain below their respective thresholds and impacts would be less than significant.

**Table 2:  
 Operational Emissions (tons/year)**

Activity	Pollutant Emissions <sup>1</sup>					
	VOC	NOx	CO	SO <sub>2</sub>	PM10	PM2.5
<b>Annual Emissions (tons/year)</b>						
Area Sources <sup>2</sup>	0.04	0.00	0.03	0.00	0.00	0.00
Energy Usage <sup>3</sup>	0.00	0.01	0.01	0.00	0.00	0.00
Mobile Sources <sup>4</sup>	1.74	1.73	12.00	0.03	0.91	0.17
<b>Total Emissions</b>	<b>1.78</b>	<b>1.74</b>	<b>12.04</b>	<b>0.03</b>	<b>0.91</b>	<b>0.17</b>
<b>MDAQMD Annual Thresholds</b>	<b>25</b>	<b>25</b>	<b>100</b>	<b>25</b>	<b>15</b>	<b>12</b>
<b>Exceeds Threshold?</b>	No	No	No	No	No	No

Notes:

<sup>1</sup> Source: CalEEMod Version 2022.1

<sup>2</sup> Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.

<sup>3</sup> Energy usage consists of emissions from on-site natural gas usage.

<sup>4</sup> Mobile sources consist of emissions from vehicles and road dust.

Table 2 shows that the Project does not exceed the MDAQMD regional emissions thresholds. Therefore, operational emissions are considered to be less than significant.

The 2010 Initial Study identified the following mitigation measures to reduce potential impacts to Air Quality. These mitigation measures would be implemented with the Proposed Project. It should be noted that the Applicant is required to comply with the Mitigation Measures identified in the 2010 Initial Study but is also required to comply with the latest MDAQMD regulations if they are stricter than what was identified in the 2010 Initial Study. Therefore, with the implementation of Mitigation Measure III a and Mitigation Measure III b 1-3, impacts would remain less than significant as identified in the 2010 Initial Study/Mitigated Negative Declaration.

**[Mitigation Measure III a]**

*Energy Efficiency. The Developer shall document that the design of the proposed structures exceeds the current Title 24 requirements by a minimum of five percent. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this mitigation, provided that the total increase in efficiency meets or exceeds the cumulative goal (105%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006):*

- *Incorporate dual paned or other energy efficient windows,*
- *Incorporate energy efficient space heating and cooling equipment,*
- *Incorporate energy efficient light fixtures, photocells, and motion detectors,*
- *Incorporate energy efficient appliances,*
- *Incorporate energy efficient domestic hot water systems,*
- *Incorporate solar panels into the electrical system,*
- *Incorporate cool roofs/light colored roofing,*
- *Incorporate other measures that will increase energy efficiency.*
- *Increase insulation to reduce heat transfer and thermal bridging.*
- *Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption).*

**[Mitigation Measure III b 1-3]**

**III b-1**

*Dust Control Plan. The developer shall submit a MDAQMD approved Dust Control Plan (DCP) to County Planning consistent with MDAQMD guidelines. The DCP shall contain proposed actions to reduce on-site and off-site dust production. This measure shall be implemented to the satisfaction of County Planning. Such activities shall include, but are not limited to, the following:*

- *Throughout grading and construction activities, exposed soil shall be kept moist through a minimum of twice daily watering to reduce fugitive dust.*
- *Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials. Site access driveways and adjacent streets will be washed if there are visible signs of any dirt track-out at the conclusion of any workday.*
- *All trucks hauling dirt away from the site shall be covered to prevent the generation of fugitive dust.*
- *During high wind conditions (i.e., wind speeds exceeding 25 mph) areas with disturbed soil will be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.*
- *Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder or covered with plastic or re-vegetated until placed in use.*



- *Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.*
- *Dirt on paved surfaces shall be removed daily to minimize generation of fugitive dust.*

### **III b-2**

*Construction Mitigation. The “developer” shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce impacts to GHG and submitting documentation of compliance. The developer/construction contractors shall do the following:*

- *Implement both the approved Dust Control and Coating Restriction Plans.*
- *Select construction equipment based on low-emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.*
- *Use low-sulfur fuel for stationary equipment. (SCAQMD Rules 431.1 and 431.2).*
- *Grading plans shall include the following statements:*
  - a. *“All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”*
  - b. *“All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”*
- *Minimize vehicles and equipment operating at the same time.*
- *Reduce daily equipment operation hours during smog season (May-October).*
- *Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag-person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.*
- *Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.*
- *During smog season (May through October), the overall length of the construction period shall be extended in order to decrease the size of the area prepared each day. This will minimize vehicles and equipment operating at the same time.*
- *The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.*

### **III b-3**

*MDAQMD-Permitting. Mojave Desert Air Quality Management District (MDAQMD will be contacted for the following:*

*The Mojave Desert Air Quality Management District (MDAQMD) requires the developer/applicant to obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under MDAQMD Rule 219:*

- *Equipment with a capacity of more than 793 gallons used exclusively for the storage and transfer of any oil that has been used for its intended purpose and subsequently designated for disposal or recycling.*
- *Equipment used exclusively for the storage and transfer of gasoline having a storage capacity of more than 250 gallons.*
- *Certain unheated, non-conveyorized, non-agitated solvent rinsing containers and unheated non-conveyorized coating dip tanks.*

*The applicant/developer must submit the applicable permit application(s) and associated permit fee(s) to MDAQMD.*

## **Biological Resources**

### References:

- *Joshua Tree Survey, 2.3-acre parcel (APN 0357-421-15)*, prepared by RCA Associates January 19, 2021 (Appendix B-1)
- *Habitat and Jurisdictional Assessment Update for the Proposed Autozone Project Located in San Bernardino County, California* prepared by ELMT Consulting, July 25, 2022 (Appendix B-2)

Section IV.a of the 2010 Initial Study identified that the Project would have “No Impact” related to 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 Wildlife or U.S. Fish and Wildlife Service. The rationale was that the Project Site is not located within designated Desert Tortoise habitat, had been previously graded, and did not support habitat for Desert Tortoise or any other sensitive species.

In October 2020, the California Fish and Wildlife (CDFW) designated the western Joshua tree as a candidate species for listing as threatened under the California Endangered Species Act (CESA). During the candidacy period, and until a listing decision is made, the western Joshua tree is afforded all the legal protections of a listed species, such that an applicant must secure take authorization for impacts to the species. The western Joshua tree is also a covered species under the CA Desert Plant Protection Act.

On July 10, 2023, the State approved the Western Joshua Tree Conservation Act (WJTCA) which serves to replace the CESA candidate listing, although the CDFW must still decide whether to continue to list the species as a candidate. The WJTCA requires applicants to obtain a permit through the California Department of Fish and Wildlife (CDFW) to remove the western Joshua trees and sets forth a fee schedule to be paid or obtain a permit through a CESA process.

The 2010 Initial Study did not identify any Joshua trees that existed on site. A January 2021 survey performed identified that four Joshua Trees existed primarily in the northwestern and eastern central portion of the parcel (Appendix B-1), with each under approximately 3 feet high. Given that the trees are considered juvenile, it is estimated that they may have been established prior after the preparation of the 2010 Initial Study.

The applicant is required to abide by all local, State and federal regulations regarding obtaining permits as required for various work. As a condition of approval, and prior to issuance of grading permits, or prior to the removal of the Western Joshua Trees on site, the County would require the applicant to provide evidence to the County that an Incidental Take Permit (ITP) from CDFW in compliance with either CESA or the WJTCA has been obtained to allow for the removal of any Western Joshua Trees. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

## **Cultural Resources**

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

## **Energy**

References: *Air Quality, Greenhouse Gas and Energy Impact Study*, prepared by MD Acoustics, LLC, February 27, 2023 (Appendix A)

Because the Project's Initial Study is 13 years old, an Air Quality, Greenhouse Gas and Energy Impact Study was prepared in February 2023 for the Proposed Project using the latest regulations and guidelines (Appendix A) to ensure the Project was still consistent with the latest guidelines.

Construction and Operations of the Proposed Project would require the typical use of energy resources. The Energy analysis in Appendix A identified that there are no unusual Project characteristics or construction or operational processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Project construction is required to comply with applicable California Air Resources Board (CARB) regulations regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with these measures would result in a more efficient use of construction-related energy and would minimize or eliminate wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

The Proposed Project has been designed to comply with the 2019 Building Energy Efficiency Standards. The County of San Bernardino would review and verify that the proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The proposed Project would also be required to adhere to CALGreen, which establishes planning and design standards for sustainable developments and energy efficiency. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

## **Geology and Soils**

Reference: *Preliminary Report of Geotechnical Investigations and Soils Infiltration Testing, Proposed Gas Station, Food Mart and C-Store*, prepared by Soils Southwest, February 23, 2021, (Appendix C)

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Since the preparation of the 2010 Initial Study, a soils report was prepared. The soils report identified that the Proposed Project conditions were similar to those analyzed in the 2010 Initial Study, and no further analysis for

environmental impacts was required. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

**Greenhouse Gas Emissions**

References: *Air Quality, Greenhouse Gas and Energy Impact Study*, prepared by MD Acoustics, LLC, February 27, 2023 (Appendix A)

The Initial Study Checklist at the time of the preparation of the Project’s 2010 Initial Study did not contain evaluation criterion for greenhouse gas. Section III Air Quality of the 2010 Initial Study identified Mitigation Measure IIIa to reduce the Project’s greenhouse gas emissions in accordance with the County’s policy to encourage the efficient use of energy resources. However, since that time the CEQA Initial Study checklist has been revised that dedicates a complete section to the study of a project’s greenhouse gas emissions.

As such, the Air Quality, Greenhouse Gas and Energy Impact Study was prepared in February 2023 for the Proposed Project using the latest regulations and guidelines (Appendix A) to ensure the Project was still consistent with the latest guidelines.

The Project would comply with the MDAQMD regulations and the County of San Bernardino "Greenhouse Gas Emissions Reduction Plan" (GHG Reduction Plan, adopted December 2011). The MDAQMD has identified thresholds of 100,000 tons per year or 548,000 pounds per day of CO2e emissions for individual projects. The GHG Reduction 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 GHG Reduction Plan pursuant to Section 15183.5 of the state CEQA Guidelines.

The greenhouse gas emissions evaluated in Appendix A identified that neither the construction or operations would exceed thresholds (refer to **Table 3: Construction Greenhouse Gas Emissions** and **Table 4: Opening Year Project-Related Greenhouse Gas Emissions**). Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

**Table 3:  
 Construction Greenhouse Gas Emissions**

Year	Metric Tons Per Year					
	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e (MT)
2023	0.00	180.00	180.00	0.01	0.00	182.00
2024	0.00	87.60	87.60	0.00	0.00	88.00
<b>Total</b>	0.00	267.60	267.60	0.01	0.00	270.00
<b>Annualized Construction Emissions</b>						9.00

Notes:

<sup>1</sup> MTCO<sub>2e</sub>=metric tons of carbon dioxide equivalents (includes carbon dioxide, methane and nitrous oxide).

<sup>2</sup> The emissions are averaged over 30 years.

\* CalEEMod output (Appendix A)



**Table 4:  
 Opening Year Project-Related Greenhouse Gas Emissions**

Category	Greenhouse Gas Emissions (Metric Tons/Year) <sup>1</sup>							(lbs/day)
	Bio-CO2	NonBio-CO2	CO2	CH4	N2O	R	CO2e	CO2e
Area Sources <sup>2</sup>	0.00	0.11	0.11	0.00	0.00	0.00	0.11	1.41
Energy Usage <sup>3</sup>	0.00	89.50	89.50	0.01	0.00	0.00	89.90	543.00
Mobile Sources <sup>4</sup>	0.00	2,432.00	2,432.00	0.12	0.13	4.43	2,477.00	38,983.00
Solid Waste <sup>5</sup>	0.60	0.00	0.60	0.06	0.00	0.00	2.12	12.80
Water <sup>6</sup>	0.05	0.71	0.77	0.01	0.00	0.00	0.95	5.71
Refrigerants	0.00	0.00	0.00	0.00	0.00	269.00	269.00	1,625.00
<b>Total Emissions</b>	0.65	2,522.32	2,522.98	0.20	0.13	273.43	<b>2,839.08</b>	<b>41,170.92</b>
Construction <sup>7</sup>	0.00	8.92	8.92	0.01	0.00	0.00	9.00	<b>5,711.00</b>
<b>Combined Emissions</b>	0.65	2,531.24	2,531.90	0.21	0.13	273.43	<b>2,848.08</b>	-
<b>MDAQMD GHG Thresholds</b>							<b>100,000</b>	<b>548,000</b>
<b>County of San Bernardino GHG Emissions Reduction Plan Threshold</b>							<b>3,000</b>	-
<b>Exceeds Threshold?</b>							<b>No</b>	<b>No</b>

Notes:

<sup>1</sup> Source: CalEEMod Version 2022.1

<sup>2</sup> Area sources consist of GHG emissions from consumer products, architectural coatings, and landscape equipment.

<sup>3</sup> Energy usage consists of GHG emissions from electricity and natural gas usage.

<sup>4</sup> Mobile sources consist of GHG emissions from vehicles.

<sup>5</sup> Solid waste includes the CO<sub>2</sub> and CH<sub>4</sub> emissions created from the solid waste placed in landfills.

<sup>6</sup> Water includes GHG emissions from electricity used for transport of water and processing of wastewater.

<sup>7</sup> Construction GHG emissions based on a 30-year amortization rate.

### **Hazards and Hazardous Materials**

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

### **Hydrology and Water Quality**

References:

- *Final Hydrology Study Commercial Development Rancho Road & Escondido Avenue*, prepared by Goodman & Associates, May 2, 2022 (Appendix D-1)
- *Mojave River Watershed Final Water Quality Management Plan for Rancho Gas and Convenience Store Commercial Development*, prepared by Goodman & Associates, May 2, 2022 (Appendix D-2)
- *Water Service Feasibility Study, Escondido and Rancho Gas Station Convenience Store*, prepared by San Bernardino County Special Districts, March 26, 2021 (Appendix D-3)

Since the preparation of the 2010 Initial Study, additional studies were performed for the Project. The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project, based on the latest studies. Therefore, impacts would remain less than significant as identified in the 2010 Initial Study.

### **Land Use and Planning**

There would not be a change in land use as a result of the Proposed Project from what was previously analyzed in the 2010 Initial Study; therefore, impacts would remain less than significant.

### **Mineral Resources**

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project; therefore, impacts would remain less than significant.

### **Noise**

The 2010 Initial Study identified mitigation measures were required to reduce potential impacts to Noise. These mitigation measures would be implemented with the Proposed Project. It should be noted that the Applicant is required to comply with the Mitigation Measures identified in the 2010 Initial Study but is also required to comply with the latest San Bernardino County regulations if they are stricter than what was identified in the 2010 Initial Study. Therefore, with the implementation of Mitigation Measures XI d 1-4, impacts would remain less than significant as identified in the 2010 Initial Study/Mitigated Negative Declaration.

#### ***[Mitigation Measures XI d 1-4]***

##### ***XI d-1***

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

##### ***XI d-2***

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

##### ***XI d-3***

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

### ***Population and Housing***

There would not be an increase in the number of employees and or population in the general area as a result of the Proposed Project from what was previously projected in the 2010 Initial Study; therefore, impacts would remain less than significant.

### ***Public Services***

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration

### ***Recreation***

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. Therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

### ***Transportation***

Reference: *Traffic Impact Study for Parcel Map 19030*, prepared by Albert Wilson & Associates, March 24, 2016 (Appendix E)

The 2010 Initial Study did not identify any significant impacts, or mitigation, and there is no change in this environmental topic area with respect to the Proposed Project. A traffic study update was prepared in 2016. It identified that there would be no increases in traffic beyond what has been previously assessed; therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

### ***Tribal and Cultural Resources***

The 2010 Initial Study did not address this topic area as it was not added to the CEQA Guidelines until 2016. This section is the result of Assembly Bill 52 encourages tribal consultation. The State Office of Planning and Research identified that Lead Agencies, within 14 days of determining that a private project application is complete, or to undertake a public agency project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects. Because the Proposed Project has already been approved, and only minor modifications that do not have a significant effect on the environment are being proposed, no tribal consultation is required.

### ***Utilities and Service Systems***

The Proposed Project would not result in changes to waste disposal, storm water, or water treatment. The Proposed Project does not include increases in water usage or energy consumption; therefore, there would be no significant impacts associated with the Proposed Project as identified in the 2010 Initial Study/Mitigated Negative Declaration.

## **Wildfire**

The 2010 Initial Study did not address this topic area as it was not added to the CEQA Guidelines until 2019.

The County of San Bernardino Hazards Overlay map indicates that the Project Site is within Fire Safety Area 2, which is classified as “High.” According to CalFire Fire Hazard Severity Zone Map for San Bernardino County, the Project Site is within a high fire hazard severity zone in a State Responsibility Area. The Proposed Project would comply with applicable standards required by the responsible Fire Authority, including the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and general development standards under County of San Bernardino Municipal Code 82.13.050. Further, Project construction would not require the complete closure of any public or private streets or roadways during construction. Temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles.

Therefore, based on the current CEQA Guidelines criteria for assessing potential impacts from Wildfire, impacts would be less than significant, and no mitigation is required.

## **Mandatory Findings of Significance**

Analysis of the Proposed Project did not identify 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.

Analysis of the Proposed Project did not identify the potential to have impacts that are individually limited, but cumulatively considerable.

Analysis of the Proposed Project did not identify the potential to have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

## **6 CONCLUSION**

The Proposed Project is Minor Revision PRAA-2023-00020 and consists of a minor redesign of the previously approved Project that consists of the construction of a 7,839 square foot convenience store/retail outlet, an eight-fuel dispenser gas station with a 6,720 square foot canopy and a 500 gallon propane tank for sales on the southeast corner of Escondido Avenue and Rancho Road in the Oak Hills area is within the scope of the 2010 Initial Study/Mitigated Negative Declaration. The Proposed Project removes the car wash and drive through restaurant, which were evaluated in the 2010 Initial Study/Mitigated Negative Declaration. Therefore, the 2010 Initial Study addressed a larger Project than currently proposed. Therefore, no new mitigation measures are necessary, and no further review is required.

**PROJECT-SPECIFIC ATTACHMENTS**

- Appendix A: *Air Quality, Greenhouse Gas and Energy Impact Study*, prepared by MD Acoustics, LLC, February 27, 2023
- Appendix B-1: *Joshua Tree Survey, 2.3-acre parcel (APN 0357-421-15)*, prepared by RCA Associates January 19, 2021
- Appendix B-2: *Habitat and Jurisdictional Assessment Update for the Proposed Autozone Project Located in San Bernardino County, California* prepared by ELMT Consulting, July 25, 2022
- Appendix C: *Preliminary Report of Geotechnical Investigations and Soils Infiltration Testing, Proposed Gas Station, Food Mart and C-Store*, prepared by Soils Southwest, February 23, 2021
- Appendix D-1: *Final Hydrology Study Commercial Development Rancho Road & Escondido Avenue*, prepared by Goodman & Associates, May 2, 2022
- Appendix D-2: *Mojave River Watershed Final Water Quality Management Plan for Rancho Gas and Convenience Store Commercial Development*, prepared by Goodman & Associates, May 2, 2022
- Appendix D-3: *Water Service Feasibility Study, Escondido and Rancho Gas Station Convenience Store*, prepared by San Bernardino County Special Districts, March 26, 2021
- Appendix E: *Traffic Impact Study for Parcel Map 19030*, prepared by Albert Wilson & Associates, March 24, 2016
- Appendix F: *San Bernardino County Initial Study Checklist Form, Yellow Canary Ventur*