



LAND USE SERVICES DEPARTMENT ZONING ADMINISTRATOR STAFF REPORT

HEARING DATE: October 30, 2025

AGENDA ITEM # 2

Project Description

APN: 3066-221-01

Applicant: TAIT & Associates

Community: Phelan/Pinon Hills

Location: 3919 Phelan Rd Phelan CA 92371

Project No: PROJ-2024-00035

Staff: Alexander Lee, Planner

Rep: O'Reilly Auto Enterprises, LLC

PROPOSAL: A MINOR USE PERMIT TO CONSTRUCT A 7,225-SQUARE FOOT AUTO PARTS RETAIL STORE ON A 1.94-ACRE PARCEL IN THE UNINCORPORATED COMMUNITY OF PHELAN/PINON HILLS WITHIN THE COMMERCIAL (C) LAND USE CATEGORY AND GENERAL COMMERCIAL (CG) ZONING DISTRICT.

Vicinity Map



11 Hearing Notices Sent On: August 01, 2024
Report Prepared By: Alexander Lee, Planner

SITE INFORMATION

Parcel Size: 1.94 acre
Terrain: Flat
Vegetation: Natural

Table 1 - SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE	LAND USE ZONING DISTRICT
Site	Vacant	Commercial (C)	General Commercial (CG)
North	Shopping Center	Commercial (C)	General Commercial (CG)
South	Vacant	Commercial (C)	General Commercial (CG)
East	Vacant	Commercial (C)	Service Commercial (CS)
West	Vacant	Commercial (C)	Service Commercial (CS)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Mojave Water Agency	With Sheep Creek Water Company approval
Sewer Service:	Septic System	With EHS approval

STAFF RECOMMENDATION: That the zoning administrator APPROVE the Minor Use Permit to construct a 7,225-square foot auto parts retail store on a 1.94-acre parcel in the unincorporated community of Phelan/Pinon Hills within the Commercial (C) land use category and General Commercial (CG) zoning district, ADOPT the Conditions of Approval and Findings as contained in the Staff Report and FILE the Notice of Determination.

In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Planning Commission.

Tait & Associates
PROJ-2024-00035/APN: 3066-221-01
Zoning Administrator Staff Report
Date of Hearing: October 30, 2025

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VICINITY MAP



SITE PHOTO

Figure1: View of southern portion of the site looking north.



Figure 2: View of the western portion of the site looking east



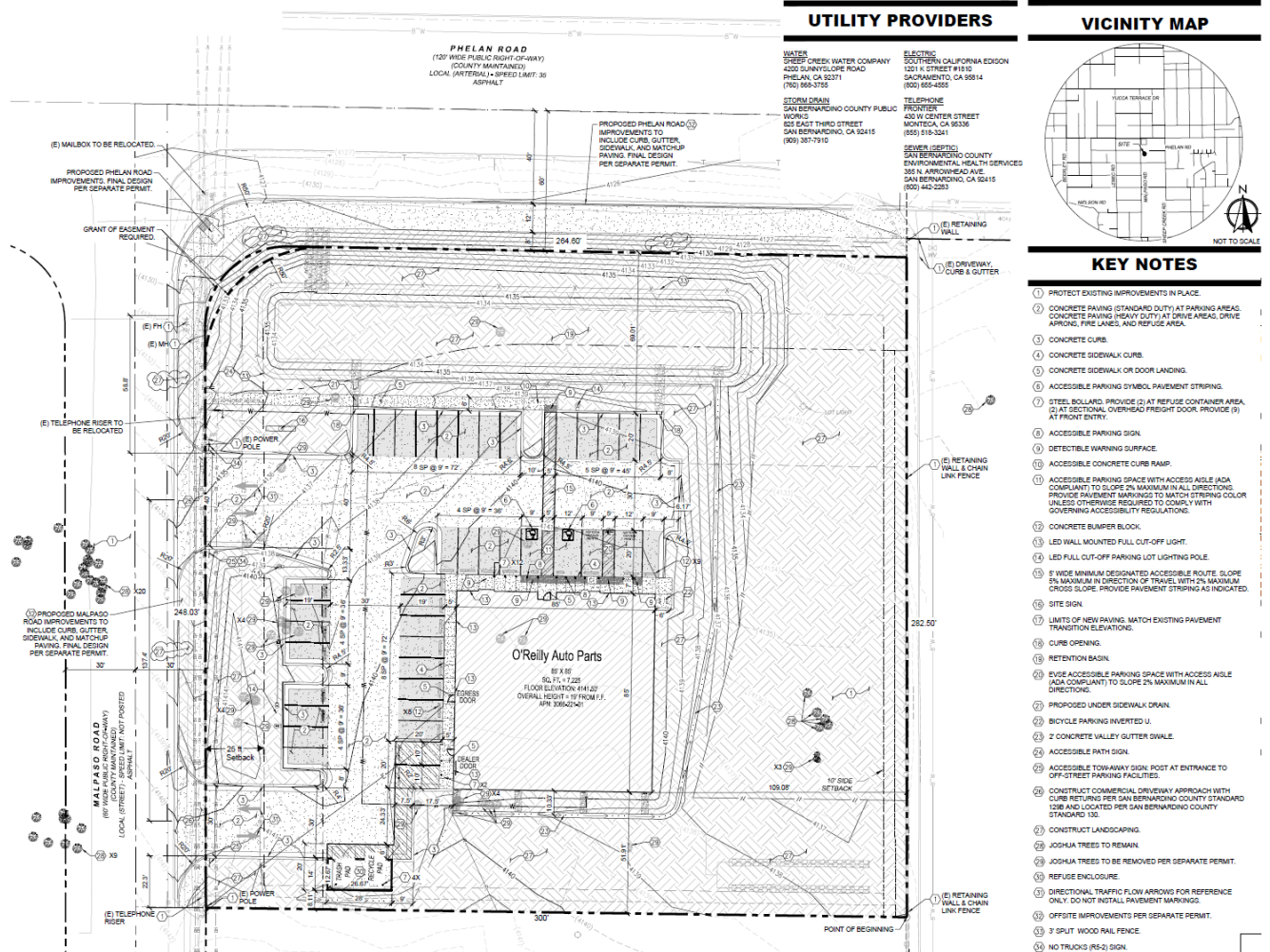
Figure 3: View of the northern portion of the site looking south.



Figure 4: View of the eastern portion of the site looking west.



SITE PLAN



Elevation



1 NORTH EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"



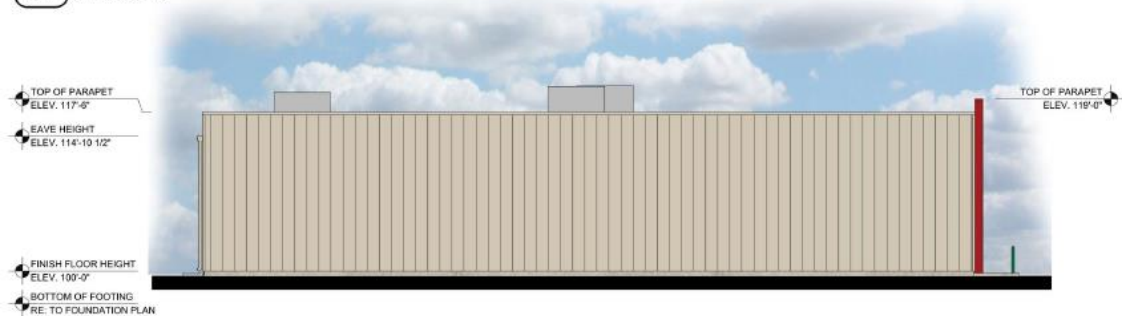
2 WEST EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"



4 EAST EXTERIOR ELEVATION

CE1 SCALE: 1/8" = 1'-0"

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PROJECT DESCRIPTION AND BACKGROUND:

The applicant is requesting approval of a Minor Use Permit to construct a 7,225-square-foot auto parts retail store on a 1.94-acre parcel in the unincorporated community of Phelan/Pinon Hills within the Commercial (C) Land Use Category and General Commercial (CG) Zoning District.

PROJECT ANALYSIS:

The subject property is within the Commercial (C) Land Use Category and General Commercial (CG) Land Use Zoning District. The intent of the General Commercial zone is to provide sites for retail trade and personal services, repair services, lodging services, professional services, recreation and entertainment services, and similar and compatible uses as described in Chapter 82.05 Commercial Land Use Zoning Districts (available online at [TITLE 8: DEVELOPMENT CODE \(amlegal.com\)](https://www.amlegal.com)). A retail store is a permitted use, subject to the approval of a Minor Use Permit application if the project requires an environmental review.

Development Code Compliance Summary: As noted below, the Project satisfies all applicable standards of the Development Code for the General Commercial (CG) Zoning District, as illustrated in **Table 2 and described below.**

Table 2 Project Code Compliance

Table 2 Project Code Compliance			
Project Component	Development Code Standard		Project Plans
Retail Store	MUP		MUP
Parking	1 space/250 sq. ft. GFA 30 required		38 total spaces include 2 EV, 2 loading zones and 2 ADA accessible spaces.
Landscaping	20% minimum required		63% provided, (40% Irrigated area and 60% natural open space)
Building Setbacks	Front:	15'	69'
	Street Side	15'	25'
	Side Interior:	(10') ¹	8'
	Rear	(10') ²	10'
Building Height	35' Maximum		10' height
Drive Aisles	24'		30'
Maximum Lot Coverage	80%		37%

(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.

(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.

Site Development/Grading: The site generally slopes to the north at a 3% grade. An existing retaining wall was installed along the west property line adjoining a driveway on the adjacent property. To establish the building pad and parking lot, the proposed grading design includes a

cut slope ranging in height from 3 to 8 feet along the south and west sides of the building and along the frontage at the retention basin. The paved parking lot is configured to drain to the north and, along with the building, the stormwater runoff is directed to a retention basin located in the north portion of the site.

Landscaping: The proposed landscaping includes Cooper's Mesquite trees, Nuttall Oak trees, and native shrubs are located on the street sides and the south side of the lot. The open space along the east side of the building is proposed to revegetate a mixed of native desert plants. A landscaping plan will be provided and will be required to comply with Landscaping Standards provided in the San Bernardino Development Code Section 83.10.060, and Table 83-12 "Minimum Landscaped Area".

Parking/Circulation: Chapter 83.11, Section 83.11.040 Table 83-15 requires a minimum of 30 parking spaces, including one (1) ADA-accessible, for the proposed use. The site will provide 38 parking spaces, which include thirty-two (32) standard, two (2) loading, two (2) EV charging, and two (2) ADA-accessible spaces. The site is accessed by two driveways, 30' and 40' wide, from Malpaso Road, which provides a circular circulation route through the parking lot and adequate access for emergency and large delivery vehicles. No access from the major roadway, Phelan Road, is proposed. The project is required to construct new curb and gutter, sidewalk, and match-up paving on Phelan and Malpaso Roads.

Setbacks: The setback requirements, as described in the Development Code 82.05.050 Table 82-14B, are as follows: Front and Street side (15'), Side-Interior (10'), and Rear (10'). The site meets all the building setback requirements.

Architecture: The building is oriented with the entry facing Phelan Road and has an exterior consisting primarily of metal panels with a stucco style finish. The entry is designed to reflect the standard O'Reilly's corporate colors and façade.

Hours of Operation/Employees: The operating hours will be 7:30 am to 9:00 pm on Monday through Saturday and 9:00 am to 7:00 pm on Sundays. O'Reilly's will employ approximately three to six employees during business hours.

ENVIRONMENTAL REVIEW:

Planning staff determined that the project proposal would be subject to the California Environmental Quality Act (CEQA) due to its size and proposed square footage of new construction. An Initial Study/Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) was prepared by Michael Baker International, Inc., dated August 6, 2025, and made available for public comment during a 30-day review period which began on August 29, 2025, and closed on September 28, 2025. It was determined that any resulting impacts to the environment or the public can be mitigated (BIO-1: Pre-construction Nesting Bird Surveys, BIO-2: Pre-construction Clearance Surveys Burrowing Owl, BIO-3: Western Joshua Tree, Culture Resources CR-1 through CR-3) to a level of less than significant as outlined in the MND. The MND and MMRP are included in this report as Exhibits C and D.

AB 52 Consultation

Project notification and consultation request pursuant to AB 52 was sent on August 22, 2024, to the following Tribes with ancestral interest in the subject property or who have specifically requested they be notified of new project proposals in the County: Fort Mojave Indian Tribe, San

Manuel Mission Indians, Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians. No tribes responded to the consultation notification.

PUBLIC COMMENTS

The County Planning Division sent 11 Project Notices to surrounding property owners within 300 feet of the project site on August 01, 2024, and 11 Public Hearing Notices on October 6, 2025. No comments were received in response to the Project Notice or the Hearing Notice.

RECOMMENDATION: That the Zoning Administrator:

1. **ADOPT** the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP); and
2. **APPROVE** the Minor Use Permit to construct a 7,220-square-foot auto parts retail store on a 1.89-acre parcel; and
3. **ADOPT** the Findings for approval of the Project; and
4. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A:** Conditions of Approval
EXHIBIT B: Minor Use Permit Findings
EXHIBIT C: Initial Study/Mitigated Negative Declaration (MND)
EXHIBIT D: Mitigation Monitoring and Reporting Program (MMRP)
EXHIBIT E: Site Plan

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EXHIBIT A

Conditions of Approval

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Conditions of Approval

Record:	PROJ-2024-00035	System Date:	09/25/2025
Record Type:	Project Application	Primary APN:	3066221010000
Record Status:	Reviewed	Application Name:	O'REILLY AUTO PARTS AT PHELAN ST - MINOR USE PERMIT (COMMERCIAL)
Effective Date:	November 11, 2025	Expiration Date:	November 11, 2028
Description:	A MINOR USE PERMIT (MUP) TO CONSTRUCT A 7,225-SQUARE FOOT AUTO PARTS RETAIL STORE ON A 1.94 ACRE PARCEL IN PHELAN/PINON HILLS; WITHIN THE LAND USE CATEGORY COMMERCIAL (C) AND GENERAL COMMERCIAL (CG) ZONING DISTRICT; 1ST SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2024-00035; APN: 3066-221-01		

This document does not signify project approval.

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

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

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

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

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

ON-GOING

Land Use Services - Planning

- Project Approval Description (CUP/MUP)** - Status: Outstanding
This PROJ-2024-00035 is conditionally approved to a Minor Use Permit to construct a construction a 7,225-square-foot Auto Parts Retail store on a 1.94-acre parcel in unincorporated Phelan/Pinon Hills within the General Commercial (CG) zoning district. , in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- Project Location** - Status: Outstanding
The Project site is located 3919 Phelan Rd Phelan, CA 92371.

3 **Revisions** - Status: Outstanding

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

4 **Indemnification** - Status: Outstanding

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

5 **Additional Permits** - Status: Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: Land Use Service - Planning/Building and Safety/Code Enforcement/Land Development; Fire- Safety/HazMat; Public Works – Traffic Division/Solid Waste Management; Public Health – Environmental Health Services. d. LOCAL:

6 **Expiration** - Status: Outstanding

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

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

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

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

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

9 **Project Account** - Status: Outstanding

The Project account number is PROJ-2024-00035. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

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

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

11 **Condition Compliance** - Status: Outstanding

Condition Compliance is required at the following stages: Prior to Land Disturbance, Prior to Building Permit Issuance, and Prior to Occupancy/Final Inspection.

12 **Performance Standards** - Status: Outstanding

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

13 **Continuous Maintenance** - Status: Outstanding

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

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

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

15 **Lighting** - Status: Outstanding

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

16 **Underground Utilities** - Status: Outstanding

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

17 Construction Hours - Status: Outstanding

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

18 Construction Noise - Status: Outstanding

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

19 Cultural Resources - Status: Outstanding

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

20 GHG - Operational Standards - Status: Outstanding

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

Public Health– Environmental Health Services

21 Noise Levels - Status: Outstanding

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

22 OWTS Maintenance - Status: Outstanding

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

23 Refuse Storage and Disposal - Status: Outstanding

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

Public Works - Traffic

- 24 **Access** - Status: Outstanding
The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.
- 25 **Back Out Into Public Roadways** - Status: Outstanding
Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
- 26 **Directional Sign Maintenance** - Status: Outstanding
All required directional signage for traffic entering and exiting the site shall be installed and continuously maintained outside the Public road right-of-way in good condition for both day and night time visibility.

INFORMATIONAL**County Fire - Community Safety**

- 27 **F01 Jurisdiction** - Status: Outstanding
The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
- 28 **F03 Fire Condition Letter Expiration** - Status: Outstanding
Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
- 29 **F04 Fire Permit Expiration** - Status: Outstanding
Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.
- 30 **F08 Fire Safety Overlay** - Status: Outstanding
The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.
- 31 **F15 Access – 30% slope** - Status: Outstanding
Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.

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

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

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

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

Land Use Services - Land Development

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

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

35 **BMP Enforcement** - Status: Outstanding

In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

36 **Continuous BMP Maintenance** - Status: Outstanding

The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

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

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

38 **Joshua Trees** - Status: Outstanding

Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. <http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>

39 **Natural Drainage** - Status: Outstanding

The natural drainage courses traversing the site shall not be occupied or obstructed.

40 **Tributary Drainage** - Status: Outstanding

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

Public Works - Solid Waste Management**41 Community Service District Hauler Service Area - Status: Outstanding**

This project falls within the Phelan Pinon Hills Community Service District. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors should comply with the Solid Waste collection requirements prescribed through the Phelan Pinon Hills Community Service District. Additionally, all owners/occupants of a dwelling or a commercial or industrial unit within the area shall, upon notice thereof, be required to accept the solid waste handling and collection requirements set forth by the Community Service District

42 Demolition Debris - Status: Outstanding

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

43 Recycling and Organic Waste Collection Container Information - Status: Outstanding

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

44 Recycling Storage Capacity - Status: Outstanding

The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

45 **Air Quality** - Status: Outstanding

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

46 **Diesel Regulations** - Status: Outstanding

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

47 GHG - Construction Standards - Status: Outstanding

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

48 Mitigation Measures - Status: Outstanding

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

49 Joshua Tree Relocation Plan - Status: Outstanding

The developer shall submit and have approved by the Planning Division a relocation plan for Joshua Trees within the developed site area. The relocation plan shall be accompanied with certification from a certified arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing a Joshua Tree removals from the subject property

Land Use Services - Building and Safety**50 Geotechnical Report** - Status: Outstanding

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

51 Wall Plans - Status: Outstanding

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

Land Use Services - Land Development**52 FEMA Flood Zone** - Status: Outstanding

The project is located within Flood Zone AO according to FEMA Panel Number 06071C6450H dated 08/28/2008. The first floor will be required to be elevated a minimum 1 foot above the known shallow flooding depth of 1 foot in compliance with FEMA/SBC regulations, with an elevation certificate required. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

- 53 **State Construction Stormwater General Permit** - Status: Outstanding
Notice of Intent (NOI) and WDID # are required on all land disturbance of one (1) acre or more prior to issuance of a grading/construction permit. For questions regarding the State Construction Stormwater General Permit, please contact: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html
- 54 **Drainage Easements** - Status: Outstanding
Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities, and/or concentration of runoff from the site. The hydrologic/hydraulic calculations supporting the size of the easement(s) shall be submitted for review/approval by the Land Development Division prior to recording the easement. Proof of recordation shall be provided to the Land Development Division.
- 55 **Drainage Improvements** - Status: Outstanding
A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
- 56 **Grading Plans** - Status: Outstanding
Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
- 57 **On-site Drainage Easement** - Status: Outstanding
On-site flows shall be directed within a drainage easement.
- 58 **On-site Flows** - Status: Outstanding
On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
- 59 **WQMP** - Status: Outstanding
A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained prior to construction. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. Review processed on an actual cost basis. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)
- 60 **WQMP Inspection Fee** - Status: Outstanding
The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

Public Health– Environmental Health Services

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

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

62 **Architecture** - Status: Outstanding

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

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

Landscape and Irrigation Plans shall be submitted under a separate record within EZ Online Permitting (EZOP) for review and approval prior to building permit issuance.

64 **Mitigation Measures** - Status: Outstanding

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

65 **Signs** - Status: Outstanding

All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

County Fire - Community Safety

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

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

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

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

68 **F19 Surface** - Status: Outstanding

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

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

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

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

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

71 **F26 Fire Flow Test** - Status: Outstanding

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

72 **F28 Water System Commercial** - Status: Outstanding

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

73 **F69 Haz-Mat Approval** - Status: Outstanding

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

Land Use Services - Building and Safety

74 **Construction Plans** - Status: Outstanding

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

75 **Temporary Use Permit** - Status: Outstanding

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

Land Use Services - Land Development

76 **Elevation Certificate** - Status: Outstanding

Elevation Certificate. An Elevation Certificate for the structure(s) shall be completed, approved, and on file with County Building and Safety. Elevation Certificate #1: Prior to approval of building plans – Elevation certificate requires review and approval from Land Development.

77 **Construction Permits** - Status: Outstanding

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

78 Road Improvements - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California: Phelan Road (Phelan Road Widening) • Follow Gematric Approved Drawing for DPW Phelan Road Widening Plan for all road improvements. Malpaso Road (Local Street – 60 feet) • Street Improvements. Design curb and gutter with match up paving 18 feet from centerline • Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way. • Sidewalks. Design sidewalks per County Standard 109 Type "B". • Driveway Approach. Design driveway approach per County Standard 129 and located per County Standard 130

79 Road Standards and Design - Status: Outstanding

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

80 Soils Testing - Status: Outstanding

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

81 Street Gradients - Status: Outstanding

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

82 Street Type Entrance - Status: Outstanding

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

83 Transitional Improvements - Status: Outstanding

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

84 Utilities. - Status: Outstanding

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

Public Health– Environmental Health Services

85 Existing OWTS - Status: Outstanding

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

86 Existing Wells - Status: Outstanding

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

87 **New OWTS** - Status: Outstanding

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

88 **Preliminary Acoustical Information** - Status: Outstanding

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

89 **Sewage Disposal** - Status: Outstanding

Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

90 **Water Purveyor** - Status: Outstanding

Water purveyor shall be Sheep Creek Water Company or EHS approved.

91 **Water Service Verification Letter** - Status: Outstanding

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

Public Works - Solid Waste Management

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

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

Public Works - Traffic

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

Signage. Install signage along the westerly property line to restrict trucks from entering at the northerly driveway.

PRIOR TO OCCUPANCY

Land Use Services - Planning

94 **Fees Paid** - Status: Outstanding

Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2024-00035.

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

County Fire - Community Safety

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

County Fire - Hazardous Materials

- 103 **Permit Required** - Status: Outstanding
Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> or apply for exemption from permitting requirements. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit <https://sbccfire.org/hazmatcupa/> for more information.

Land Use Services - Building and Safety

- 104 **Condition Compliance Release Form Sign-off** - Status: Outstanding
Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

- 105 **Drainage Improvements** - Status: Outstanding
All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
- 106 **Elevation Certificate** - Status: Outstanding
An Elevation Certificate for the structure(s) shall be completed, approved, and on file with County Building and Safety. Elevation Certificate #2: Prior to forms and footings inspection – Elevation certificate requires review and approval from Land Development. Elevation Certificate #3: Prior to final inspection – Elevation certificate requires review and approval from Land Development.
- 107 **WQMP Improvements** - Status: Outstanding
All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.
- 108 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.
- 109 **Road Improvements** - Status: Outstanding
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.
- 110 **Structural Section Testing** - Status: Outstanding
A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Works - Solid Waste Management

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

Public Works - Traffic

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

113 Local Area Transportation Facility Fee Area - Status: Outstanding

This project falls within the High Desert Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. These fees are subject to change. Based on the ITE Trip Generation Manual (11th Edition) and a 7,225 sq. ft. building as shown on the site plan, this project generates approximately 395 vehicle trips on a weekday. This fee is \$193.55 per trip multiplied by the number of vehicle trips (395) and multiplied by an induced trip adjustment factor of 20% as shown in the fee plan. Therefore, the total estimated Local Transportation Fees for this project is \$15,290.45. The current High Desert Local Area Transportation Facilities plan can be found at the following website: <https://dpw.sbcounty.gov/transportation/transportation-planning/>

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

115 F11 Combustible Vegetation - Status: Outstanding

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

116 F24 Fire Lanes - Status: Outstanding

The applicant shall submit a fire lane plan with the building construction plans to the Fire Department for review and approval. Fire lane curbs shall be painted red. "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.

117 F35 Hydrant Marking - Status: Outstanding

Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs, or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.

118 F37 Fire Sprinkler-NFPA #13 - Status: Outstanding

An automatic fire sprinkler system complying with NFPA Pamphlet #13 and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit plans with hydraulic calculations, manufacturers specification sheets and a letter from a licensed structural (or truss) engineer with a stamp verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design to the Fire Department for approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

119 F41 Fire Alarm - Status: Outstanding

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

120 F45 Fire Extinguishers - Status: Outstanding

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

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

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

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

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

123 **F16 Access** - Status: Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height. 1. Turn radius shall comply with SBCFPD Standard A-1.

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186

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

EXHIBIT B

Minor Use Permit Findings

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FINDINGS:

A MINOR USE PERMIT TO CONSTRUCT A 7,225-SQUARE FOOT AUTO PARTS RETAIL STORE ON A 1.94-ACRE PARCEL IN THE UNINCORPORATED COMMUNITY OF PHELAN/PINON HILLS; 1ST SUPERVISORIAL DISTRICT; APN: 3066-221-01; PROJECT NUMBER: PROJ-2024-00035.

- 1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

All setbacks have an appropriate landscape buffer that meets the requirements of the Development Code for the proposed use and land use designation. Approximately 20% of the site will be landscaped, which meets the County's minimum 20% landscaping standard for retail use. The proposed 7,225-square foot retail store meets all development code requirements for the General Commercial (CG) Land Use Zoning District.

- 2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.**

The proposed development has adequate access from Malpaso Rd. The Minor Use Permit project would not result in any new significant impacts, or substantially increase the severity of the previously identified impacts, with respect to traffic and circulation.

- 3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.**

The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance because the Project has been designed to be consistent with the required performance standards and to use building materials, colors and landscaping that is compatible with the abutting properties.

- 4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Policy Plan. The proposed site plan, together with the provisions for its design and improvement are also consistent with the Policy Plan. The project specifically implements the following goals:

Policy LU-1.1 Growth: *We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.*

Policy LU-1.2 Infill Development: *We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.*

- Goal/Policy Implementation: The Project would utilize a developed site with available public services and infrastructure, which has been underutilized and inactive in the past. The Project is situated on a parcel at the corner of Phelan Rd and Malpaso Rd and in a developed area with similar retail store uses located immediately to the north of the Project.

Policy LU-2.4 Land Use Map consistency: *We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.*

- Goal/Policy Implementation: The Project is consistent with the Land Use Map and does not propose a land use amendment. The Project site plan indicates compliance with Development Code standards in terms of setbacks, parking, landscaping, walls, and fences.

Policy LU-2.7 Countywide job-housing balance: *We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities and household income, and improve quality of life. We also strive for growth that furthers a balance of jobs and housing in the North Desert region and the Valley region.*

- Goal/Policy Implementation: The Project will add additional jobs to the region and further a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities, and improve quality of life.

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project and will implement the goals/policies described in the General Plan.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

There is supporting infrastructure that is consistent with the intensity of the development to accommodate the proposed project without significantly lowering service levels. The project will connect to Mojave Water District for water service. The ingress/egress is proposed to

be through a two driveway off 30' and 40' wide, from Malpaso Road, which provides a circular circulation route through the parking lot and adequate access from emergency and large delivery vehicles. The project site would be served by the San Bernardino County Fire Station #10, which is approximately 0.9 miles west of the project site. The average travel time between the fire station and the project site is 2 minutes according to Google Maps data. The project would therefore not result in the need to construct a new fire station or lower the service levels. The proposed project would not cause an increase in population and would therefore not increase the demand for public facilities/services, including libraries, community recreation centers, post offices, animal shelters, etc. As such, implementation of the proposed project would not adversely affect other public facilities or require the construction of new facilities or lowering the service levels.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the proposed project was reviewed and conditioned by various County agencies to ensure compliance with County development standards, which include fire safety, adequate drainage structures, refuse management and collection, building construction, and wastewater treatment.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The design of the project site considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, through the orientation and design with adequate building setbacks and the future ability to construct rooftop solar facilities. Although solar was not proposed, there are opportunities to place solar in the future.

8. THERE ARE NO CIRCUMSTANCES THAT WOULD RESULT IN STANDARDS OR CONDITIONS NOT BEING ABLE TO ADEQUATELY MITIGATED ENVIRONMENTAL IMPACTS.

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County as lead agency for the project. The proposed Project is not expected to have significant adverse impacts with the required mitigations; therefore, a Notice of Determination for the Mitigated Negative Declaration is recommended.

9. THE PROJECT IS PLANNED FOR IMMEDIATE DEVELOPMENT AND DOES NOT INCLUDE A PHASED DEVELOPMENT.

The Project is planned for immediate development and does not include a phased development because the project does not propose and is not being granted approval for phased development.

10. THE PROJECT IS NOT LIKELY TO RESULT IN CONTROVERSY.

The project is not likely to result in controversy. Project Notices were sent to property owners within 300 feet on August 11, 2024. No comments were received.

ENVIRONMENTAL FINDINGS:

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

APPLICATIONS SUBJECT TO CEQA - ALL LAND USE APPLICATIONS THAT ARE SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SHALL BE REVIEWED BY THE DEPARTMENT IN COMPLIANCE WITH THE COUNTY ENVIRONMENTAL REVIEW GUIDELINES.

The California Environmental Quality Act (CEQA) and the CEQA Guidelines.

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. A Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting program (MMRP) will be adopted, and a Notice of Determination (NOD) will be filed with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

END OF FINDINGS

EXHIBIT C

Initial Study/Mitigated Negative Declaration (MND)

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**SAN BERNARDINO COUNTY
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
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 California Environmental Quality Act (CEQA) Guidelines.

PROJECT LABEL:

APNs:	306622101	USGS Quad:	Phelan 7.5-minute USGS Topographic Quadrangle
Applicant:	O'Reilly Auto Enterprises, LLC 233 South Patterson Avenue Springfield, MO 65802	T, R, Section:	T4N, R7W, Section 23
Location	3919 Phelan Road Phelan, CA 92371	Thomas Bros	Page 4473; Grid A6; San Bernardino County (2023)
Project No:	PROJ-2024-00035	Community Plan:	Phelan/Piñon Hills Community Action Plan
Rep	Phil Hopper O'Reilly Auto Enterprises, LLC (417) 862-2674 phopper@oreillyauto.com	LUZD:	Commercial Phelan/Piñon Hills General Commercial
Proposal:	Minor Use Permit to construct a 7,225-square foot Auto Parts Retail store on a 1.94-acre parcel in unincorporated Phelan/Piñon Hills within the Countywide Plan designation Commercial and General Commercial	Overlays:	Biotic - Desert Tortoise - Sparse Population Hazards – Fire Safety Area 2, Flood Plain Zone A

PROJECT CONTACT INFORMATION:

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

Contact person: Alexander Lee, Land Use Planner II
Phone No: (909) 361-7258 **Fax No:** (909) 387-3223
E-mail: Alexander.Lee@lus.sbcounty.gov

PROJECT DESCRIPTION:

Summary

The proposed Project is the development of a new O'Reilly Auto Center on a 1.94-acre vacant lot. The building would be a single-story block building 7,225 sq ft. The O'Reilly Auto Center will operate as a retail auto parts and equipment store. No vehicle maintenance or operations will occur onsite. The proposed facility will be staffed with 4-6 employees (2 shifts) with hours of operation from 7:00 am – 9:00 pm. The pavement area will include 20,577 sq ft. with 39 parking

spaces. Ingress and egress will be from Malpaso Road. Construction of the Project is planned from late March 2026 to late August 2026.

The Project Site is comprised of one (1) parcel, Accessor Parcel Number (APN) 306622101 in the unincorporated Phelan Piñon Hills community in San Bernardino County (see Figure 1 – Regional Location). The Project Site is located at 3919 Phelan Road, Phelan California at the intersection of Phelan Road and Malpaso Road (see Figure 2 – Project Vicinity). The Proponent of the Project is O'Reilly Auto Enterprises, LLC., and the CEQA Lead Agency is the County of San Bernardino. The Project Site is within the San Bernardino Countywide Policy Plan and is currently designated with the zoning of Phelan/Piñon Hills/General Commercial (PH/CG).

The Project Site is populated with Western Joshua Trees (*Yucca brevifolia*) scattered throughout the parcel. Consequently, specific mitigation measures must be implemented to address the environmental impact on these protected trees. As part of the mitigation strategy, where feasible, Joshua Trees will be incorporated into the Project's landscaping plan as a protect in place measure. An Incidental Take Permit will be obtained through the California Department of Fish and Wildlife for trees that cannot be relocated onsite and was submitted May 20, 2024. For detailed information regarding these mitigation strategies, and coordination with California Department of Fish and Wildlife for the Incidental Take Permit, please refer to Section IV: Biological Resources.

Surrounding Land Uses and Setting

The Project Site is within the boundaries of the unincorporated Phelan Piñon Hills community, County of San Bernardino. As shown on the County of San Bernardino Land Use Map, the Project Site is within a Commercial Land Use Category. The following table lists the existing adjacent land uses and zoning.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	Phelan/Piñon Hills/General Commercial
North	Shopping Center	Phelan/Piñon Hills/General Commercial
South	Vacant	Phelan/Piñon Hills/Rural Living
East	Shopping Center and Parking Lot	Phelan/Piñon Hills/General Commercial
West	Vacant	Phelan/Piñon Hills/General Commercial

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None

State of California: California Department of Fish and Wildlife

County of San Bernardino: Traffic Department, Land Development, and Geology Department

Regional: Mojave Desert Air Quality Management District

Local: None

Site Photographs



Photo 1: View of southern portion of the site facing north.



Photo 2: View of the western portion of the site facing east.



Photo 3: View of the northern portion of the site facing south.



Photo 4: View of the eastern portion of the site facing west.



Photo 5: View of the adjoining south, undeveloped land.



Photo 6: View of the adjoining east strip mall development and parking lot.

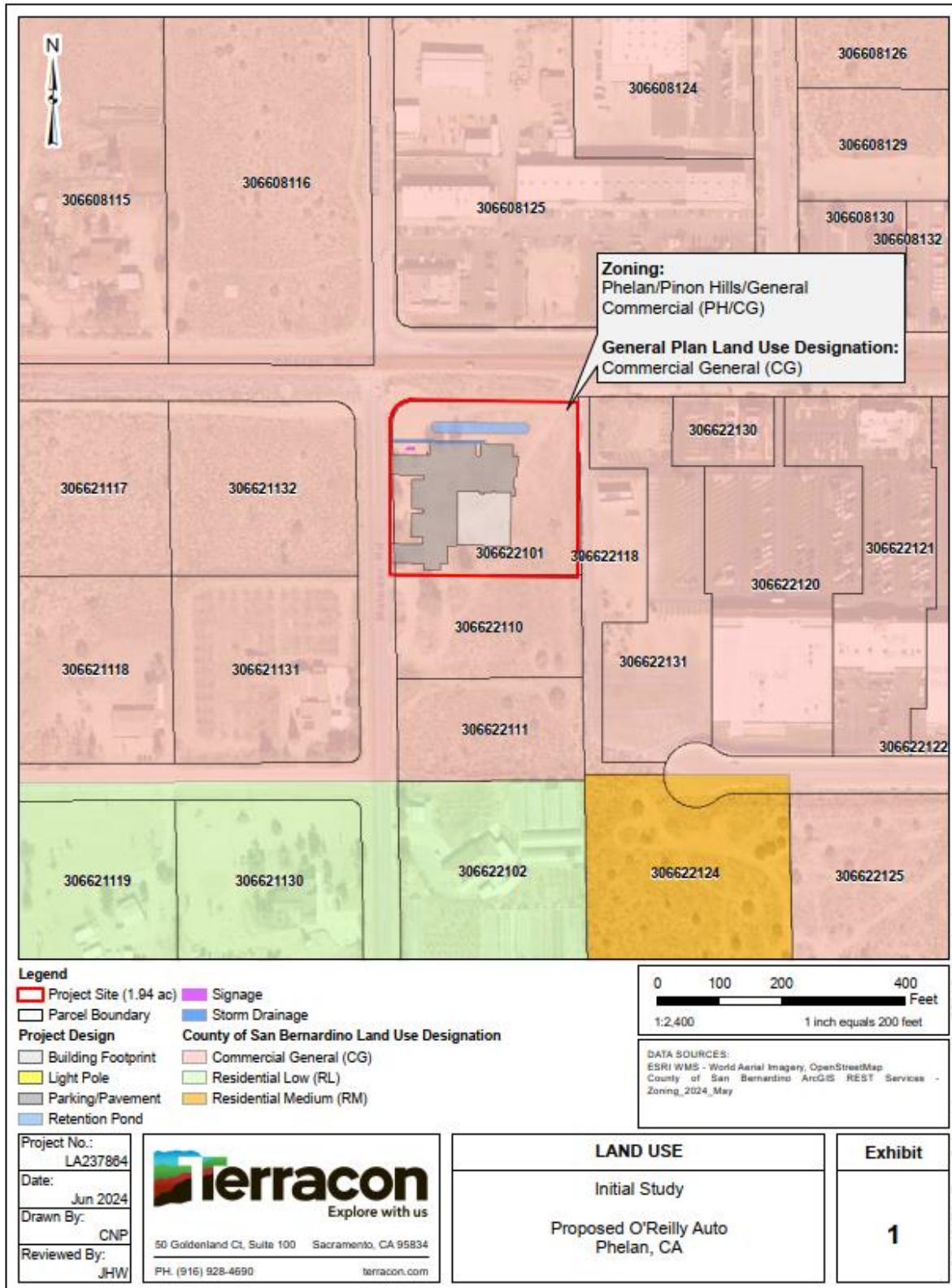


Figure 1 Land Use of the Property

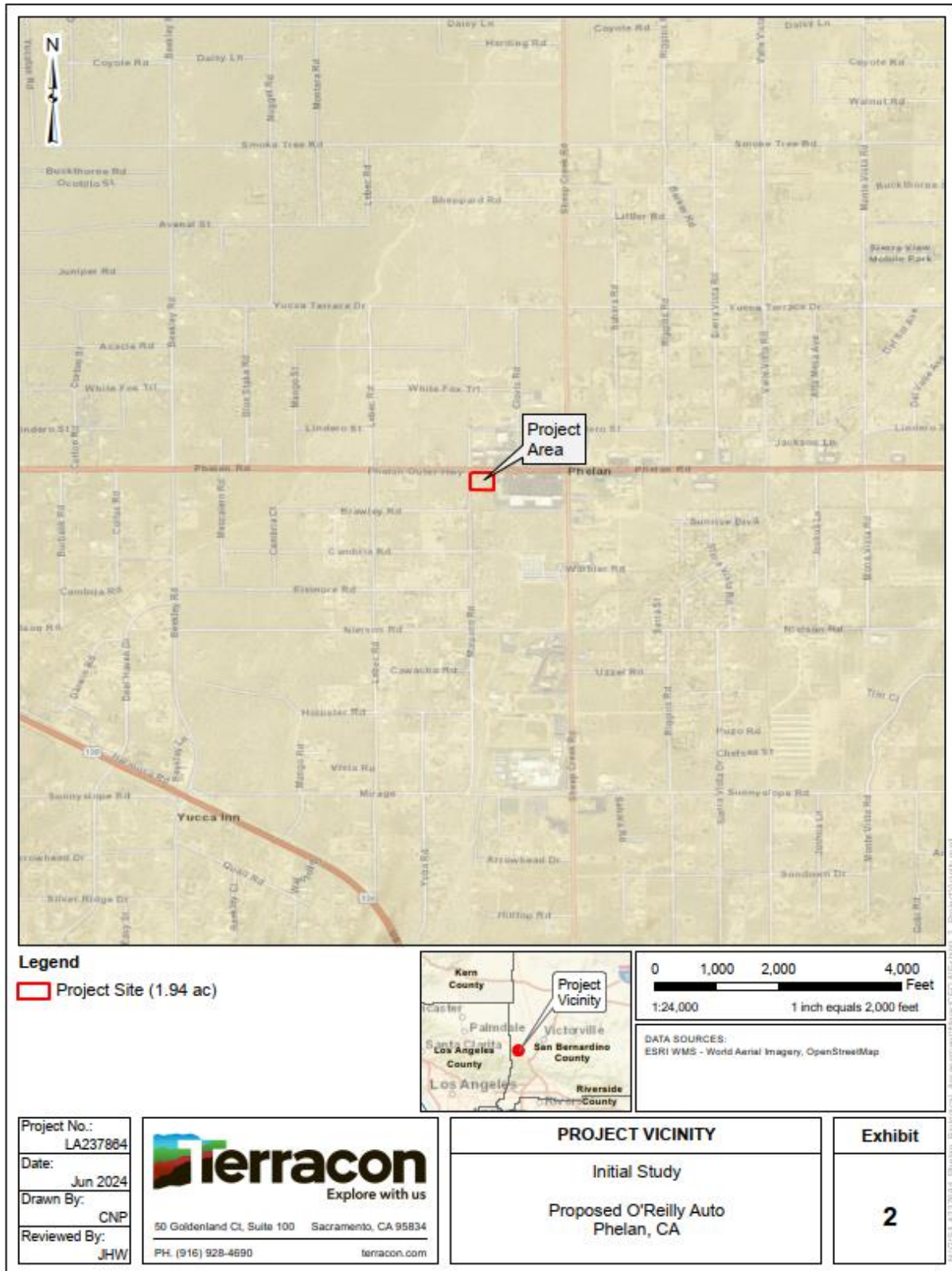


Figure 2 Project Vicinity Map

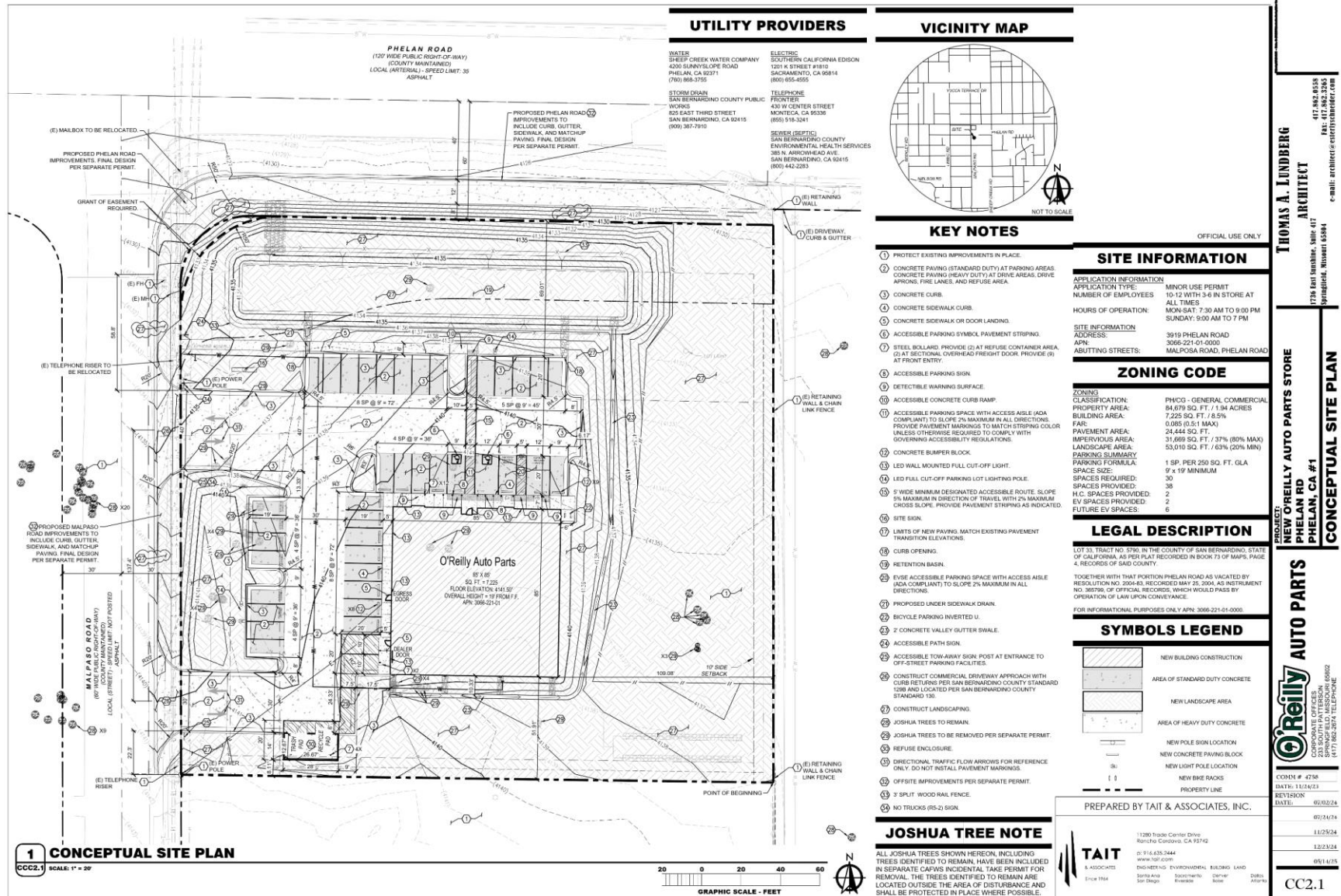


Figure 3 Site Development Plan

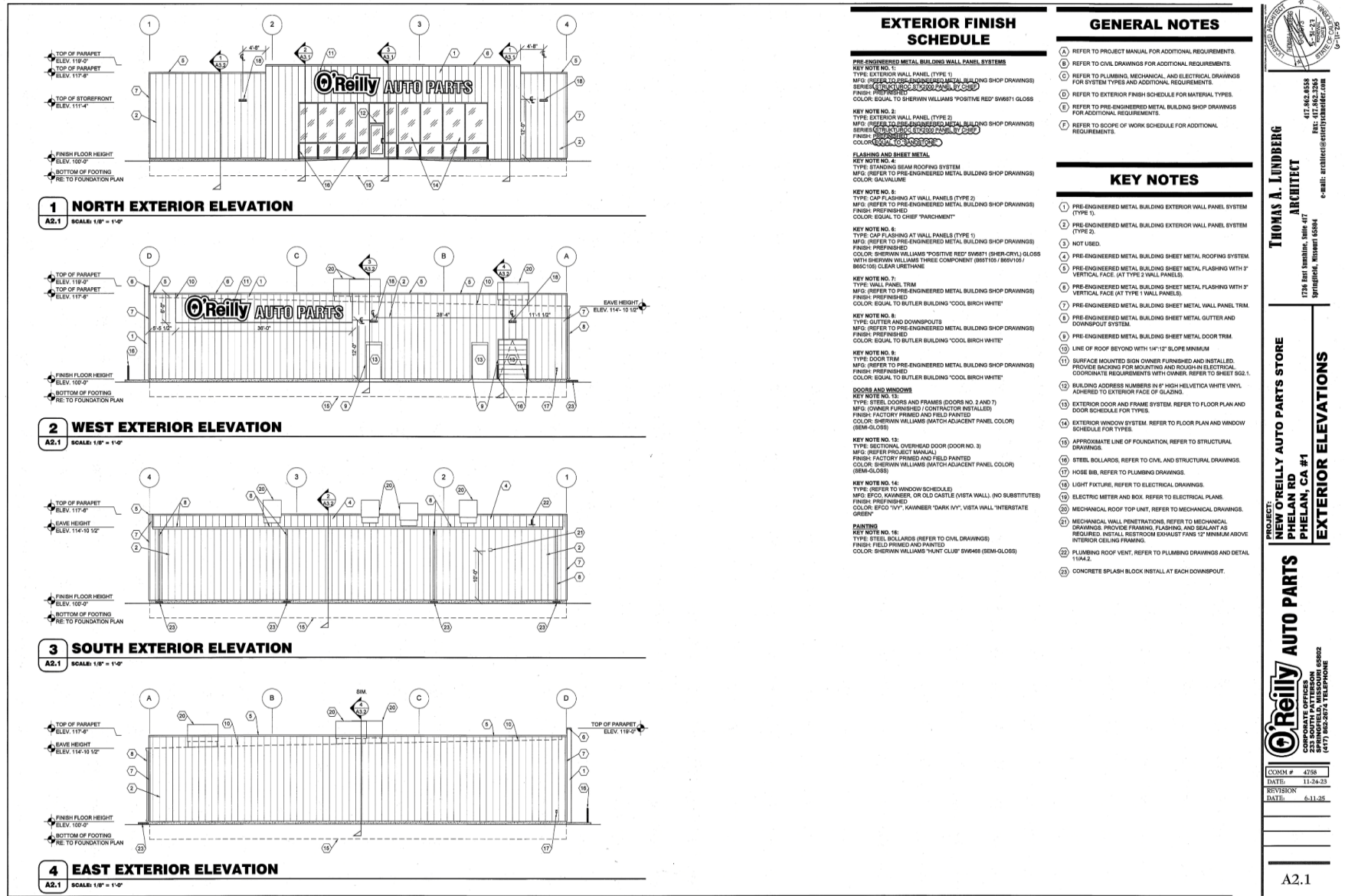


Figure 4 Exterior Elevations

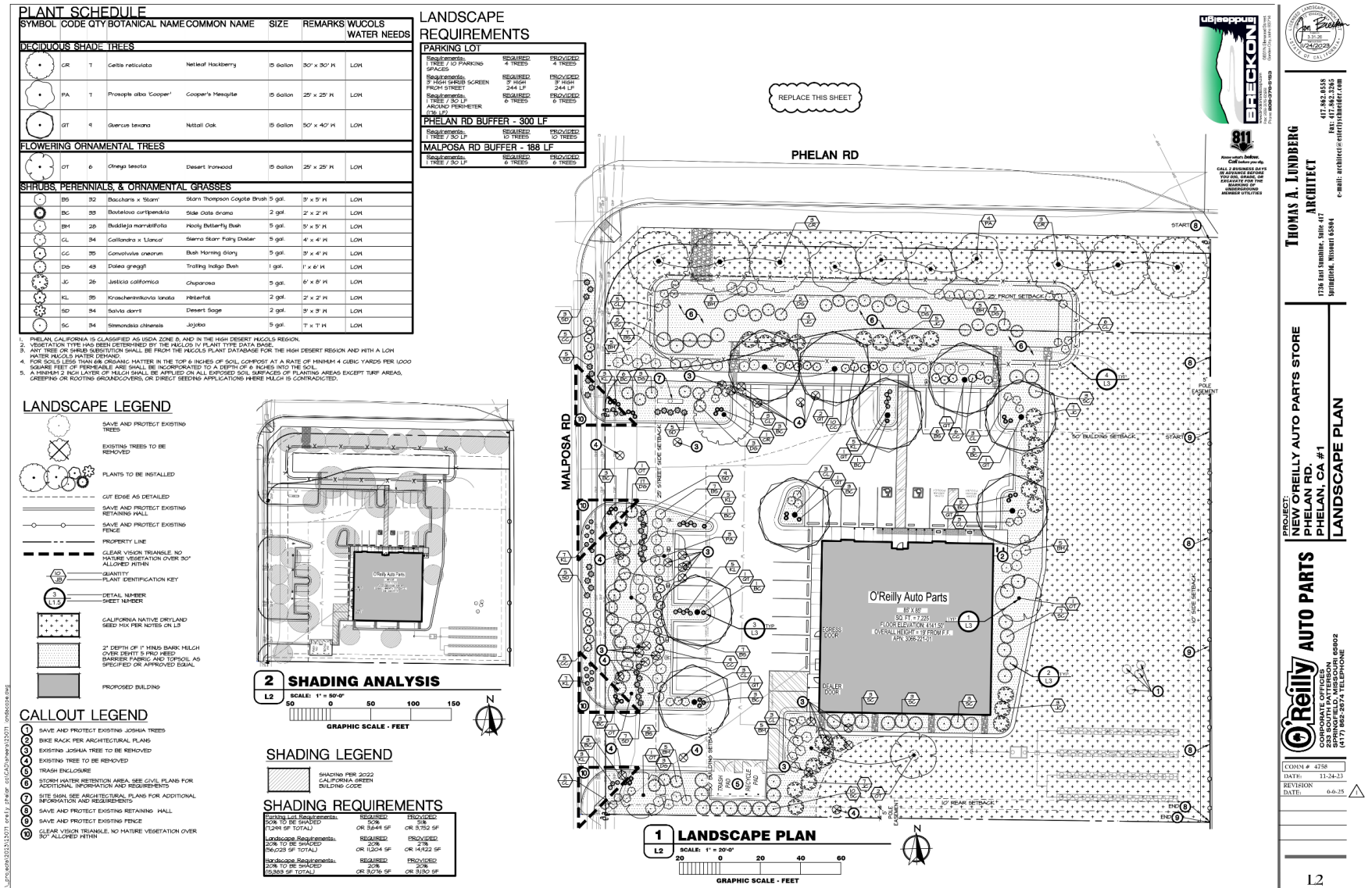


Figure 5 Landscape Plan

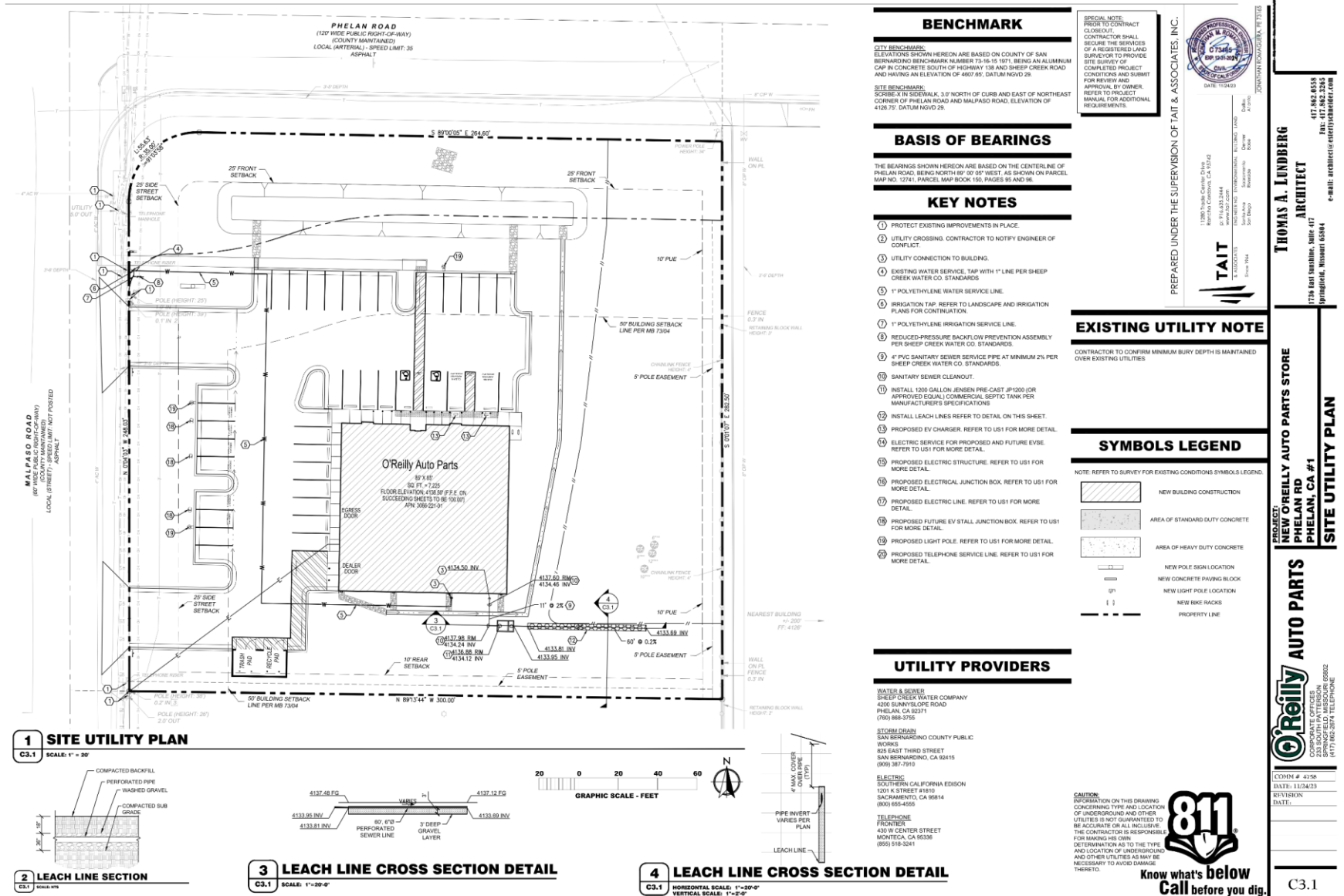


Figure 6 Site Utility Plan

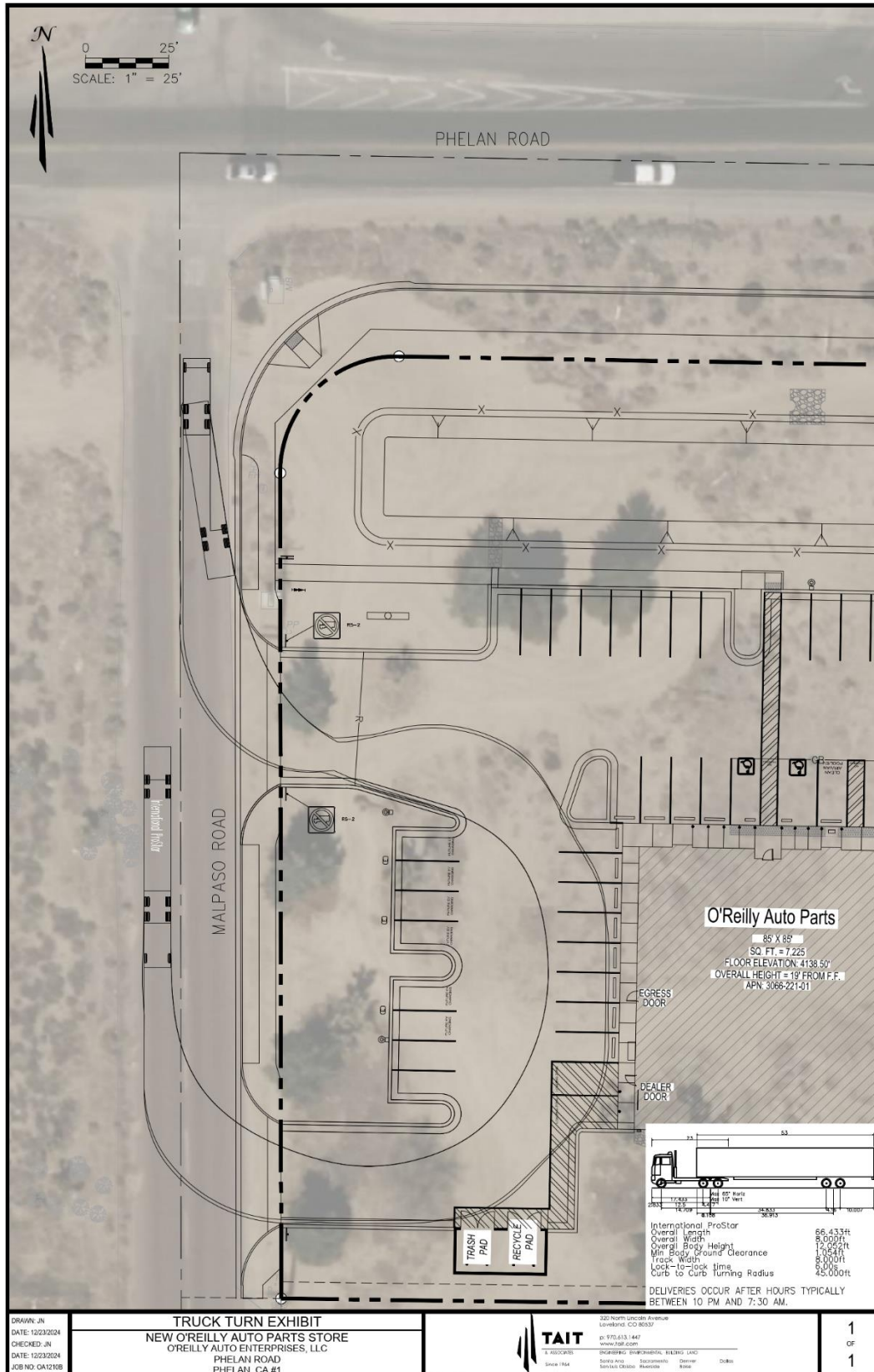


Figure 7 Truck Turn Exhibit

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

On August 22, 2024, the County of San Bernardino sent AB 52 notification letters to the following Native American tribal representatives:

- Fort Mojave Indian Tribe
- Morongo Band of Mission Indians
- San Gabriel Band of Mission Indians
- San Manuel Band of Mission Indians (currently known as Yuhaaviatam of San Manuel Nation)

The 30-day AB 52 notification period ended on September 21, 2024, and Yuhaaviatam of San Manuel Nation provided mitigation measures included in the Cultural Resources, Geology and Soils, Tribal Cultural Resource sections of this report.

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The Project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the Project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the Project on the factor and its elements. The effect of the Project is categorized into one of the following four categories of possible determinations:

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

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

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of Project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

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

At the conclusion of the analysis, the required mitigation measures are restated and categorized based on their monitoring requirements. Some measures are designed for implementation and oversight by the project proponent ("self-monitoring"), while others require compliance with a formal Mitigation Monitoring and Reporting Program, in accordance with CEQA Guidelines Section 15126.4 to ensure feasibility.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Signature: (prepared by Name , Planner)

Date

Signature:(Name , Supervising Planner)

Date

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

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

Countywide Plan; Submitted Project Materials

a) *Have a substantial adverse effect on a scenic vista?*

No Impact. The proposed Project involves the development of an O'Reilly Auto Center on currently vacant land located within the Phelan Piñon Hills community, part of the unincorporated area of San Bernardino County. The site is situated approximately 9.5 miles north of Mount San Antonio and enjoys views of the expansive San Bernardino Mountains. The area immediately surrounding the site features commercial shopping centers with parking lots to the north and east, while vacant land lies to the south and west. The Countywide Plan does not identify scenic vistas or scenic highway corridors in this vicinity.

The construction of the auto center will comply with the height requirements as outlined in Section 82.05.060 of the County's Development Code for commercial development within the Desert Region. According to Figure 4, the building will stand at 19 feet tall, significantly below the 35-foot height limit. This ensures that the new structure will not obstruct views of the mountain range. This design strategy is aimed at preserving local

views by maintaining existing sightlines. In addition, the auto center exterior color palette blends with the adjacent neighboring buildings. Consequently, no impacts are identified or anticipated, and no mitigation measures are required

- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact. The Project Site is not located within a County or State-designated scenic highway (SBC 2019h). The closest County Scenic Route and Eligible State Scenic Highway is approximately 2.5 miles south of the Project Site, along Highway 138. According to Chapter 83.08 of the San Bernardino County Development Code (Section 83.08.030), existing significant features such as rock formations and rock outcroppings would be protected and incorporated to the extent feasible. However, the Project Site itself does not contain notable features of this kind.

Furthermore, a Cultural Resources Assessment conducted by BCR Consulting on November 28, 2023, found no historic resources or buildings within the Project Site. Consequently, the proposed Project will not impact scenic resources along a state scenic highway, including trees, rock outcroppings, or historic buildings and no mitigation measures are required.

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?*

No Impact. The 2020 Census Urban Areas Map indicates that the Project Site is located within an urbanized area, surrounded by commercial developments to the north and east, and a mix of commercial and residential parcels to the south. This site is located within the Desert Region of San Bernardino County and holds a General Commercial Land Use Designation as outlined in the San Bernardino Countywide Plan, aligning with the Phelan/Piñon Hills Community Plan. The proposed development, an O'Reilly Auto Center, will conform to the designated development standards for General Commercial areas in the Desert Region. Adjacent properties to the north, east, and west share the same General Commercial designation under the Phelan/Piñon Hills plan, while the parcel to the south is zoned for Rural Living. The development of the auto center is consistent with the Countywide Plan and adheres to existing zoning and other regulatory provisions governing scenic quality.

Given the relatively flat topography of the site and its surroundings, views of the urban landscape and distant mountains will remain unobstructed. The implementation of this Project is not expected to detract from the visual character or quality of public views associated with the site and its vicinity. The design of the Project will comply with the County's Development Code, featuring appropriate landscaping and energy-efficient construction.

Currently, the Project Site is home to 39 Joshua Trees. The proposed development plans to preserve approximately 9 Joshua Trees, which will be protected *in situ* as

detailed in the Landscape Plan (Figure 5). Moreover, the Project is committed to enhancing the aesthetic and ecological harmony of the area through thoughtfully chosen landscaping that not only respects but also enriches the local flora and contributes to the region's biodiversity. Consequently, no significant adverse impacts are anticipated, and no mitigation measures are required.

- d) *Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?*

Less than Significant Impact. The proposed Project would develop the currently vacant 1.94-acre site into an O'Reilly Auto Center. This development will introduce a new source of lighting into the area, particularly noticeable during evening hours. The lighting scheme for the Auto Center will consist of security lighting installed both around the building perimeter and throughout the parking lot, enhancing visibility and safety during operational hours from 7 am to 9 pm.

In accordance with the San Bernardino County Development Code, Section 83.07.040(a) regarding Glare and Outdoor Lighting for Mountain and Desert Regions, all new construction lighting, unless specifically exempt, must be shielded to prevent light pollution or light trespass into nearby residential zones, parcels, or public rights-of-way. This shielding complies with the specifications set forth in Table 83-7 of the Development Code. The code stipulates that pole lighting should not exceed 12 feet in height to minimize its visual impact. The Lighting Plan is included within the construction plans and will be submitted to the County for review prior to issuance of a Building permit. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
II.	AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:				

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring | ☐ | ☐ | ☐ | ☒ |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Program of the California Resources Agency, to non-agricultural use?

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

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

Countywide Plan; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No Impact. The Project Site is not located within a Farmland Mapping and Monitoring Program, nor has the site been used for agricultural purposes historically (DOC 2025). The Project Site is designated as Other Land within the California Important Farmland Finder. Therefore, the proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. No impacts are identified are anticipated, and no mitigation measures are required.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. The Project Site is not under or adjacent to lands under a Williamson Contract (DOC n.d.). The Project Site has a current zoning of Phelan/Piñon Hills/General Commercial. The proposed Project would not conflict with existing zoning for agricultural uses or a Williamson Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No Impact. The Project Site is currently unoccupied and features natural desert habitat. As noted earlier, this site and the adjacent parcels are designated for commercial use under the Phelan/Piñon Hills General Commercial zoning classification. The implementation of the proposed Project will not interfere with the existing zoning regulations, nor will it necessitate the rezoning of forest land, timberland, or areas zoned specifically for Timberland Production. Given that there are no forests or timberland present either on the site or in its immediate vicinity, the Project is not expected to have negative impacts on such environments. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The Project Site is located in the desert region within San Bernardino County and does not support or contain forest land habitat. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. Implementation of the proposed Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest, as neither the Project Site nor adjacent properties contain farmland or forestland. The Project Site is currently undeveloped with sparse vegetation primarily consisting of Joshua Tree Woodland species. Surrounding properties include residential and commercial developments, as well as undeveloped desert landscape. No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the Project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any	☐	☐	☒	☐

criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

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

Countywide Plan; Submitted Project Materials, Air Quality Study

- a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The Project Site is within the Mojave Desert Air Basin and under the jurisdiction of the Mojave Desert Air Quality Management District. The Mojave Desert Air Basin encompasses the desert portion of San Bernardino County. The Mojave Desert Air Quality Management District has jurisdiction over air quality issues and regulations within the Mojave Desert Air Basin. To assist local agencies in determining if a Project's emissions could pose a significant threat to air quality, the Mojave Desert Air Quality Management District has adopted the California Environmental Quality Act (CEQA) and Federal Conformity Guideline (February 2020) which is a policy document intended to assist preparers of environmental analysis or review of documents for Projects within the jurisdiction of the Mojave Desert Air Quality Management District by providing background information and guidance on the preferred analysis approach. Additionally, the County of San Bernardino is responsible for the implementation of transportation control measures as outlined in the Mojave Desert Air Quality Management District Attainment Plans. The air and dust emissions from the construction and operational use of the Proposed Project were evaluated and compared to the Mojave Desert Air Quality Management District air quality thresholds to determine significance.

Emissions from the Proposed Project are subject to federal, State, and local rules and regulations implemented through provisions of the federal Clean Air Act, California Clean Air Act, and the rules and regulations of the California Air Resources Board and Mojave Desert Air Quality Management District. The federal Clean Air Act and California Clean Air Act were established in an effort to assure that acceptable levels of air quality are maintained. These levels are based upon health-related exposure limits and are referred to as National Ambient Air Quality Standards, provided in Appendix A, and the California Ambient Air Quality Standards. The ambient air quality standards establish maximum allowable concentrations of specific pollutants in the atmosphere and characterize the amount of exposure deemed safe for the public. Areas that meet the standards are

designated attainment and if found to be in violation of primary standards are designated as nonattainment areas.

An evaluation of potential air quality impacts related to a potential development type under the current commercial zoning and the proposed zoning (proposed Project) was prepared and is detailed in the Air Quality Study (Appendix A). Construction and operational emissions for the proposed Project were estimated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.24. The Mojave Desert Air Quality Management District Air Quality Significance Thresholds are shown in Table 1, below.

Table 1: Mojave Desert Air Quality Management District Air Quality Significance Thresholds

Pollutant	Annual Thresholds (tons/year)	Daily Thresholds (pounds/day)
NO_x	25	137
VOC	25	137
PM₁₀	15	82
PM_{2.5}	12	65
SO_x	25	137
CO	100	548
Lead	0.6	3
Greenhouse Gases (CO₂e)	100,000	548,000

Air Quality Study (Appendix A)

The proposed Project will be in compliance with the Mojave Desert Air Quality Management District Attainment Plans and will conform with the District's growth forecasts as the Project would be a commercial use within a Commercial (C) zone. Conformity is demonstrated by the Projects consistency with San Bernardino County's General Plan. Project construction and operation emissions will remain below the Mojave Desert Air Quality Management District air quality significance thresholds (see Table 2). Therefore, no significant adverse impacts are identified or anticipated regarding confliction or obstruction of the implementation of applicable air quality plan, and impacts will be less than significant.

Table 2. Estimated Construction and Operational Emissions¹

Pollutant	Construction Emissions		Operational Emissions	
	Annual Total Emissions (tons/year)	Daily Total Emissions (pounds/day)	Annual Total Emissions (tons/year)	Daily Total Emissions (pounds/day)
VOC	0.05	4.15	0.09	0.55
NO _x	0.32	4.85	0.04	0.29
CO	0.44	7.11	0.30	2.72
SO ₂	0.00	0.01	0.00	0.01
PM ₁₀	0.03	0.45	0.05	0.45
PM _{2.5}	0.02	0.23	0.01	0.12

¹Source: CalEEMod Version 2022.1.1.24

- b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less Than Significant Impact. The Mojave Desert Air Basin has been designated by the EPA as a non-attainment area for ozone (O₃) and suspended particulates (PM₁₀), meaning ambient air quality standards are exceeded for these pollutants. The Mojave Desert Air Basin is currently in attainment with the ambient air quality standards for carbon monoxide (CO), lead, sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and particulate matter (PM_{2.5}), meaning the standards are met for these pollutants.

The proposed Project's construction and operational emissions were estimated using CalEEMod. The criteria pollutants estimated are reactive organic gases (ROG), nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), and fugitive particulates (PM₁₀ and PM_{2.5}). Two of the analyzed pollutants, ROG and NO_x, are ozone precursors. Both summer and winter season and annual emission levels were estimated.

Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: Site preparation, grading (fine and mass grading), building construction, paving, and architectural coating. Construction was modeled to begin in March 2026 and is anticipated to be completed in September 2026. The resulting emissions generated by construction of the proposed Project are shown in Table 2 above and Appendix A, which include average daily emissions and annual maximum emissions.

As shown below in Table 3 and in the Air Quality Study (Appendix A), estimated annual emissions from construction are below the Mojave Desert Air Quality Management District thresholds. The proposed Project would not exceed applicable Mojave Desert Air Quality Management District regional thresholds during construction activities. Therefore, less than significant adverse impacts are identified or anticipated during construction activities, and no mitigation measures are required.

Table 3. Comparison of Estimated and Threshold Construction Emissions

Pollutant	Annual Emissions (tons/year)		Daily Emissions (pounds/day)	
	Estimated ¹	Threshold	Estimated ¹	Threshold
VOC	0.05	25	4.15	137
NO _x	0.32	25	4.85	137
CO	0.44	100	7.11	548
SO ₂	0.00	25	0.01	137
PM ₁₀	0.03	15	0.45	82
PM _{2.5}	0.02	12	0.23	65

¹Source: CalEEMod Version 2022.1.1.24

Operational Emissions

Operational activities are anticipated to begin in 2026. The resulting emissions generated by operational activities of the proposed Project are shown below in Table 4 and in the Air Quality Study (Appendix A), which include summer and winter operational emissions, average daily emissions, and annual maximum emissions. Operational emissions estimates are below Mojave Desert Air Quality Management District thresholds (see Table 4). The proposed Project would not exceed applicable Mojave Desert Air Quality Management District regional thresholds during operational activities. Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Table 4. Comparison of Estimated and Threshold Operational Emissions

Pollutant	Annual Emissions (tons/year)		Daily Emissions (pounds/day)	
	Estimated ¹	Threshold	Estimated ¹	Threshold
VOC	0.09	25	0.55	137
NO _x	0.04	25	0.29	137

CO	0.30	100	2.72	548
SO ₂	0.00	25	0.01	137
PM ₁₀	0.05	15	0.45	82
PM _{2.5}	0.01	12	0.12	65

¹Source: CalEEMod Version 2022.1.1.24

The Project would not result in cumulatively considerable net increase of non-attainment pollutants during short-term construction or operation. Therefore, the impacts are considered to be less than significant.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant Impact.

The Mojave Desert Air Quality Management District CEQA and Federal Conformity Guidelines (February 2020) describes sensitive receptors as being residences, schools, daycare centers, playgrounds and medical facilities. The following Project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated using Mojave Desert Air Quality Management District significance thresholds:

- Any industrial Project within 1,000 feet;
- A distribution center (40 or more trucks per day) within 1,000 feet;
- A major transportation Project (50,000 or more vehicles per day) within 1,000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

The nearest sensitive receptor to the Project Site is the residential land located 380 feet to the south and southwest. The proposed Project is development of a commercial building on a 1.94-acre vacant property. As such, the proposed Project does not meet the criteria for a Project type which is subject to sensitive receptor significance threshold evaluation. Furthermore, the modeling results shown previously indicate that development of the proposed Project is not anticipated to exceed Mojave Desert Air Quality Management District emissions thresholds during construction or operations. Therefore, sensitive receptors would not be subject to significant air quality impacts during Project construction and operational activities. Thus, a less than significant impact to sensitive receptors is expected and no mitigation measures are required.

d) *Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?*

Less than Significant Impact. Potential odor sources associated with the proposed Project may result from construction equipment exhaust, and the application of asphalt and architectural coatings during construction activities as well as the temporary storage of domestic solid waste associated with the proposed Project's long-term operational uses. Diesel exhaust and VOCs would be emitted during construction of the Project; however, emissions would disperse rapidly from the Project Site and therefore should not reach an objectionable level at the nearest sensitive receptors. Standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that construction odor emissions generated would be temporary, short-term, and intermittent in nature, and would cease upon completion of the respective phase of construction activity. Further, operational sources that may emit odors during the on-going operations of the proposed Project would include odor emissions from vehicular emissions and trash storage areas. Additionally, as the project is that of commercial use which would not generate significant heavy-duty truck trips and would comply with Mojave Desert Air Quality Management District Rule 402, no significant impact related to odors would occur during the on-going operations of the proposed Project. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES - Would the Project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife	☐	☐	☐	☒

species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- | | | | | | |
|----|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

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

Countywide Plan; Submitted Project Materials; Biological Resources Assessment

Implementation of the proposed Project has the potential to impact various special-status species and other biological resources. Terracon Consultants (Terracon) conducted a Biological Assessment (provided as Appendix B) for the Project site and identified suitable habitat for three special status wildlife species (coast horned lizard, Swainson's hawk, and burrowing owl) as well as the presence of multiple western Joshua trees (Terracon 2024). All other special-status species within the vicinity of the Project area are discussed in the Biological Assessment but are not expected to occur.

- a) *Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Less than Significant Impact with Mitigation Incorporated. A General Biological Assessment, dated March 11, 2025, was prepared for the Project Site by Terracon Consultants, Inc. (Appendix B). The Project Site is referenced in the Biological Assessment as the "Study Area" and comprises a 1.94-acre tract of vacant graded land with sparse vegetative cover in the unincorporated Phelan Piñon Hills community in San Bernardino County.

As part of the environmental process, the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on November 28, 2023, during which the biological resources on the site and in the surrounding areas were documented by biologists from Terracon Consultants, Inc. As part of the surveys, the Study Area was evaluated for the presence of habitats which may support populations of sensitive wildlife species. In addition, Western Joshua tree census surveys were

completed on November 28, 2023, July 9, 2024, and October 16, 2024, as well as protocol level desert tortoise and burrowing owl surveys on October 24, 2024.

The vegetation community on the Study Area is Joshua tree woodland (*Yucca brevifolia* Woodland Alliance, CNPS 2023), encompassing primarily native vegetation. Vegetation occurring on the Study Area includes Joshua trees (*Yucca brevifolia*), common stork's-bill (*Erodium cicutarium*), cholla (*Cylindropuntia* sp.), cheatgrass (*Bromus tectorum*), prickly Russian thistle (*Salsola tragus*), broadleaf filaree (*Erodium botrys*), rubber rabbitbrush (*Ericameria nauseosa*), smooth Arizona cypress (*Cupressus glabra*), jointfir (*Ephedra* sp.), California buckwheat (*Eriogonum fasciculatum*), buckwheat (*Eriogonum* sp.), California evening primrose (*Oenothera californica*), red brome (*Bromus rubens*), sapphire woollystar (*Eriastrum sapphirinum*), tall tumbled mustard (*Sisymbrium altissimum*), valley lessingia (*Lessingia glandulifera*), Bermuda grass (*Cynodon dactylon*), desert inkcap (*Montagnea arenaria*), Colorado pinyon pine (*Pinus edulis*), and Saharan mustard (*Brassica tournefortii*).

Federal and State Listed Species

There are seventeen listed species that were evaluated for their potential to occur within the Study Area which include: Mohave ground squirrel, Swainson's Hawk, Southwestern Willow Flycatcher, California Condor, Least Bell's Vireo, Desert tortoise, Santa Ana Sucker, Mohave tui chub, Arroyo toad, Southern Mountain Yellow-legged Frog, Quino Checkerspot Butterfly, Nelson's Antelope Squirrel, Crotch's bumble bee, Short-joint beavertail, Western Joshua tree, Monarch Butterfly, and burrowing owl.

Two species have been assessed as having a low potential to occur within the Study Area within the Biological Assessment: Swainson's hawk and burrowing owl.

Swainson's Hawk:

Swainson's hawk inhabits open lowland areas such as valleys, plateaus, floodplains, and deserts, hunting in drylands, pastures, fallow fields, and grasslands. It nests in tall, solitary trees near riparian woodlands but may also use smaller trees, rock ledges, human-made structures, or Joshua tree woodlands in desert regions.

Listed as a State-threatened species, the nearest CNDDDB occurrence is 14 miles northeast of the Study Area (Occurrence No. 2544, 1939). While the Study Area, consisting mainly of Joshua tree woodland with sparse small trees, may offer limited foraging and nesting habitat, the likelihood of occurrence is low due to poor habitat quality.

Burrowing owl:

The species inhabits arid, open regions with sparse vegetation in the western part of North America. Its preferred environments encompass grasslands, rangelands, and agricultural areas, but it can also be found in fallow fields or vacant lots within urbanized areas. The Study Area contains suitable habitat due to the abundance of mammal burrows scattered throughout. However, the likelihood of the Burrowing Owl being present is low. A desktop review of CNDDDB maps and eBird documented occurrences

of Burrowing Owl at or near the survey site returned zero results of any historical burrowing owl use or occupancy on or within 150 meters of the site. Additionally, no evidence of the species (such as excrement, prey pellets, or feather marks at burrow entrances) was found during the November 28, 2023, biological assessment. Following the protocol outlined in Appendices C and D of the CDFW Staff Report on Burrowing Owl Mitigation (2012), full coverage of the project area was surveyed at 10 meter transects on October 24, 2024. Due to private property restrictions, the 150 meter buffer was scanned with binoculars. No evidence, including burrowing owls, pellets, prey remains, whitewash, or decoration, was observed and only two burrows that met the size minimum for diameter were detected. Neither of these burrows met the depth minimum of 150 cm. (Johnson et al. 2010).

Following the protocol outline in the USFWS Desert Tortoise Mojave Population Field Manual (2009), full coverage of the Study Area was surveyed at 10 meter transects on October 24, 2024 for desert tortoise. No evidence, including live desert tortoise, scat, carcasses, eggshells, or burrows were observed. Three non-desert tortoise burrows were documented on site (Appendix B). One special status plant species (a California Endangered Species Act Candidate), western Joshua tree, was observed on the Study Area.

Twelve species have been assessed as not expected to occur within the Study Area: Southwestern willow flycatcher, California condor, Least Bell's Vireo, Santa Ana Sucker, Mohave tui chub, Arroyo toad, Quino checkerspot butterfly, Southern mountain yellow-legged frog, Monarch butterfly, Short-joint beavertail, Mohave ground squirrel, and Nelson's antelope squirrel. These species are not expected to occur within the Study Area for the following reasons, the species were not observed during the biological assessment, no suitable habitat exists within the Study Area, and/or the Study Area is outside the known species range and elevation. Additional analysis for these species are included in Appendix B.

Following review of the draft IS/MND, CDFW determined that there may be potential for additional species to be present onsite by the time the planned construction begins which includes Mohave ground squirrel, desert tortoise, and Crotch's bumble bee. Mitigation measures BIO-5, BIO-6, and BIO-7 have been included to ensure that no impacts to individuals of these species occur.

Mitigation Measures BIO-1, BIO-2, BIO-5, BIO-6, and BIO-7 shall be implemented to ensure that no impacts to individuals of Swainson's hawk, burrowing owl, Mohave ground squirrel, desert tortoise, or Crotch's bumble bee will occur.

Species of Special Concern

There are two wildlife species that are species of special concern in the Phelan quadrangle: Le Conte's thrasher and coast horned lizard. Coast horned lizard and Le Conte's thrasher have low potential to occur within the Study Area (Appendix B).

Le Conte's thrasher:

Le Conte's thrasher's is a local resident in southern California deserts from Mono County south to the Mexican border and in the western and southern San Joaquin Valley. The

preferred habitat is open desert wash, desert scrub, alkali desert scrub, and desert succulent habitats. It can also occur in Joshua Tree habitat with scattered shrubs. Tends to prefer desert washes and flats with scattered shrubs and large areas of open, sandy, or alkaline terrain. The Study Area does not contain the typically preferred large shrubs and bare open ground. The areas between Joshua trees are too vegetated and dense for the preference of this species. However, the closest known occurrence was located approximately 0.6 miles west of the project site in 2022. (eBird n.d.). Therefore, there is low potential for Le Conte's thrasher to occur within the Study Area.

Coast horned lizard:

Coast horned lizards inhabit open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains. They are typically found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. Often found in lowlands along sandy washes with scattered shrubs and along dirt roads. Although they can be present in Joshua tree woodland habitat, within this habitat they are typically found at higher elevations from 1230-1670 m. The Study Area does contain some aspects of the preferred habitat, however in Joshua tree woodland they are typically found at higher elevations. Based on these findings, the coast horned lizard has a low potential to occur within the Study Area.

Mitigation Measure BIO-2 shall be implemented to ensure that no impacts to individuals of Le Conte's thrasher or coast horned lizard will occur.

Protected Plants

Joshua trees were observed throughout the Study Area during the Biological Assessment conducted on November 28, 2023, and no other County protected desert plants were identified at the time of the survey. During the Joshua tree survey, a census was created to evaluate the number of Joshua trees located within the Study Area, including their size, condition, and other factors per the CDFW WJT Census Data Sheet and CDFW Census Instructions. Two additional rounds of census surveys were completed on July 9, 2024, and October 16, 2024, as the buffer area of the project was expanded to capture any potential offsite improvements on Malpaso Road or Phelan Roads. A 50 ft buffer around all potential work was used, which extended across the road onto the adjacent parcel to the west where no work is expected to occur. Initial field investigations resulted in the findings of 39 Joshua trees observed in the Project Area, with another 31 Joshua trees observed during the additional two site visits. With the expanded buffer, there are 70 total trees in the Project area. All trees in the buffered area and nine in the Project area will be avoided (see Table 5). The Project will avoid a total of 40 trees and remove 30 trees, seven of which are already dead. Therefore, 23 live trees are expected to be removed in the Project area. Thirty-nine trees will be protected in place and incorporated into the project landscape. There are 13 mature (branched) trees. The average mean height of the mature (branched) trees is 4.3 meters with a range in heights from 1.3-6.7 meters.

Table 5. Impact to Joshua Trees in the Study Area

Tree Status	Tree Size Class	Project Area		Buffer Area	
		Avoid	Remove	Avoid	Remove
Live	A	6	6	19	0
	B	1	13	6	0
	C	2	4	2	0
Subtotal		9	23	27	0
Dead	A	0	0	1	0
	B	0	7	3	0
	C	0	0	0	0
Subtotal		0	7	4	0
Total		9	30	31	0

Size Class A: Under 1 meter

Size Class B: Greater than 1 meter, but less than 5 meters

Size Class C: 5 meters or greater

An application for an Incidental Take Permit has been submitted to the California Department of Fish and Wildlife. Under Fish & G. Code § 2081(b), as outlined in Cal. Code Regs., tit. 14, §§ 783.2-783.8, an Incidental Take Permit establishes a performance standard requiring that the impacts be “minimized and fully mitigated” with “measures that are roughly proportional in extent to the impact of the authorized taking on the species.” The Western Joshua Tree Conservation Act has established mitigation fees for the removal of western Joshua tree individuals. The Applicant will pay the fees as calculated according to Mitigation Measure BIO-3. Mitigation Measure BIO-3 shall be implemented to ensure no net impacts to western Joshua trees occur.

Birds

Nesting birds are protected under the Migratory Bird Treaty Act and California Fish and Game Codes 3503, 3503.5, 3513. Avian species observed during the field investigations included chirping sparrow (*Spizella passerine*), common raven (*Corvus corax*), house finch (*Haemorhous mexicanus*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), Northern mockingbird (*Mimus polyglottus*), rock pigeon (*Columbia livia*), and turkey vulture (*Cathartes aura*). Mitigation Measure BIO-1 shall be implemented to ensure no impacts to nesting birds occur.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

Less than Significant Impact with Mitigation Incorporated. The Project Site is primarily characterized by the vegetation community Joshua Tree Woodland (*Yucca brevifolia* Woodland Alliance). This vegetation community is considered a sensitive natural community and has a state plant rarity ranking of S3.2 or threatened. As stated above, an application for an Incidental Take Permit has been submitted to the California

Department of Fish and Wildlife regarding western Joshua trees. This Incidental Take Permit will require impacts to individuals of this species be minimized and fully mitigated. Mitigation Measure BIO-3 shall be implemented to ensure no net impacts to western Joshua tree woodland occurs. Therefore, the Project's impacts to existing vegetation would be less than significant with mitigation incorporated.

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. As described in the Biological Assessment (Terracon 2024), the National Wetlands Inventory does not contain wetland features within or nearby the Project Site. Additionally, the majority of the plant species present within the Project Site have an indicator Status of *Facultative Upland* or *Upland* and no hydrology indicators were observed within the Project Site. Therefore, the proposed Project would have no impact on state or federally protected wetlands.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. As described in the Biological Assessment (Terracon 2024), the Project Site is not located in a California Essential Habitat Connectivity area. The nearest California Essential Habitat Connectivity area to the Project Site is approximately 1.6 miles to the south. Additionally, the Project Site is surrounded by commercial development, and therefore, the proposed Project would result in no impact to wildlife movement.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less than Significant Impact with Mitigation Incorporated. The proposed Project has been designed with consideration for the policies and ordinances of San Bernardino County, and the proposed Project is consistent with these policies and ordinances. However, these ordinances impose additional requirements on the proposed Project regarding impacts to western Joshua trees. Sections 88.01.050 and 88.01.060 of the San Bernardino County Development Code require that where removal of Joshua trees or cacti is proposed, all individuals to be removed shall be transplanted or stockpiled for future transplanting where possible. Mitigation Measure BIO-3 shall be implemented to ensure no net impacts to western Joshua trees occurs. Therefore, the proposed Project would have a less than significant impact with mitigation incorporated.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

No Impact. The Project Site is not enrolled in a formal Habitat Conservation Plan or Natural Community Conservation Plan. The Project Site occurs on private land and is not located within other local, regional, or State conservation planning areas. Therefore, the proposed Project would not conflict with an adopted Habitat Conservation Plan,

Natural Community Conservation Plan, or other approved local, regional or State habitat conservation plans and the Project would result in no impact.

Mitigation Measures

Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys

Within 3 days prior to the commencement of Project activities, a qualified biologist will determine the presence of active nests belonging to species protected under the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and California Fish and Game Codes 3503, 3503.5, and 3513 with full project site coverage including visual surveys extending to surrounding lands (up to 300 ft for raptors). In cases where ground disturbance activities are delayed, additional pre-disturbance must be conducted to ensure that no more than seven days have passed between the survey and the onset of ground disturbance activities. If active nests are identified, disturbance activities within 300 feet (for passerine birds) and 500 feet (for raptors) of the nest must be postponed or halted until the nest is vacated and the juveniles have successfully fledged, as determined by the biologist. The biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. To establish avoidance buffers in the field, highly visible construction fencing, or flagging must be used, and on-site personnel must be educated about the sensitivity of these nest areas. During periods when Project activities are scheduled to occur near active nests, a qualified biologist must be present as a biological monitor to ensure that inadvertent impacts on these nests are prevented and that encroachment into the buffer area does not occur.

Mitigation Measure BIO-2: Pre-construction Clearance Surveys

Burrowing Owl

Within 14 days preceding vegetation clearing or ground disturbing activities, a qualified biologist will conduct an initial take avoidance survey for signs of occupancy by the burrowing owl. This survey must encompass the entire area designated for disturbance and should involve the biologist walking along parallel transects. If no Burrowing Owls are detected during the initial take avoidance survey, the survey should be repeated within 24 hours prior to ground disturbance to determine if the Project site contains burrowing owl or sign thereof to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the Project site. If both surveys reveal no burrowing owls, active burrowing owl burrows or perch sites with active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof, no additional actions related to this measure are required and a report shall be prepared by the qualified biologist documenting the results of the survey including all requirement for survey reports (page 30 of the 2012 Staff Report). The report shall be submitted to CDFW for review prior to construction. Surveys will follow Appendices C and D of the CDFW Staff Report on Burrowing Owl Mitigation (2012). If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.

If burrowing owl, active burrows or signs thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be

reviewed and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012) may be authorized through the incidental take permit as a minimization measure.

Coast Horned Lizard

In order to avoid potential impacts to coast horned lizards within the Project area, a biologist shall conduct a pre-construction clearance survey on the day that construction activities, including vegetation clearing and ground disturbing activities, occur within the Project area where suitable habitat is present. Construction personnel shall conduct daily inspection of trenches and holes for entrapped wildlife each morning prior to the onset of Project construction, and inspection of pipes, culverts, and similar construction material for entrapped wildlife at the beginning and end of the day. If this species is observed during the pre-construction clearance survey, the project biologist shall require additional measures to reduce potential impacts such as creating appropriate buffers and on-site construction monitoring by a qualified biological monitor during demolition and grading.

Le Conte's Thrasher

Prior to any ground-disturbing activities, including vegetation clearing, grading, or construction, a qualified biologist shall conduct a pre-construction clearance survey for Le Conte's thrasher (*Toxostoma lecontei*) within suitable habitat areas on the Project Site.

If an active nest or breeding pair is detected during the survey, a no-disturbance buffer of at least 500 feet shall be established around the nest site or as otherwise recommended by the qualified biologist, in consultation with the California Department of Fish and Wildlife (CDFW). If the species is observed within the Project area, CDFW shall be contacted to formulate a strategy for avoidance.

Mitigation Measure BIO-3: Western Joshua Tree

The Project applicant shall comply with the requirements of the Western Joshua Tree Conservation Act and San Bernardino County Code Sections 88.01.050 and 88.01.060 regarding the removal, relocation, or transplantation of Western Joshua trees.

A mitigation fee shall be paid for Western Joshua trees requiring removal as a result of the Project according to the Western Joshua Tree Conservation Act. The applicant's contribution is expected to be on a per tree basis and will be determined through the

Incidental Take Permit process with California Department of Fish and Wildlife. Per the Western Joshua Tree Conservation Act Mitigation Fee Map, the project site is not within the reduced mitigation fee area. The fees are based on the "Standard" Western Joshua tree removal fees as determined by the Act as follows:

- Trees 5 meters (16.4 feet) or greater - \$2,544.75
- Trees 1 meter (3.28 feet) or greater but less than 5 meters - \$509
- Trees less than 1 meter - \$346

In addition to paying the required mitigation fees, the Project applicant shall comply with San Bernardino County Code Section 88.01.050, which requires the relocation or transplantation of Joshua trees where feasible, as determined by a qualified biologist or certified arborist. The applicant shall also comply with Section 88.01.060, which establishes replanting standards for transplanted Joshua trees to maximize survival rates.

To comply with County Code Section 88.01.050, Joshua trees shall be transplanted on-site where feasible, and if transplantation on-site is not possible, trees shall be relocated to a designated off-site location in accordance with the County's standards and under the direction of a qualified biologist or arborist. The Project applicant shall ensure that proper irrigation, monitoring, and maintenance is provided for any transplanted Joshua trees for a minimum period of two years to ensure successful establishment.

If any transplanted trees do not survive after two years of monitoring, the applicant shall either:

1. Replace the dead tree(s) with a Western Joshua tree of similar size or age; or
2. Pay the applicable in-lieu mitigation fee in accordance with the Western Joshua Tree Conservation Act and County Code.

Mitigation Measure BIO-4: Biological Monitor

In the event of an observation of burrowing owl, nesting birds, coast horned lizard, Le Conte's thrasher or recent signs of occupancy by these species within the Study Area, a qualified biologist will be designated as the biological monitor. This monitor will be required to be on-site at all times during activities involving vegetation clearance or ground disturbance. Their primary responsibility is to observe and educate construction teams so that potential impacts to biological resources are either avoided or minimized to the greatest extent possible. Once the Project approaches a phase where it is determined by the biological monitor that biological resources are no longer present, as determined by their expertise, they may request a reduction or discontinuation of biological monitoring in that specific area. The biological monitor is vested with the authority to halt specific Project activities if they suspect violations of avoidance or minimization measures or if there are concerns about compliance with local, state, or federal laws. This authority is essential for the protection of biological resources and adherence to regulatory requirements.

Mitigation Measure BIO-5: Mohave Ground Squirrel

Prior to ground disturbing activities commencing a visual survey according to CDFW's Mohave Squirrel Survey Guidelines (CDFW 2023) shall be conducted during the period of

March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted in the Project site during daylight hours by a qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring throughout the term of the Project confirms presence, the Project Proponent shall halt all Project activities and contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or should obtain a CESA ITP.

Mitigation Measure BIO-6: Desert Tortoise

A qualified biologist shall conduct a protocol level presence or absence survey within the Project site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.

Mitigation Measure BIO-7: Crotch's Bumble Bee

Crotch's bumble bee focused surveys shall be conducted within the Project site and within 100-feet of the Project site prior to the start of Project activities. Surveys shall be conducted using survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected through surveys, Permittee shall fully avoid impacts to Crotch's bumble bee or should obtain a CESA ITP.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those outside of formal cemeteries?	☐	☒	☐	☐
SUBSTANTIATION: (Check if the Project is located in the Cultural ☐ or Palaeontologic ☐ Resources overlays or cite results of cultural resource review):				

San Bernardino Countywide Plan; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials; Cultural Resources Assessment

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Less than Significant Impact with Mitigation Incorporated. A Cultural Resources Assessment was conducted by BCR Consulting LLC, on February 24, 2025. The report is included in Appendix C of this Initial Study and is summarized below.

A records search was procured from the South Central Coastal Information Center to identify previously recorded archaeological and historic-era resources within the Project Site and to determine the types of resources that might occur. The records search provided by the South Central Coastal Information Center revealed that 10 Cultural Resource studies have been conducted within a half-mile radius of the Project Site (BCR 2024). The results of the Cultural Resource Studies determined that no cultural resources have been identified within the boundaries of the Project Site. Furthermore, the results of the field survey conducted by BCR archaeologists concluded that no cultural resources, including historic-period, prehistoric archeological sites, or historic-period architectural resources, were identified and no visible disturbances were found within the Project Site.

Although the current study has not indicated sensitivity for historical cultural resources within the Project boundaries, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface during previous surveys. For this reason, Mitigation Measures CR-1 and CR-2 are applicable. With the implementation of Mitigation Measures CR-1 and CR-2, impacts to cultural resources would be less than significant.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less than Significant Impact with Mitigation Incorporated. A Cultural Resources Records Search was conducted at the South Central Coastal Information Center at California State University, Fullerton that concluded that there have been 10 cultural resources studies completed resulting in no cultural resources within half a mile of the Project Site. Tasks completed within the scope of the records search included additional research, intensive-level pedestrian cultural resources survey, Sacred Lands File Search with the Native American Heritage Commission, and a paleontological resources overview, performed in partial fulfillment of CEQA requirements.

Mitigation measures would be required upon risk of disturbing unique archaeological resources. Non-unique archaeological resources that qualify as tribal cultural resources would additionally require further consideration into significant impacts. Impacts to tribal cultural resources are discussed in XVIII: Tribal Cultural Resources. Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that

without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; and/or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Based on the results of the Cultural Resources Assessment, it is recommended that no additional cultural resources work or monitoring is necessary during proposed Project activities. No significant impact related to archaeological resources is anticipated and no further investigations are recommended for the proposed Project. Although the current study has not indicated sensitivity for archaeological cultural resources within the Project boundaries, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface during previous surveys. For this reason, Mitigation Measure CR-1 is applicable to assess cultural resources that may be discovered during Project activities and prevent disturbance of archaeological resources. With implementation of Mitigation Measures CR-1 and CR-2, impacts to archaeological resources would be less than significant.

- c) Disturb any human remains, including those outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated. The Cultural Resources Record Search and Cultural Resources Assessment did not indicate that the Project Site has been utilized in the past as a formal or informal cemetery and the search of the Native American Heritage Commission Sacred Lands File search were negative. However, this does not insinuate that there is no possibility of the discovery of human remains on the Project Site during demolition activities. In the unexpected event human remains are encountered during Project implementation, pursuant to State Health and Safety Code Section 7050.5, Project activities shall cease and steps taken to ensure the integrity of the area so that no further disturbance would occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must determine if the remains are Native American and, in confirming so, would have to notify the Native American Heritage Commission within 24 hours so that the commission can determine and notify a Most Likely Descendant. Impacts to human remains would be less than significant with incorporation of mitigation measure CR-3.

Mitigation Measures

Mitigation Measure CR-1

In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find.

Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, Yuhaaviatam of San Manuel Nation Cultural Resources Department shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

Mitigation Measure CR-2

If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Yuhaaviatam of San Manuel Nation for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Mitigation Measure CR-3

If human remains or funerary objects are encountered during activities associated with the Project, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant. The most likely descendant shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

Because excavation activity associated with the development of the Project Site would impact the paleontologically sensitive Pleistocene alluvial units, it is the recommendation of the Western Science Center that a paleontological resource mitigation program be put in place to monitor, salvage, and curate recovered fossils associated with the study area.

Implementation of Mitigation Measures CR-1, CR-2 and CR-3 would reduce potentially significant impacts of the Proposed Project associated with Cultural Resources to less than significant.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VI. ENERGY – Would the Project:					
a)	Result in potentially significant environmental impact due to wasteful,	☐	☐	☒	☐

inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☒ ☐

SUBSTANTIATION: Countywide Plan; Submitted Materials

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Less Than Significant Impact. The Project will not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. The use of energy resources for vehicles, grading, paving, and equipment would fluctuate during the phases of construction and would be temporary. Contractors would comply with Section 2449 of the California Code of Regulations, Title 13, Chapter 9, Article 4.8, which limits non-essential idling of construction equipment during construction activities to no more than five consecutive minutes. Compliance with Section 2449 would minimize wasteful and unnecessary consumption of fuel by reducing unproductive idling of construction equipment. The Project has also been designed in compliance with California's Energy Efficiency Standards and 2022 CALGreen Standards. Equipment employed in the construction of the Project has no need to be more energy intensive than that used for comparable activities and will conform to current emissions standards (and related fuel efficiencies) and therefore would not result in inefficient, wasteful, or unnecessary consumption of fuel. Additionally, the Project does not propose uses or operations that would result in excessive and wasteful vehicle trips or associated vehicle energy consumption. Therefore, project transportation energy consumption would not be wasteful, inefficient, or unnecessary.

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less Than Significant Impact. The proposed Project includes the construction of a 7,225 square-foot single-story building, which would be designed to comply with the current Building Energy Efficiency Standards. In addition, electricity is required for lighting and electric vehicle charging stations. As summarized above, the proposed Project's electricity demand would not be significant. The proposed Project is expected to consume approximately 43,939 kBTU (approximately 44 MMBTU) of natural gas annually. On average, commercial customers consume approximately 50 MMBTU per month, totaling 600 MMBTY annually (American Gas Association 2017) Therefore, the Project's estimated consumption is less than 10% of the average commercial use.

As part of the permitting process, the Project will undergo review by local jurisdictions and inspections as necessary to confirm compliance with applicable energy efficiency standards. By following these regulations, the Project aligns with state and local plans for renewable energy and energy efficiency. Therefore, the Project will not conflict with

or obstruct any state or local plans for renewable energy or energy efficiency, and no significant adverse impacts are anticipated.

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII.	GEOLOGY AND SOILS - Would the Project:				

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐ ☐ ☒ ☐

ii. Strong seismic ground shaking?

☐ ☐ ☒ ☐

iii. Seismic-related ground failure, including liquefaction?

☐ ☐ ☐ ☒

iv. Landslides?

☐ ☐ ☐ ☒

b) Result in substantial soil erosion or the loss of topsoil?

☐ ☐ ☐ ☒

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?

☐ ☐ ☒ ☐

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

☐ ☐ ☐ ☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems

☐ ☐ ☐ ☒

where sewers are not available for the disposal of wastewater?

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☒ ☐ ☐

SUBSTANTIATION: (Check ☐ if Project is located in the Geologic Hazards Overlay District): **Countywide Plan; Submitted Project Materials**

Countywide Plan; Submitted Project Materials; Geotechnical Engineering Investigation

A Geotechnical Engineering Investigation was prepared by Krazan & Associates, Inc. on June 15, 2023. The report is included in Appendix D of this Initial Study and is summarized within sections a - f.

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42

Less than Significant Impact. The Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zone. As shown in the California Department of Conservation's "Earthquake Hazards Zone" web application, the nearest fault is approximately 6.0 miles south from the Project site. Although the potential for rupture on-site cannot be dismissed, it is considered low due to the absence of known faults within the immediate vicinity. Nonetheless, the proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with these codes and standards would address potential impacts resulting from an earthquake event. Furthermore, the proposed Project is subject to review by the County of San Bernardino and shall comply with all conditions of approval required by the County. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

ii) Strong seismic ground shaking?

Less than Significant Impact. Although the Project Site is situated in an area of high regional seismicity (Appendix D), no active faults pass through, or within the vicinity of the Project site (SBC 2019b). Additionally, the Project site has a low-medium ranking for earthquake shaking potential and will experience a lower level of shaking with low frequency (SBC 2019c). However, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project site, as is the case for most areas within Southern California. The design of structures on-site would incorporate measures to accommodate Projected seismic ground shaking in accordance with the California Building Code and San Bernardino County Building Code. These State and County building codes are designed to preclude significant

adverse effects associated with strong seismic ground shaking. Compliance can ensure that the proposed Project would minimize people's or structures' exposure to substantial adverse effects including loss, injury, or death, involving seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction?

No Impact. The findings of the geotechnical investigation concluded that the soils beneath the site consist of medium dense to very dense poorly graded sands and groundwater was not encountered in the borings. In accordance with the County of San Bernardino Hazard Mitigation Planning Map, the site is not located within an area designated as a liquefaction hazard zone. In addition, the absence of shallow groundwater within the upper 50 feet below the surface indicates that the potential for liquefaction is low. The historic high groundwater is estimated at a depth in excess of 254 feet below ground surface. Krazan & Associates, Inc. performed lab testing on selected soil samples to evaluate physical characteristics from six (6) 8-inch diameter borings that reached up to 20 feet below the site grade. In-situ moisture-content, dry density, consolidation, direct shear, and sieve analysis tests were completed for the undisturbed samples representative of the subsurface material. Additionally, expansion index and R-Value tests were completed for select bag samples obtained from the auger cuttings. Results of these tests concluded that subsurface soils were dense to very dense and poorly graded, which provide less favorable conditions for liquefactions. Additionally, the laboratory tests indicate that these soils are moderately strong and slightly compressible. Penetration resistance ranged from 18 to 57 blows per foot to over 50 blows per six inches. These conditions are also unfavorable for liquefaction because strong and slightly compressible soil indicates high shear strength and low settlement potential under seismic loading, reducing the likelihood of structural deformation. Additionally, Standard Penetration Test (SPT) results ranged from 18 to 57 blows per foot to over 50 blows per six inches, suggesting the soil is medium dense to very dense, with high resistance to seismic forces. According to the California Geological Survey and National Research Council, soils with SPT blow counts exceeding 30 (for sands) or 50 blows per 6 inches (for gravels) are considered highly resistant to liquefaction, further minimizing the potential for liquefaction at the site (California Geological Survey 2008). A complete breakdown of the sample results is provided in Appendix D of this Initial Study. Based on these conditions encountered and the results of our laboratory testing, the subsurface conditions encountered at the subject site are not considered to be subject to liquefaction.

iv) Landslides?

No Impact. Landslides result from downward movement of earth or rock materials that have been influenced by gravity. In general, landslides occur due to various factors including steep slope conditions, erosion, rainfall, groundwater, adverse geologic structure, and grading impacts. The Project Site is relatively flat, level with the surrounding area, and is not located within an area susceptible to landslides (SBC 2019d). Therefore, the proposed Project would not expose people or structures to substantial adverse effects, including loss, injury, or death, involving landslides.

b) *Result in substantial soil erosion or the loss of topsoil?*

No Impact. Implementation of the proposed Project would disturb more than one acre of soil, necessitating adherence to standard regulatory requirements. These include compliance with the County's National Pollutant Discharge Elimination System (NPDES) Construction General Permit, which mandates the adoption of an appropriate Storm Water Pollution Prevention Plan (SWPPP) and the implementation of Best Management Practices (BMPs) to reduce erosion from stormwater runoff. Construction activities for the Project would involve earth movement and soil exposure, temporarily increasing susceptibility to soil erosion. In the long term, the development of the Project site would increase impervious surface cover and add permanent landscaping, thereby reducing the potential for erosion and loss of topsoil currently occurring. The Project does not propose significant alterations to the existing topography. Consequently, potential impacts associated with erosion or changes in topography, including loss of topsoil, are considered less than significant.

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less than Significant Impact. The Project Site is not located within an area designated as a liquefaction hazard zone or within an area susceptible to landslides, as mentioned previously. Due to the low risk of liquefaction under the current groundwater conditions, lateral spreading is not considered a risk. The findings from the field and laboratory tests included in the Geotechnical Engineering Investigation (Appendix D) suggest that the soils are moderately strong and slightly compressible. Penetration resistance ranged from 18 to 57 blows per foot to over 50 blows per six inches. Dry densities measured on relatively undisturbed samples from within 10 feet of the existing ground surface ranged from approximately 103 to 121 pounds per cubic foot. Additionally, the Project would be required to comply with the California Building Code that would act to minimize unstable soils that may be encountered; therefore, impacts are considered less than significant.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

No Impact. The onsite near surface soils that would underly the proposed facility were classified as primarily sandy type soils and were identified through laboratory testing as having a low expansion potential (Appendix D). Therefore, Project risks regarding expansive soils would not be impacted, and no mitigation is required.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No Impact. The proposed Project would be supported by a sewer system and would not involve the use of septic tanks or other alternative wastewater disposal systems.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than Significant Impact with Mitigation. Although no paleontological resources have been discovered or are known to exist on the site, the geologic units underlying the Project area are mapped as alluvial deposits of sand and silt from the Holocene and Pleistocene epoch (Appendix C). Holocene alluvial units are considered to be of high preservation value, but material found is unlikely to be fossil material due to the relatively modern associated dates of the deposits. However, if development requires substantial depth of disturbance, the likelihood of reaching Pleistocene alluvial sediments would increase. Pleistocene alluvial units are considered to be highly paleontologically sensitive. The Western Science Center does not have records of paleontological resources within the Project area or within a 1-mile radius; however, it does have known paleontological resources in similarly mapped units across Southern California.

The discovery of paleontological resources is unlikely; however, implementation of the Project will require some grading and installation of underground service facilities. Ultimately, the likelihood of directly or indirectly destroying a unique paleontological resource or site or unique geologic feature is extremely low, due to the lack of presence of paleontological resources; however, there is still a potential to uncover paleontological resources during excavation of the Project Site. By adhering to Mitigation Measures CR-2 and CR-3, the potential to destroy a unique paleontological resource or site or unique geologic feature will be minimized. Therefore, with mitigation incorporated, the Project would result in a less than significant impact.

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

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials; GHG Study

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant Impact. As shown in the table on the following page, Project-Related Greenhouse Gas Emissions from construction activities would generate 2.68 metric tons per year and the total Project-related Greenhouse Gas Emissions would generate 111.07 metric tons per year (Appendix A). According to the threshold of significance, a cumulative global climate change impact would occur if the greenhouse gas emissions created from the on-going operations of the proposed Project would exceed

the Mojave Desert Air Quality Management District's threshold of 3,000 metric tons per year. Therefore, since the Project will not exceed the threshold of significance and a less than significant impact will occur.

Table 6. Opening Year Project-Related Greenhouse Gas Emissions

Category	Greenhouse Gas Emissions (Metric Tons/Year) ¹							(lbs/day)
	Bio-CO ₂	NonBio-CO ₂	CO ₂	CH ₄	N ₂ O	R	CO ₂ e	CO ₂ e
Area Sources ²	0.00	0.11	0.11	0.00	0.00	0.00	0.11	1.34
Energy Usage ³	0.00	24.20	24.20	0.00	0.00	0.00	24.30	147.00
Mobile Sources ⁴	0.00	55.60	55.60	0.00	0.00	0.09	56.60	552.00
Solid Waste ⁵	7.37	0.00	7.37	0.74	0.00	0.00	25.80	156.00
Water ⁶	0.18	0.81	0.99	0.02	0.00	0.00	1.57	9.46
Refrigerants	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.04
Total Emissions	7.55	80.72	88.27	0.76	0.00	0.10	108.39	865.84
Construction ⁷	0.00	2.66	2.66	0.00	0.00	0.00	2.68	3,277.00
Combined Emissions	7.55	83.38	90.93	0.76	0.00	0.10	111.07	-
MDAQMD GHG Thresholds							100,000	548,000
County of San Bernardino GHG Emissions Reduction Plan Threshold							3,000	-
Exceeds Threshold?							No	No
Notes: ¹ Source: CalEEMod Version 2022.1.1.24 ² Area sources consist of GHG emissions from consumer products, architectural coatings, and landscape equipment. ³ Energy usage consist of GHG emissions from electricity and natural gas usage. ⁴ Mobile sources consist of GHG emissions from vehicles. ⁵ Solid waste includes the CO ₂ and CH ₄ emissions created from the solid waste placed in landfills. ⁶ Water includes GHG emissions from electricity used for transport of water and processing of wastewater. ⁷ Construction GHG emissions based on a 30-year amortization rate.								

Source: Air Quality Study (Appendix A)

- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant Impact. San Bernardino County adopted the Greenhouse Gas Reduction Plan in 2021, which establishes measures to reduce greenhouse gas emissions (San Bernardino County 2021). Under this plan, Projects that are exempt from CEQA or that do not exceed 3,000 metric tons of CO₂ equivalent (MTCO₂e) annually are deemed consistent with the Plan and determined to have a less than significant individual and cumulative impact on greenhouse gas emissions.

The proposed Project's total net operational greenhouse gas emissions are below the County's screening threshold of 3,000 MTCO₂e per year. Consequently, the Project does not need to accrue points using the screening tables and is consistent with the greenhouse gas Reduction Plan pursuant to Section 15183.5 of the State CEQA Guidelines. As such, the proposed Project would result in no impact related to conflicts with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a Project located within an airport land use plan or, where such a plan has not been	☐	☐	☐	☒

adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials; Phase I ESA

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant Impact. During the construction of the proposed project, small quantities of hazardous or potentially hazardous materials will be routinely handled on the project Site. These materials may include adhesives, solvents, paints, thinners, gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain construction and operation-related equipment and vehicles. Compliance with Cal/OSHA regulations, which mandate proper labeling, storage, and handling of hazardous materials, will minimize potential harmful health effects from worker exposure. Improper handling of these substances could lead to accidental releases, exposing construction workers, degrading soils, or contaminating stormwater runoff, potentially causing adverse effects on the public or the environment. To mitigate these risks, a permitted and licensed service provider will be responsible for the removal of hazardous materials. All handling, transporting, use, and disposal of hazardous materials will adhere to applicable federal, state, and local regulations.

The project will comply with all relevant federal, state, and local laws regarding the accidental release of hazardous materials during construction, including Health and Safety Code Section 2550. Post-construction, the Project Site will operate as an auto parts store that will stock hazardous materials such as automotive oil, batteries, solvents, and other similar products commonly found in retail automotive supply businesses. These materials will be stored and managed in accordance with all applicable federal, state, and local regulations, including proper containment and disposal procedures to prevent leaks, spills, or environmental contamination. Given that the handling and sale of these materials will follow established industry standards and regulatory requirements, the routine transport, use, and disposal of such products will not pose a significant hazard to the public or the environment. Furthermore, these materials are widely available in commercial settings and are not considered exceptionally hazardous when managed properly. Therefore, no significant impacts are anticipated, and no mitigation measures are required.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than Significant Impact. Handling activities associated with hazardous or potentially hazardous materials would comply with all applicable federal, state, and local agencies and regulations. Both short-term construction and long-term operation of the proposed Project would comply with all applicable federal, state, and local agencies and regulations with the policies and programs established by agencies such as the EPA, Department of Transportation, Department of Toxic Substances Control, CalOSHA, Resource Conservation and Recovery Act, and the State Unified Hazardous Waste and Hazardous Materials Mandatory Regulatory Program. Adherence to these agencies' applicable policies and programs would ensure that interaction with hazardous materials would occur in the safest possible manner, reducing the opportunity for the accidental release of hazardous materials into the environment. Handling of hazardous materials would be limited in both quantities and concentrations. Therefore, a less than significant impact would occur.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less than Significant Impact. The proposed Project is not located within one-quarter mile of a school; however, Phelan Elementary School is located just short of half a mile east of the Project Site. Emissions from the proposed Project would be temporary during the construction activities and would be minimal during the operations of the auto parts store following construction. Emissions would be from customer vehicles visiting and leaving the store.

The store will stock hazardous materials such as automotive oil, solvents, and batteries, but only in quantities typical for retail establishments, not in large-scale industrial amounts. These materials will be stored and managed in compliance with all applicable regulations to minimize risks. In the unlikely event of a spill or leak, proper containment measures would be in place, ensuring that potential impacts remain less than significant. No other hazardous or acutely hazardous materials will be handled, transported, or disposed of onsite. Therefore, a less than significant impact would occur.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. Review of the Department of Toxic Substances Control's (DTSC's) list of hazardous waste and substances (Cortese) sites compiled pursuant to Government Code Section 65962.5 via the EnviroStor database did not reveal listings at the Project Site. In addition, review of the EnviroStor database indicates no Federal Superfund, State Response, Voluntary Cleanup, School Cleanup, Tiered Permit, or Corrective Action cases are mapped at the Project Site. Review of the State Water Resources Control Board's GeoTracker database indicates no LUST Cleanup, Cleanup Program, Military Cleanup, Military UST, Permitted UST, or Land Disposal cases are mapped at the Project Site. Further, review of the 2020 Phase I Environmental Site Assessment (Exhibit E)

prepared by Terracon, which included a review of standard regulatory agency databases, indicates that Recognized Environmental Conditions were not identified at the Project Site at the time of the assessment. Based on the aforementioned information, the Project Site was not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impacts are identified or are anticipated.

- e) *For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?*

No Impact. The Project Site occurs 10.5 miles southwest of the Adelanto Airport, 11 miles southeast of the Gray Butte Airport, and 13.5 miles south of the El Mirage Field Adelanto Airport. As shown on the San Bernardino Countywide Policy Plan Map HZ-9 Airport Safety & Planning Map, the Project Site is not within an airport safety review area (SBC 2019e). The Project Site is also not located within the vicinity of a private or public airstrip, nor is it within an Airport Land Use Plan. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. The nearest evacuation routes in relationship to the Project Site include State Highway 138 located approximately 2.4 miles west of the Project Site and State Highway 18 located approximately 5.6 miles north of the Project Site (SBC 2007). Access to the Project Site would be provided via Malpas Road. Construction and operation of the Proposed Project is not anticipated to interfere with the use of routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the Project Site does not contain emergency facilities. Project operations at the Site would not interfere with an adopted emergency response or evacuation plan. No impacts are identified or anticipated, and no mitigation measures are required.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Less than Significant Impact. The Project Site is within the County Fire Safety Overlay (FS1) as identified in the San Bernardino Countywide Policy Plan HZ-5 Fire Hazard Severity Zone and is located within a Fire Hazard Severity Zone designated as moderate (SBC 2019f). The Project Site is surrounded by commercially developed land to the north and east and vacant land to the south and west. As stated in the Policy Plan Policy PP-3.7 Fire Safety Design, new development shall comply with additional site design, building, and access standards to provide enhanced resistance to fire hazards and fire codes including but not limited to fire access, fire suppression, and weed abatement. Therefore, the Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No significant

adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

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

The proposed Project would disturb more than one-acre and would, therefore be subject to obtaining a National Pollutant Discharge Elimination System Construction General Permit. The permit is required before the start of construction for construction Projects within the County of San Bernardino. The Construction General Permit requires operators of construction sites to develop a Stormwater Pollution Prevention Plan (SWPPP) detailing erosion and sediment controls, as well as pollution prevention measures that will be implemented to meet the requirements of the Construction General Permit.

In addition to construction-related measures, the project will be required to implement a Water Quality Management Plan (WQMP) to address long-term operational water quality impacts. The WQMP will include best management practices (BMPs) to control pollutants in stormwater runoff, such as proper storage and handling of automotive-related hazardous materials (e.g., oil, solvents, and batteries), regular maintenance of stormwater drainage systems, and measures to prevent contamination from vehicle fluids. Compliance with the WQMP will ensure that the project does not result in long-term water quality degradation.

Following the measures contained within the SWPPP and WQMP, the Project is not anticipated to have a significant impact regarding violation of water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Therefore, the Project would result in a less than significant impact.

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?*

Less than Significant Impact. Water for the Project Site would be supplied by the Phelan Piñon Hills Community Services District via Sheep Creek Water Company. The district primarily sources its water supply from groundwater pumped through the Mojave Basin Area, also referred to as the State Water Project infrastructure. The Mojave Area Basin is adjudicated and managed by the Mojave Water Agency, which imports water from the State Water Project infrastructure from Northern California for groundwater basin recharge. The Phelan Piñon Hills Community Services District's water distribution system consists of 12 groundwater wells within the Mojave Basin Area and one within the Antelope Valley Adjudication Area (Phelan Piñon Hills CSD 2021). Groundwater constitutes 100 percent of the District's current and planned future water supply.

The Project Site is currently undeveloped and there are no groundwater recharge facilities in the vicinity. The proposed Project will pave 20,577 square-feet of the Site with paving and concrete and include drought-resistant landscaping. The project's BMPs, detailed in the SWPPP and the required WQMP, will ensure that stormwater discharge does not substantially alter the existing drainage pattern and water quality. The WQMP will include long-term site design measures such as permeable surfaces, infiltration areas, and other BMPs to manage stormwater runoff effectively and facilitate its gradual percolation into the groundwater system. By implementing these measures, the project will minimize impacts on groundwater recharge while ensuring compliance with water quality standards. Therefore, the proposed Project is not expected to significantly impact groundwater supplies or interfere substantially with groundwater recharge. No significant impacts are identified or anticipated, and no mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i. *Result in substantial erosion or siltation on- or off-site;*
 - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*
 - iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*
 - iv. *Impede or redirect flood flows?*

Less than Significant Impact. The Project Site is located within the Federal Emergency Management Agency Flood Zone A, which designates areas that are within a 100-year floodplain and have a one percent annual chance of flooding (SBC 2022b). In addition, the Project Site is within the County overlay Flood Plain Zone A. The Project will not significantly alter the existing drainage pattern of the Site or area, nor will it alter the course of streams or rivers in a way that would cause substantial erosion or siltation on- or off-site. There are no waterways, wetlands, lagoons, or ponds currently or previously present on the Project Site. The Project Site is relatively flat and potential erosion issues during construction activities would be controlled through measures incorporated as part of the adopted Stormwater Prevention Pollution Plan for the Project. Upon development, the Project would increase the percentage of impervious surfaces and landscaping on site which would minimize erosion potential but increase the potential surface runoff. Implementation of the Stormwater Prevention Pollution Plan would ensure that runoff water does not exceed the capacity of existing or planned stormwater drainage systems or result in significant pollution. Therefore, the Project would result in a less than significant impact.

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?*

Less than Significant Impact. Due to the inland distance from the Pacific Ocean (approximately 67 miles) and other significant body of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. In addition, the Project Site is not in or near a dam and basin hazard (SBC 2022a). The Project Site is located within a Federal Emergency Management Agency 100-year floodplain and within the County overlay Flood Plain Zone A. The proposed Project is subject to the National Pollutant Discharge Elimination System permit which requires best management practices to control and abate pollutants. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

No Impact. The proposed Project is subject to the Construction General Permit. Requirements of the permit would include development and implementation of a Stormwater Pollution Prevention Plan, which is subject to Regional Water Quality Control Board review and approval. The Plan would include best management practices during construction activities to control and abate pollutants and treat runoff that can be used for groundwater recharge. Appropriate best management practices will be reviewed and approved by the County. The proposed Project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection will be in place.

The Project Site is located within the Upper Mojave River Valley Groundwater Basin. Groundwater management in this basin is performed by the Mojave Water Agency and is based primarily on the maintenance of groundwater levels. The Project would not conflict with or obstruct the implementation efforts of a water quality control plan or sustainable groundwater management plan. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING - Would the Project:					

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) | Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a) *Physically divide an established community?*

No Impact. The physical division of an established community usually involves constructing a linear feature, like a major highway or railroad tracks, or removing an access route, such as a local road or bridge, which would hinder mobility within the community or between the community and surrounding areas. The proposed Project does not involve constructing linear features. Furthermore, the Project Site is currently vacant and undeveloped. Therefore, the proposed Project would not physically divide an established community. No impacts are identified or anticipated, and no mitigation measures are required.

- b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

No Impact. The proposed Project Site has a general plan designation of Phelan/Piñon Hills General Commercial. This designation aligns with the Countywide General Plan, which permits commercial development on the site. As such, the Project will not cause environmental impacts due to conflicts with land use plans, policies, or regulations. Furthermore, the Project does not require a change in zoning designation, ensuring consistency with existing zoning requirements. Consequently, there are no anticipated impacts related to land use conflicts or regulatory compliance. No significant adverse impacts are identified, and no mitigation measures are required.

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

SUBSTANTIATION: (Check ☐ if Project is located within the Mineral Resource Zone Overlay):

Countywide Plan; Submitted Project Materials

- a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*

No Impact. According to the County of San Bernardino Countywide Policy Map NR-4 Mineral Re-source Zones, the proposed Project Site is mapped within Mineral Resource Zone MRZ-3a: Areas where the available geologic information indicates that mineral

deposits are likely to exist, however, the significance of the deposit is undetermined. Specifically, in Open File Report 92-06 (SBC 2022d). The proposed Project Site is not currently, and has not historically, been used for mineral extraction. Further, the parcels associated with the proposed Project are zoned as Phelan/Piñon Hills/General Commercial; a zone in which mineral extraction is not a permitted use. The proposed Project would not have an effect on the availability of a known mineral resource (aggregate) that would be of value to the region and the residents of the state.

- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. The proposed Project Site is not in an area delineated on a local plan, specific plan, or other land use plan as a mineral resource recovery site. Implementation of the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIII. NOISE - Would the Project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒
SUBSTANTIATION: (Check if the Project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):				
Countywide Plan; Submitted Project Materials, Noise Study				

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?*

Less than Significant Impact. A Noise Impact Study, dated March 7, 2025, was prepared for the proposed Project by MD Acoustics, LLC, attached as Appendix F. The Noise Impact Study evaluates the potential proposed Project traffic noise impacts, the potential Project-related long-term stationary-source noise impacts, and short-term construction noise and vibration impacts. Noise is measured in on a logarithmic scale of sound pressure level known as decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise sources by discriminating against very low and very high frequencies of the audible spectrum of sound. The equivalent sound level (Leq) represents a steady sound level containing the same total energy as a time varying signal over a given period of time. The Community Noise Equivalent Level (CNEL) is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over a 24-hour day.

Off-site Traffic Noise Impacts

A full traffic impact analysis was not provided for the Noise Impact Study; however the following describes a description of potential traffic noise impact. Traffic noise along Phelan Road is the main source of noise impacting the Project Site and the surrounding areas. Phelan Road has an existing Average Daily Traffic of 15,175, according to the Noise Impact Study. The Project estimates 68 daily trips, according to CalEEMod. It takes a change of 3 dB or greater to hear an audible difference, which would occur with a doubling of traffic. The Project is anticipated to increase the existing noise level by less than 1 dB due to an increase in traffic, and therefore, the Project would result in a less than significant impact regarding off-site traffic noise, and no mitigation is required.

Sensitive Receptor Locations

Sensitive receptors are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. These include residential dwellings (single and multi-family, mobile home parks, dormitories, etc.), transient lodging (hotels, motels, etc.), hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care, public or private educational facilities, libraries, churches, and places of public assembly. To describe the potential off-site Project noise levels, the nearest sensitive receptors to the Project Site include residences approximately 60 feet to the southwest, 370 feet to the south, and 370 feet to the northwest.

Construction Impacts

Worst-case construction noise level estimates were calculated using methodology from the 2018 Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual. Worst-case estimates assumed equipment operating at the edge of the Project site nearest to the sensitive receptor, the residence 60 feet to the southwest. Lmax levels represent maximum levels when construction occurs adjacent to the residential receptors and Leq levels represent the average construction noise level. As shown in the Noise Impact Study, Project construction noise is estimated to range between 55 to 65 dBA Leq and 76 to 83 dBA Lmax at the nearest sensitive receptor. The Project will adhere to the allowed times for construction outlined in the San Bernardino County

Municipal Code in Section 83.01.080(g)(3). Therefore, the Project would result in a less than significant impact regarding construction noise impacts, and no mitigation is required.

Operational Noise Impacts

Worst-case operational noise level estimates were modeled using SoundPLAN (acoustical modeling software). Worst-case exterior operation noise levels were estimated to be 34 to 47 dBA at adjacent commercial receptors and will meet the City's 60 dBA daytime noise limit. Operational noise levels at the nearest residential receptor were estimated to be 40 dBA and meets the City's 50 dBA daytime noise limit.

Existing noise levels combined with Project operational noise levels were estimated to be 58 to 59 dBA at nearby commercial receptors and 58 dBA at the nearest residential receptor. The Project-generated operational noise is not expected to result in an increase in ambient noise levels at one or more of the nearby receptors. Therefore, the Project would result in a less than significant impact regarding operational noise levels, and no mitigation is required.

Therefore, noise generated by the Proposed Project is not anticipated to be substantial. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

Less than Significant Impact. The peak particle velocity is defined as the maximum instantaneous peak of the vibration signal. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to affected structures, and soil type. It is expected that ground-borne vibration from the proposed Project construction activities would cause only intermittent, localized vibrational intrusion. The nearest residential receptor building facade is 60 feet southwest of the Project Site. At this distance, worst-case vibrational impacts would yield 0.080 peak particle velocity (in/sec) which may be perceptible but will not result in architectural damage. Therefore, the proposed Project would result in a less than significant impact regarding vibration or ground-borne noise levels, and no mitigation is required.

c) *For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

No Impact. The Project Site is not located within an airport safety review area or Airport Runway Protection Zone. The nearest airports to the Project Site include the Gray Butte Airport, approximately 10 miles to the northwest; El Mirage Airport, approximately 14 miles to the north; and Hesperia Airport, approximately 15 miles to the southeast. Therefore, the proposed Project would result in no impacts regarding being located in the vicinity of and airstrip, airport land use plan, or within two miles of an airport, and no mitigation is required.

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

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials.

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. The proposed Project does not include new residential development and would not directly contribute to population growth within the surrounding areas. The Project proposes the construction of a new O'Reilly Auto Center. The store would be staffed with four to six employees (two shifts) with hours of operation from 7:00am to 9:00pm. The employment needs generated by the Project are expected to be met by the existing workforce within the Phelan/Piñon Hills community and neighboring areas, meaning significant population growth is not anticipated as an indirect result of the Project. Therefore, significant population growth is not anticipated to occur as an indirect result of Project implementation. Furthermore, the Project is proposed on a parcel of land that is served by roadways, some utilities, and other infrastructure. Therefore, development proposed by the Project, and associated infrastructure improvements are unlikely to encourage unanticipated population growth. No impacts are anticipated and no mitigation is required.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The Project Site is currently undeveloped and does not contain residential housing. Implementation of the proposed Project would neither displace existing

housing nor require construction of replacement housing elsewhere. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire Protection?

No Impact. The San Bernardino County Fire Department, Division 5 for the North Desert Service zone, provides fire protection, fire prevention, and emergency services to the Project Site. The County Fire Department serves a 19,278 square-mile territory, including 85 fire stations and facilities that cover more than 60 unincorporated communities and areas within San Bernardino County (SBC Fire Protection District n.d.). The Project Site would be served by the San Bernardino County Fire Station #10 located at 9625 Beekley Road in Phelan, California approximately 0.9 miles west of the Project Site. The average travel time between Fire Station 228 and the Project Site is 2 minutes according to Google Maps data. Development of the Project Site would not combine with other developments in the County to result in a cumulatively considerable impact to fire and emergency services as the County continues to maintain sufficient services within its boundaries (SBC 2019g). The Project would therefore not result in the need to construct a new fire station or physically alter an existing station.

Furthermore, the County Department of Public Safety provides required fire standards during review of building plans and inspections. The proposed development would be required to comply with County fire suppression standards and adequate fire access. Therefore, impacts would be less than significant, and no mitigation measures are required.

Police Protection?

No Impact. The Project Site is served by the Phelan Substation Branch of the San Bernardino County Sheriff's Department, located at 4050 Phelan Road, Phelan, California, approximately 0.3 miles east of the Project Site. The Phelan station is staffed by 1 Sergeant, 1 detective, and 10 patrol deputies who provide law enforcement services to the Phelan and Piñon Hills communities within the San Bernardino County region (SBC Sheriff's Department n.d.). The average travel time from the Sheriff's Station to the Project Site is about 1 minute, according to Google Maps data.

The County ensures effective police protection and response times are maintained through active oversight of police staffing levels, both when new development projects are introduced and annually during the budgeting process conducted by the County's Board of Supervisors. This continuous monitoring guarantees that the proposed Project will not result in significant decrease in police response times (SBC 2024).

Based on this information and analysis, the proposed Project will not require new or physically altered police protection facilities, the construction of which could cause significant environmental effects. Therefore, impacts would be less than significant, and no mitigation is required.

Schools?

No Impact. Nearby schools include Phelan Elementary School, located approximately 0.4 miles east of the Project Site, and Mojave River Academy High School, located approximately 0.8 miles east of the Project Site. The proposed Project would not create a direct demand for public school services, as the Project would contain non-residential uses that would not generate school-aged children requiring public education. The proposed Project is not expected to draw new residents to the region and would not directly or indirectly generate school-aged students. Therefore, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. There would be no impact on public schools and no further analysis of this subject is required.

Parks?

No Impact. The proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities. Therefore, the Project would not create a demand for public park facilities and would not result in the need to modify existing or construct new park facilities. No impact would occur.

Other Public Facilities?

No Impact. As discussed under sections (iii) and (iv) above, the proposed Project would not cause an increase in population and would therefore not increase the demand for public facilities/services, including libraries, community recreation centers, post offices, animal shelters, etc. As such, implementation of the proposed Project would not adversely affect other public facilities or require the construction of new or modified public facilities, and no impact would occur.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION				

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) | Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a) *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?*

No Impact. The Project proposes to develop the Project Site with a commercial land use. The Project does not include residential uses or other land use that may generate a population that would increase the utilization of existing neighborhood and regional parks, or other recreational facilities. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. Thus, no impacts on regional or neighborhood parks would occur, and no further analysis of this subject is required.

- b) *Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No Impact. The Project does not propose to construct new on- or off-site recreation facilities. Additionally, the Project would not expand existing off-site recreational

facilities. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur with the implementation of the proposed Project. No impact would occur, and no further analysis of this subject is required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVII. TRANSPORTATION – Would the Project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less than Significant Impact. The Project Site is situated south of the intersection of Phelan Road and Malpasos Road. Phelan Road is a two-lane major arterial highway that extends from Pearblossom Highway (State Route-138) to US 395, passing through the communities of Phelan and Piñon Hills (SBC 2007). Phelan Road is designated as a Transit Route and is used by the Victor Valley Transit bus route (Victor Valley Transit Authority n.d.). The Project Site is not within the vicinity of bike routes and contains nominal pedestrian facilities. The proposed Project would add additional traffic along Phelan Road during the construction phase; however, this traffic will be minimal and temporary in nature.

While operational impacts are expected to be minimal, the Project may result in a slight increase in daily vehicle trips to and from the site, potentially contributing to localized congestion during peak hours. However, given the existing capacity of Phelan Road as a major arterial highway and the surrounding transportation network, these impacts are not anticipated to significantly affect overall circulation. Therefore, the proposed Project would

not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Thus, a less than significant impact would occur.

- b) *Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

Less than Significant Impact. The County of San Bernardino City Council adopted analytical procedures, screening tools and impact thresholds for Vehicle Miles Traveled, which are documented in the San Bernardino County Transportation Impact Study Guidelines (July 2019) (County Guidelines). The County Guidelines provide details on appropriate criteria that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed analysis. Screening thresholds are broken into the following types:

- Project Type Screening
- Transit Priority Area (TPA) Screening
- Low VMT Area

The proposed project appears to meet the Project Type Screening for the following reasons:

The County Guidelines identify that local serving retail of less than 50,000 square feet (SF) or other local serving essential services (e.g., local parks, day care centers, public schools, medical/dental office buildings, etc.) are presumed to have a less than significant impact absent substantial evidence to the contrary. Additionally, the County Guidelines notes smaller projects that generate fewer than 110 trips per day are assumed to cause a less than significant Vehicle Miles Traveled impact. The proposed Project estimates a maximum of 68 trips per day (Appendix A), making the VMT impacts less than significant.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less than Significant Impact. The proposed project would occur entirely within the Project Site boundaries. Construction activities would not occur within the adjacent roadways to the Project Site. There are no uses that would be impacted by construction equipment or construction trips on the adjacent roadways. Large trucks delivering equipment, fill material, or removing small quantities of excavated dirt or debris can access the site without significantly disrupting traffic flow on the surrounding roadways. Additionally, the project will comply with all applicable fire codes and ordinance requirements for construction and site access. Emergency response and evacuation procedures will be coordinated with the County, local police, and fire departments. Consequently, the proposed project is expected to have a less than significant potential for increasing hazards due to a geometric design feature or incompatible uses. No mitigation is required.

- d) *Result in inadequate emergency access?*

Less than Significant Impact. The proposed Project Site is undeveloped and would be accessible from Malpaso Road off of Phelan Road by two driveways that lie north and south of one another. Malpaso Road and Phelan Road are not evacuation routes within the County

and implementation of the project is anticipated to impede emergency response from accessing the site or surrounding area in the event of an emergency (SBC 2022c). Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Because the project is located within a moderate fire hazard severity zone, impacts to emergency response and/or emergency evacuation plans are considered less than significant, especially given the low density of vegetation on and adjacent to the Project Site. Therefore, the project is not expected to have significant impacts on emergency access and local circulation during construction or operation, and no mitigation is required.

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

SUBSTANTIATION:

Countywide Plan; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

- a) *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

No Impact. As of July 2015, California AB 52 was enacted and expands CEQA by defining a new resource category, "Tribal Cultural Resources." AB 52 requires Lead Agencies to evaluate a Project's potential to impact tribal cultural resources. Such resources include "sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe and is 1) listed or eligible for listing in the California Register of Historical Resources or included in a local register of historical resources. AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource." As discussed in Section V above, as part of the Cultural Resources Assessment prepared by BCR Consulting in January 2024, archaeologists did not record cultural resources within the subject property boundaries. Additionally, a cultural resources review was conducted to determine the eligibility of potential historical resources on the Project Site and determined that no cultural resources including historic-period or prehistoric archaeological resources, or historic-period architectural resources were identified (refer to Appendix C). Therefore, there would be no anticipated impacts to listed or eligible for listing historical resources, and no mitigation is required.

- ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Less than Significant with Mitigation Incorporated. The Project Site has no record of listing it in a register of historical resources. Nonetheless, the presence of remains or unanticipated cultural resources under the ground surface of the Project Site is possible. Implementation of Mitigation Measures CR-1, CR-2, and CR-3 would ensure that impacts due to discovery of unanticipated cultural resources during excavation would be less than significant with mitigation incorporated. In addition, pursuant to AB52 tribal consultation, Yuhaaviatam of San Manuel Nation Cultural Resources Department have requested mitigation measures TCR-1 and TCR-2 in order to mitigate potential significant impacts to tribal cultural resources.

Mitigation Measures

Mitigation Measure TCR-1

The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information

regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Yuhaaviatam of San Manuel Nation all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Yuhaaviatam of San Manuel Nation for the remainder of the project, should they elect to place a monitor on-site.

Mitigation Measure TCR-2

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department. The Lead Agency and/or applicant shall, in good faith, consult with Yuhaaviatam of San Manuel Nation throughout the life of the project.

Implementation of Mitigation Measures TCR-1, TCR-2, and Mitigation Measure CR-3 (Section V) would reduce potentially significant impacts of the Proposed Project associated with Tribal Cultural Resources to less than significant.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIX. UTILITIES AND SERVICE SYSTEMS - Would the Project:					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | ☐ | ☐ | ☒ | ☐ |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less than Significant Impact. The proposed Project would construct a 7,225 square-foot single-story block building and approximately 39 parking spaces. Additional property improvements include signage, landscaping, lighting, site paving, and trash and recycling pads.

Water and Wastewater Treatment Effects:

The proposed Project will construct a line tap into the existing water line operated by Sheep Creek Water Company off of Malpasos Road and implement a new septic system in the southern portion of the Project Site as seen on Figure 6 Construction of the waterline tap and septic system will be installed in accordance with Sheep Creek Water Company standards and would not cause environmental effects, therefore no impacts would be less than significant and no mitigation is required.

Electric Power:

Southern California Edison will provide electricity to the Project Site and will utilize the existing power distribution system located adjacent to the Project Site. The system will be upgraded to a 3-phase transformer bank to be able to supply the site with sufficient electricity through the installation of a new underground 120/180-volt electrical line drop to the O'Reilly Auto Center. Impacts are anticipated to be less than significant with the expansion of the existing electric power facilities.

Natural Gas:

Development of the proposed Project would not create a demand for natural gas and would not be connected to a natural gas distribution system. Therefore, the project would not result in a significant environmental effect related to the relocation or construction of new or expanded natural gas facilities. No impacts are anticipated.

Telecommunications:

Development of the proposed Project would require the installation of wireless internet service or phone service and shall tap into the existing overhead power line located adjacent to the Project Site. A service provider has not yet been established; however, the Project Site would be required to comply with all Federal, State, and local regulations for installation and wiring of telecommunications to the Project. With adherence to the existing San Bernardino County Electrical, Building, and Safety code requirements, the Project would have a less than significant impact.

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less than Significant Impact. The main water utilizing sources on site would be potable water for restrooms and irrigation. The project will install minimal on site landscaping that is required to abide by the County Code, Chapter 83.10, which pertains to water efficiency standards. Based on estimates from the Environmental Protection Agency (EPA), the proposed Project is anticipated to utilize approximately 80 gallons per day (GPD) or 0.08 acre-feet per year in total water usage. According to the EPA WaterSense Program, commercial restrooms typically use high-efficiency toilets with a flow rate of 1.28 gallons per flush and faucets rated between 0.5 and 2.5 gallons per minute (EPA 2023a; EPA 2023b). The American Water Works Association (AWWA) estimates that employees use restrooms 3-5 times per shift, contributing to an average daily water demand of 100-150 gallons per 20 employees (ASHRAE 2023). Since the O'Reilly Auto Center is estimated to have 5 to 7 employees scheduled per day and restrooms are for employee use only, the Project is expected to utilize approximately 70 GPD for restroom activities.

The landscaping will be minimal, with the majority of the Project Site dedicated to paved areas for parking and walkways, while the area around the Project Site will remain in its natural state. Irrigation is estimated to account for approximately 10 GPD. When combined, the total estimated water usage for the Project is 80 GPD. Sheep Creek Water Company serves the Project area and maintains seven storage reservoirs with a combines storage capacity of 6.1 million gallons (Sheep Creek Water Creek n.d.). Given these estimates, no mitigation is required as the projected water demand remains within acceptable limits.

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?*

No Impact. The Project will be served by a new onsite septic system and will not have an impact on a municipal wastewater system. No mitigation is required.

- d&e) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? and Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less than Significant Impact. Other than the small amount of construction wastes (concrete, wood, etc.) and waste associated with the daily domestic uses include restroom trash accumulation, employee food waste, delivery boxes and office materials. Given the nature and scale of the project, the volume of waste generated is anticipated to be low and manageable within existing waste management systems. According to the San Bernardino Countywide General Plan EIR, after waste is collected, it is delivered to the Victorville Sanitary Landfill. The Victorville Sanitary Landfill underwent significant capacity expansions in the early 2000s. Specifically, its capacity increased from 7.7 million cubic yards to 83.2 million cubic yards, with an estimated closure year extended from 2005 to 2059 (CEQAnet 2005). This expansion ensures that the landfill can accommodate substantial waste volumes over an extended period. Additionally, the County of San Bernardino's municipal solid waste landfills collectively have capacity for well in excess of 15 years (SBC 2018).

This indicates that the regional waste management infrastructure is robust and capable of handling additional waste inputs. Given the project's minimal waste generation relative to the substantial remaining capacity of the Victorville Sanitary Landfill, it is concluded that the proposed development will not adversely affect the existing solid waste disposal system. Therefore, the impact is considered less than significant.

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

SUBSTANTIATION:

Countywide Plan; Submitted Project Materials

- a-d) *Substantially impair an adopted emergency response plan or emergency evacuation plan? Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire? Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Less than Significant Impact. The Proposed Project Site is not located within a High or Very High Fire Hazard Severity Zone (SBC 2019f). The Project Site is located within a Fire Safety Overlay (FS1). Therefore, the Project would need to comply with Chapter 7A "Materials and Construction Methods for Exterior Wildfire Exposure" of the California Building Code. The proposed Project shall comply with all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. As mentioned in section XIX, the Project Site will include adequate on-site access for emergency vehicles and will be verified by the County during the plan check process. The project is located in a relatively flat area that is not susceptible to landslides and therefore, the proposed Project would not be subject to post-fire slope instability. The proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No significant impacts are identified or anticipated, and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

- b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)? ☐ ☐ ☐ ☒
- c) Does the Project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒

-
- a) *Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant Impact with Mitigation Incorporated. The proposed Project is the development of an auto parts store on vacant, undeveloped land in the desert region of San Bernardino County. Habitat at the Project Site consists of Joshua Tree Woodland and special status species such as Le Conte's thrasher, coast horned lizard, Swainson's hawk and burrowing owl have a low potential to occur on the site. Mitigation Measures BIO-1, BIO-2, and BIO-4 will address potential impacts to the species through pre-construction nesting bird surveys, pre-construction clearance surveys, and biological monitoring during ground disturbing activities. CDFW requested additional mitigation measures BIO-5, BIO-6 and BIO-7 be included to conduct additional pre-construction surveys for Mohave ground squirrel, desert tortoise, and Crotch's bumble bee. The Project site also provides habitat for Western Joshua Trees. The proposed Project would result in the "Take" of Joshua trees either through relocation activities or when discarded. This "Take" will directly impact all 39 western Joshua trees on the property. There are Joshua trees in adjacent areas which may be indirectly impacted by construction activities. Although 39 western Joshua trees and their associated seedbanks will be directly affected by the proposed Project, the overall impacts of the project are expected to be minimal when compared to the local, regional, and State population levels of the western Joshua tree. Mitigation Measure BIO-3 is included to address impacts to the Western Joshua Trees through relocation efforts and paying into the mitigation bank for a take of a tree. Therefore, the proposed Project is not expected to jeopardize the continued existence of the western Joshua tree.

The Cultural Resources Assessment conducted for the project determined that no known historical or archaeological resources exist within the project site. Records searches and field surveys found no evidence of prehistoric or historic-era resources, and no visible disturbances indicating past human activity. However, because ground-disturbing activities have the potential to uncover buried cultural resources or human remains, mitigation measures (CR-1, CR-2, and CR-3) have been incorporated to ensure proper assessment and treatment if any discoveries are made during construction. These measures include stopping work in the affected area, consulting with a qualified

archaeologist, and notifying the appropriate tribal and governmental agencies. With these mitigation measures in place, the project's impact on cultural resources would be less than significant.

The project is not anticipated to cause a substantial adverse change to tribal cultural resources. No tribal cultural resources listed or eligible for listing in the California Register of Historical Resources or a local register were identified within the project site. Therefore, no impact is expected in this regard. However, there is potential for previously unknown tribal cultural resources to be encountered during ground-disturbing activities. To address this possibility, the project includes mitigation measures (TCR-1 and TCR-2) developed in consultation with the Yuhaaviatam of San Manuel Nation. These measures require notifying the Tribe if any cultural resources are discovered, allowing for their input on significance and treatment, and ensuring all cultural resource documentation is shared with the Tribe. Additionally, mitigation measure CR-3 provides further protection in the event of unexpected discoveries. With these mitigation measures in place, any potential impacts to tribal cultural resources would be reduced to a less than significant level.

- b) *Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?*

No Impact. Construction of the Project in conjunction with other approved or pending projects in the region would not result in cumulatively considerable impacts to the physical environment. As concluded throughout the analysis above, the proposed Project would include both operation- and construction-related Project components whose adherence to applicable regulations would ensure that the proposed Project's incremental contribution would be less than cumulatively considerable.

- c) *Does the Project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*

No Impact. All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of adverse effects upon the region, the local community or its inhabitants. At a minimum, the Project will be required to meet the conditions of approval for the Project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the Project approval.

XXII. MITIGATION MEASURES

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

SELF MONITORING MITIGATION MEASURES: (Compliance monitoring will be verified by existing procedures for condition compliance)

Biological Resources

Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys

Within 3 days prior to the commencement of Project activities, a qualified biologist will determine the presence of active nests belonging to species protected under the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and California Fish and Game Codes 3503, 3503.5, and 3513 with full project site coverage including visual surveys extending to surrounding lands (up to 300 ft for raptors). In cases where ground disturbance activities are delayed, additional pre-disturbance must be conducted to ensure that no more than seven days have passed between the survey and the onset of ground disturbance activities. If active nests are identified, disturbance activities within 300 feet (for passerine birds) and 500 feet (for raptors) of the nest must be postponed or halted until the nest is vacated and the juveniles have successfully fledged, as determined by the biologist. The biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. To establish avoidance buffers in the field, highly visible construction fencing, or flagging must be used, and on-site personnel must be educated about the sensitivity of these nest areas. During periods when Project activities are scheduled to occur near active nests, a qualified biologist must be present as a biological monitor to ensure that inadvertent impacts on these nests are prevented and that encroachment into the buffer area does not occur.

Mitigation Measure BIO-2: Pre-construction Clearance Surveys

Burrowing Owl

Within 14 days preceding vegetation clearing or ground disturbing activities, a qualified biologist will conduct an initial take avoidance survey for signs of occupancy by the burrowing owl. This survey must encompass the entire area designated for disturbance and should involve the biologist walking along parallel transects. If no Burrowing Owls are detected during the initial take avoidance survey, the survey should be repeated within 24 hours prior to ground disturbance to determine if the Project site contains burrowing owl or sign thereof to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the Project site. If both surveys reveal no burrowing owls, active burrowing owl burrows or perch sites with active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof, no additional actions related to this measure are required and a report shall be prepared by the qualified biologist documenting the results of the survey including all requirement for survey reports (page 30 of the 2012 Staff Report). The report shall be submitted to CDFW for review prior to construction. Surveys will follow Appendices C and D of the CDFW Staff Report on Burrowing Owl Mitigation (2012). If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.

If burrowing owl, active burrows or signs thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include

the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012) may be authorized through the incidental take permit as a minimization measure.

Coast Horned Lizard

In order to avoid potential impacts to coast horned lizards within the Project area, a biologist shall conduct a pre-construction clearance survey on the day that construction activities, including vegetation clearing and ground disturbing activities, occur within the Project area where suitable habitat is present. Construction personnel shall conduct daily inspection of trenches and holes for entrapped wildlife each morning prior to the onset of Project construction, and inspection of pipes, culverts, and similar construction material for entrapped wildlife at the beginning and end of the day. If this species is observed during the pre-construction clearance survey, the project biologist shall require additional measures to reduce potential impacts such as creating appropriate buffers and on-site construction monitoring by a qualified biological monitor during demolition and grading.

Le Conte's Thrasher

Prior to any ground-disturbing activities, including vegetation clearing, grading, or construction, a qualified biologist shall conduct a pre-construction clearance survey for Le Conte's thrasher (*Toxostoma lecontei*) within suitable habitat areas on the Project Site.

If an active nest or breeding pair is detected during the survey, a no-disturbance buffer of at least 500 feet shall be established around the nest site or as otherwise recommended by the qualified biologist, in consultation with the California Department of Fish and Wildlife (CDFW). If the species is observed within the Project area, CDFW shall be contacted to formulate a strategy for avoidance.

Mitigation Measure BIO-3: Western Joshua Tree

The Project applicant shall comply with the requirements of the Western Joshua Tree Conservation Act and San Bernardino County Code Sections 88.01.050 and 88.01.060 regarding the removal, relocation, or transplantation of Western Joshua trees.

A mitigation fee shall be paid for Western Joshua trees requiring removal as a result of the Project according to the Western Joshua Tree Conservation Act. The fees are based on the "Standard" Western Joshua tree removal fees as determined by the Act as follows:

- Trees 5 meters (16.4 feet) or greater - \$2,544.75

- Trees 1 meter (3.28 feet) or greater but less than 5 meters - \$509
- Trees less than 1 meter - \$346

In addition to paying the required mitigation fees, the Project applicant shall comply with San Bernardino County Code Section 88.01.050, which requires the relocation or transplantation of Joshua trees where feasible, as determined by a qualified biologist or certified arborist. The applicant shall also comply with Section 88.01.060, which establishes replanting standards for transplanted Joshua trees to maximize survival rates.

To comply with County Code Section 88.01.050, Joshua trees shall be transplanted on-site where feasible, and if transplantation on-site is not possible, trees shall be relocated to a designated off-site location in accordance with the County's standards and under the direction of a qualified biologist or arborist. The Project applicant shall ensure that proper irrigation, monitoring, and maintenance is provided for any transplanted Joshua trees for a minimum period of two years to ensure successful establishment.

If any transplanted trees do not survive after two years of monitoring, the applicant shall either:

- Replace the dead tree(s) with a Western Joshua tree of similar size or age; or
- Pay applicable in-lieu mitigation fee in accordance with the Western Joshua Tree Conservation Act and County Code.

Mitigation Measure BIO-4: Biological Monitor

In the event of an observation of burrowing owl, nesting birds, coast horned lizard, Le Conte's thrasher or recent signs of occupancy by these species within the Study Area, a qualified biologist will be designated as the biological monitor. This monitor will be required to be on-site at all times during activities involving vegetation clearance or ground disturbance. Their primary responsibility is to observe and educate construction teams so that potential impacts to biological resources are either avoided or minimized to the greatest extent possible. Once the Project approaches a phase where it is determined by the biological monitor that biological resources are no longer present, as determined by their expertise, they may request a reduction or discontinuation of biological monitoring in that specific area. The biological monitor is vested with the authority to halt specific Project activities if they suspect violations of avoidance or minimization measures or if there are concerns about compliance with local, state, or federal laws. This authority is essential for the protection of biological resources and adherence to regulatory requirements.

Mitigation Measure BIO-5: Mohave Ground Squirrel

Prior to ground disturbing activities commencing a visual survey according to CDFW's Mohave Squirrel Survey Guidelines (CDFW 2023) shall be conducted during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted in the Project site during daylight hours by a qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and

detect vocalization calls. If the survey or monitoring throughout the term of the Project confirms presence, the Project Proponent shall halt all Project activities and contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or should obtain a CESA ITP.

Mitigation Measure BIO-6: Desert Tortoise

A qualified biologist shall conduct a protocol level presence or absence survey within the Project site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.

Mitigation Measure BIO-7: Crotch's Bumble Bee

Crotch's bumble bee focused surveys shall be conducted within the Project site and within 100-feet of the Project site prior to the start of Project activities. Surveys shall be conducted using survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected through surveys, Permittee shall fully avoid impacts to Crotch's bumble bee or should obtain a CESA ITP.

Cultural Resources

Mitigation Measure CR-1

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

Mitigation Measure CR-2

If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Yuhaaviatam of San Manuel Nation for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Mitigation Measure CR-3

If human remains or funerary objects are encountered during activities associated with the Project, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant. The most likely descendant shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

Because excavation activity associated with the development of the Project Site would impact the paleontologically sensitive Pleistocene alluvial units, and it is the recommendation of the Western Science Center that a paleontological resource mitigation program be put in place to monitor, salvage, and curate recovered fossils associated with the study area.

Tribal Cultural Resources

Mitigation Measure TCR-1

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

Mitigation Measure TCR-2

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department. The Lead Agency and/or applicant shall, in good faith, consult with Yuhaaviatam of San Manuel Nation throughout the life of the project.

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Appendices

Appendix A – Air Quality Study

Appendix B – Biological Assessment

Appendix C – Cultural Resources Assessment

Appendix D – Geotechnical Study

Appendix E – Phase I Environmental Site Assessment

Appendix F – Noise Study

EXHIBIT D

Mitigation Monitoring and Reporting Program (MMRP)

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**O'REILLY AUTO CENTER
PROJECT 2024 - 00035
MITIGATION MONITORING
AND REPORTING PROGRAM**

Prepared for

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

Prepared by

Terracon Consultants, Inc.
23041 Avenida De La Carlota, Suite 350
Laguna Hills, CA. 92653

Date: October 2025

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the O'Reilly Auto Center Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in conformance with Public Resources Code Section 21081.6 and County of San Bernardino Requirements. Specifically, Public Resources Code Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (b) A public agency shall provide that measure to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the

authority of the responsible agency or an agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. County of San Bernardino is the Lead Agency for the O'Reilly Auto Center Project and is therefore responsible for ensuring implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the County of San Bernardino or designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Timeframe.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the County of San Bernardino. The completed MMRP and supplemental documents will be kept on file at the County of San Bernardino Land Use Services Department.

**O'REILLY AUTO CENTER PROJECT
PROJECT 2024- 00035
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Biological Resources					
Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys <i>Within 3 days prior to the commencement of Project activities, a qualified biologist will determine the presence of active nests belonging to species protected under the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and California Fish and Game Codes 3503, 3503.5, and 3513 with full project site coverage including visual surveys extending to surrounding lands (up to 300 ft for raptors). In cases where ground disturbance activities are delayed, additional pre-disturbance must be conducted to ensure that no more than seven days have passed between the survey and the onset of ground disturbance activities. If active nests are identified, disturbance activities within 300 feet (for passerine birds) and 500 feet (for raptors) of the nest must be postponed or halted until the nest is vacated and the juveniles have successfully fledged, as determined by the biologist. The biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. To establish avoidance buffers in the field, highly visible construction fencing, or flagging must be used, and on-site personnel must be educated about the sensitivity of these nest areas. During periods when Project activities are scheduled to occur near active nests, a qualified biologist must be present as a biological monitor to ensure that inadvertent impacts on these nests are prevented and that encroachment into the buffer area does not occur.</i>	Within 3 days prior to commencement of any project activities	Verify Preconstruction Nesting Bird Survey and Memo of Nest Avoidance Measures Submittal of Preconstruction Survey and Memo of Nest Avoidance Measures, if nests are found to be present on site	Land Use Services Department – Planning, Building & Safety Divisions Qualified Biologist		
Mitigation Measure BIO-2: Pre-construction Clearance Surveys Burrowing Owl	Prior to issuance of grading permit and any ground	Verify Preconstruction Nesting Bird Survey and	Land Use Services Department –		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>Within 14 days preceding vegetation clearing or ground disturbing activities, a qualified biologist will conduct an initial take avoidance survey for signs of occupancy by the burrowing owl. This survey must encompass the entire area designated for disturbance and should involve the biologist walking along parallel transects. If no Burrowing Owls are detected during the initial take avoidance survey, the survey should be repeated within 24 hours prior to ground disturbance to determine if the Project site contains burrowing owl or sign thereof to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls, active burrowing owl burrows or perch sites with active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof, no additional actions related to this measure are required and a report shall be prepared by the qualified biologist documenting the results of the survey including all requirement for survey reports (page 30 of the 2012 Staff Report). The report shall be submitted to CDFW for review prior to construction. Surveys will follow Appendices C and D of the CDFW Staff Report on Burrowing Owl Mitigation (2012). If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.</i> <i>If burrowing owl, active burrows or signs thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000</i>	disturbing activities for coast horned lizard and Le Conte's thrasher and within 14 days prior to vegetation clearing or grading for burrowing owl	Memo of Nest Avoidance Measures Submittal of Preconstruction Survey and Memo of Nest Avoidance Measures	Planning, Building & Safety Divisions Qualified Biologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>feet of an active burrow until CDFW approves the Burrowing Owl Plan. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012) may be authorized through the incidental take permit as a minimization measure.</i> Coast Horned Lizard <i>In order to avoid potential impacts to coast horned lizards within the Project area, a biologist shall conduct a pre-construction clearance survey on the day that construction activities, including vegetation clearing and ground disturbing activities, occur within the Project area where suitable habitat is present. Construction personnel shall conduct daily inspection of trenches and holes for entrapped wildlife each morning prior to the onset of Project construction, and inspection of pipes, culverts, and similar construction material for entrapped wildlife at the beginning and end of the day. If this species is observed during the pre-construction clearance survey, the project biologist shall require additional measures to reduce potential impacts such as creating appropriate buffers and on-site construction monitoring by a qualified biological monitor during demolition and grading.</i> Le Conte's Thrasher <i>Prior to any ground-disturbing activities, including vegetation clearing, grading, or construction, a qualified biologist shall conduct a pre-construction clearance survey for Le Conte's thrasher</i>					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>(Toxostoma lecontei) within suitable habitat areas on the Project Site. If an active nest or breeding pair is detected during the survey, a no-disturbance buffer of at least 500 feet shall be established around the nest site or as otherwise recommended by the qualified biologist, in consultation with the California Department of Fish and Wildlife (CDFW). If the species is observed within the Project area, CDFW shall be contacted to formulate a strategy for avoidance.</i>					
Mitigation Measure BIO-3: Western Joshua Tree <i>The Project applicant shall comply with the requirements of the Western Joshua Tree Conservation Act and San Bernardino County Code Sections 88.01.050 and 88.01.060 regarding the removal, relocation, or transplantation of Western Joshua trees.</i> <i>A mitigation fee shall be paid for Western Joshua trees requiring removal as a result of the Project according to the Western Joshua Tree Conservation Act. The fees are based on the "Standard" Western Joshua tree removal fees as determined by the Act as follows:</i> <i>• Trees 5 meters (16.4 feet) or greater - \$2,544.75</i> <i>• Trees 1 meter (3.28 feet) or greater but less than 5 meters - \$509</i> <i>• Trees less than 1 meter - \$346</i> <i>In addition to paying the required mitigation fees, the Project applicant shall comply with San Bernardino County Code Section 88.01.050, which requires the relocation or transplantation of Joshua trees where feasible, as determined by a qualified biologist or certified arborist. The applicant shall also comply with Section 88.01.060, which establishes replanting standards for transplanted Joshua trees to maximize survival rates.</i> <i>To comply with County Code Section 88.01.050, Joshua trees shall be transplanted on-site where feasible, and if transplantation on-site is not possible, trees shall be relocated to a designated off-site</i>	Prior to initiation of any activities resulting in site disturbance potentially resulting in impacts to any Western Joshua trees If impacts are unavoidable, obtain an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) prior to any disturbance Payment of Mitigation Fee to CDFW Western Joshua Tree Mitigation Fund, as may be determined necessary prior to initiation of site preparation activities	Obtain Incidental Take Permit and Compliance with California, if required Department of Fish and Wildlife (CDFW) Requirements Proof of payment	California Department of Fish and Wildlife (CDFW) Land Use Services Department – Planning, Building & Safety Divisions		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>location in accordance with the County's standards and under the direction of a qualified biologist or arborist. The Project applicant shall ensure that proper irrigation, monitoring, and maintenance is provided for any transplanted Joshua trees for a minimum period of two years to ensure successful establishment.</i> <i>If any transplanted trees do not survive after two years of monitoring, the applicant shall either:</i> • <i>Replace the dead tree(s) with a Western Joshua tree of similar size or age; or</i> • <i>Pay applicable in-lieu mitigation fee in accordance with the Western Joshua Tree Conservation Act and County Code.</i>					
Mitigation Measure BIO-4: Biological Monitor <i>In the event of an observation of burrowing owl, nesting birds, coast horned lizard, Le Conte's thrasher or recent signs of occupancy by these species within the Study Area, a qualified biologist will be designated as the biological monitor. This monitor will be required to be on-site at all times during activities involving vegetation clearance or ground disturbance. Their primary responsibility is to observe and educate construction teams so that potential impacts to biological resources are either avoided or minimized to the greatest extent possible. Once the Project approaches a phase where it is determined by the biological monitor that biological resources are no longer present, as determined by their expertise, they may request a reduction or discontinuation of biological monitoring in that specific area. The biological monitor is vested with the authority to halt specific Project activities if they suspect violations of avoidance or minimization measures or if there are concerns about compliance with local, state, or federal laws. This authority is essential for the protection of biological resources and adherence to regulatory requirements.</i>	Upon observation of listed species or signs or occupancy within the Study Area The monitor will be required to be on-site at all times during activities involving vegetation clearance or ground disturbance	Daily monitoring logs/ observation records	Land Use Services Department – Planning, Building & Safety Divisions Qualified Biologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Mitigation Measure BIO-5: Mohave Ground Squirrel <i>Prior to ground disturbing activities commencing a visual survey according to CDFW's Mohave Squirrel Survey Guidelines (CDFW 2023) shall be conducted during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted in the Project site during daylight hours by a qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring throughout the term of the Project confirms presence, the Project Proponent shall halt all Project activities and contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or should obtain a CESA ITP.</i>	March 15 – April 15, prior to ground disturbance	Survey report documenting methods, results, and recommendations; incident reporting if species is observed; communication with CDFW	California Department of Fish and Wildlife (CDFW) Land Use Services Department – Planning, Building & Safety Divisions Qualified biologist		
Mitigation Measure BIO-6: Desert Tortoise <i>A qualified biologist shall conduct a protocol level presence or absence survey within the Project site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.</i>	Within 48 hours prior to project activities	Survey documentation including maps, species observations, and recommendations; incident reports; coordination with CDFW, if needed.	California Department of Fish and Wildlife (CDFW) Land Use Services Department – Planning, Building & Safety Divisions Qualified biologist		
Mitigation Measure BIO-7: Crotch's Bumble Bee <i>Crotch's bumble bee focused surveys shall be conducted within the Project site and within 100-feet of the Project site prior to the start of Project activities. Surveys shall be conducted using survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected through surveys,</i>	Prior to start of project activities	Survey report documenting methods, results, and recommendations; incident reporting if species is observed;	California Department of Fish and Wildlife (CDFW) Land Use Services Department –		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>Permittee shall fully avoid impacts to Crotch's bumble bee or should obtain a CESA ITP.</i>		communication with CDFW	Planning, Building & Safety Divisions Qualified biologist		
Cultural Resources					
Mitigation Measure CR-1: <i>In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, Yuhaaviatam of San Manuel Nation Cultural Resources Department shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</i>	Prior to issuance of a grading permit During subsurface excavation	Mitigation Measure noted on Construction Plans Confirmation of professional archeologist retention/on-going monitoring/ submittal of Report of Findings and curate discovered resources, if applicable	Land Use Services Department – Planning and Building & Safety Divisions Qualified Professional Archeologist		
Mitigation Measure CR-2: <i>If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Yuhaaviatam of San Manuel Nation for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</i>	Prior to grading plan issuance During subsurface excavation	Confirmation of professional archeologist retention Verify Monitoring and Treatment Plan Verify On-site Monitoring Curate discovered resources, if applicable	Land Use Services Department – Planning and Building & Safety Divisions Qualified Professional Archeologist		

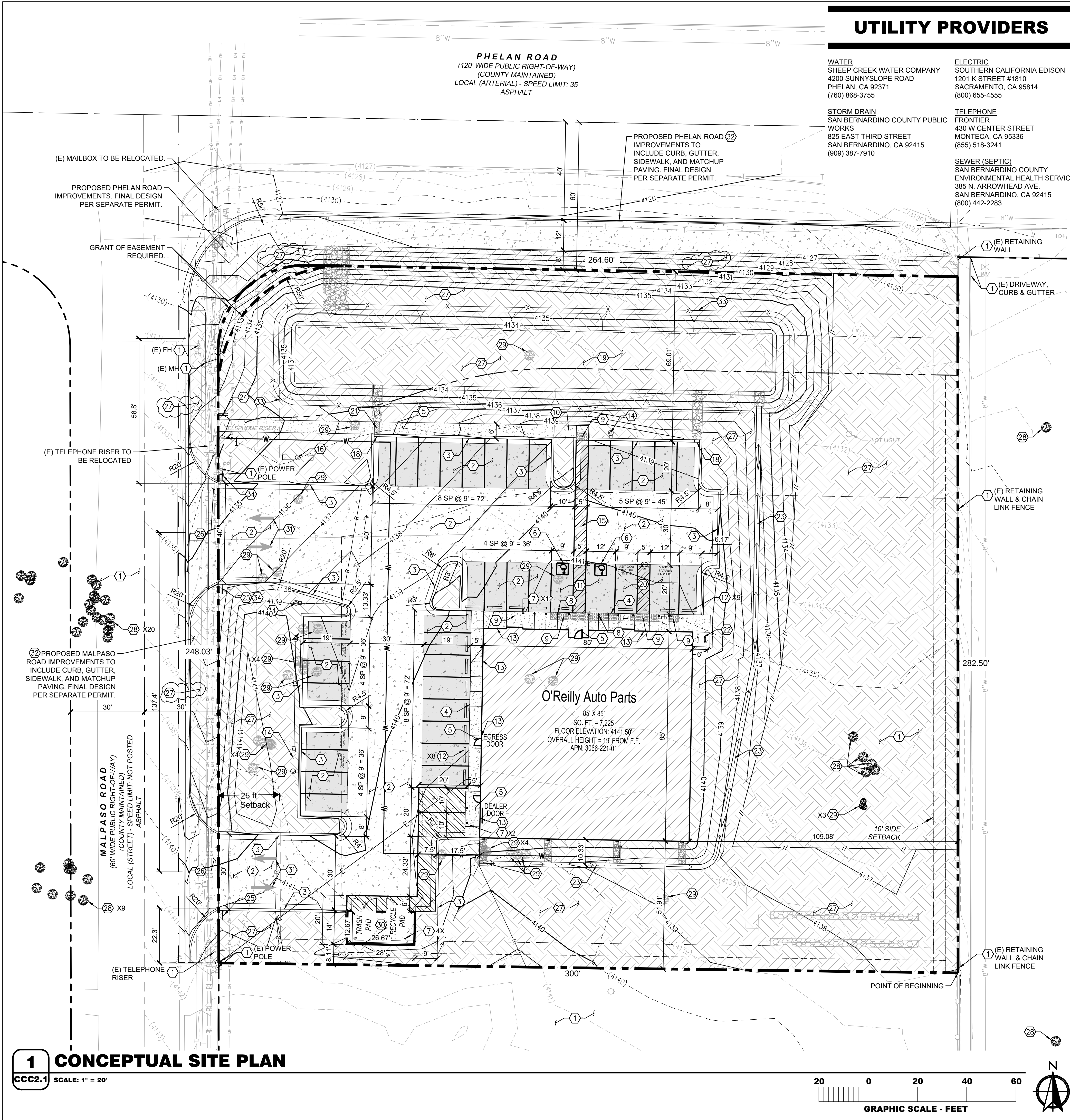
Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Mitigation Measure CR-3: <i>If human remains or funerary objects are encountered during activities associated with the Project, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant. The most likely descendant shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access. Because excavation activity associated with the development of the Project Site would impact the paleontologically sensitive Pleistocene alluvial units, and it is the recommendation of the Western Science Center that a paleontological resource mitigation program be put in place to monitor, salvage, and curate recovered fossils associated with the study area.</i>	During excavation, grading, and construction activities	Verify Monitoring and Treatment Plan Verify On-site Monitoring	Land Use Services Department – Planning and Building & Safety Divisions Qualified Professional Archeologist		
Tribal Cultural Resources					
Mitigation Measure TCR-1: <i>The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the</i>	During excavation, grading, and construction activities	Mitigation Measure noted on Construction Plans Contract or Letter of Intent with Qualified Cultural Resource Specialist	Land Use Services Department – Planning and Building & Safety Divisions Qualified Professional Archeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<i>archaeologist, in coordination with the Yuhaaviatam of San Manuel Nation all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Yuhaaviatam of San Manuel Nation for the remainder of the project, should they elect to place a monitor on-site.</i>		Verify Monitoring and Treatment Plan Verify On-site Monitoring Curate any discovered resources, if applicable			
Mitigation Measure TCR-2: <i>Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department. The Lead Agency and/or applicant shall, in good faith, consult with Yuhaaviatam of San Manuel Nation throughout the life of the project.</i>	Throughout the life of the project	Mitigation Measure noted on Construction Plans Contract or Letter of Intent with Qualified Cultural Resource Specialist Curate any discovered resources, if applicable Provide copies of all archaeological/cultural documents to the Tribes	Land Use Services Department – Planning and Building & Safety Divisions		

EXHIBIT E

Site Plan

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VICINITY MAP

KEY NOTES

1 PROTECT EXISTING IMPROVEMENTS IN PLACE.
2 CONCRETE PAVING (STANDARD DUTY) AT PARKING AREAS.
CONCRETE PAVING (HEAVY DUTY) AT DRIVE AREAS, DRIVE
APRONS, FIRE LANES, AND REFUSE AREA.
3 CONCRETE CURB.
4 CONCRETE SIDEWALK CURB.
5 CONCRETE SIDEWALK OR DOOR LANDING.
6 ACCESSIBLE PARKING SYMBOL PAVEMENT STRIPING.
7 STEEL BOLLARD. PROVIDE (2) AT REFUSE CONTAINER AREA.
(2) AT SECTIONAL OVERHEAD FREIGHT DOOR. PROVIDE (9)
AT FRONT ENTRY.
8 ACCESSIBLE PARKING SIGN.
9 DETECTIBLE WARNING SURFACE.
10 ACCESSIBLE CONCRETE CURB RAMP.
11 ACCESSIBLE PARKING SPACE WITH ACCESS AISLE (ADA
COMPLIANT) TO SLOPE 2% MAXIMUM IN ALL DIRECTIONS.
PROVIDE PAVEMENT MARKINGS TO MATCH STRIPING COLOR
UNLESS OTHERWISE REQUIRED TO COMPLY WITH
GOVERNING ACCESSIBILITY REGULATIONS.
12 CONCRETE BUMPER BLOCK.
13 LED WALL MOUNTED FULL CUT-OFF LIGHT.
14 LED FULL CUT-OFF PARKING LOT LIGHTING POLE.
15 5' WIDE MINIMUM DESIGNATED ACCESSIBLE ROUTE. SLOPE
5% MAXIMUM IN DIRECTION OF TRAVEL WITH 2% MAXIMUM
CROSS SLOPE. PROVIDE PAVEMENT STRIPING AS INDICATED.
16 SITE SIGN.
17 LIMITS OF NEW PAVING. MATCH EXISTING PAVEMENT
TRANSITION ELEVATIONS.
18 CURB OPENING.
19 RETENTION BASIN.
20 EVSE ACCESSIBLE PARKING SPACE WITH ACCESS AISLE
(ADA COMPLIANT) TO SLOPE 2% MAXIMUM IN ALL
DIRECTIONS.
21 PROPOSED UNDER SIDEWALK DRAIN.
22 BICYCLE PARKING INVERTED U.
23 2" CONCRETE VALLEY GUTTER SWALE.
24 ACCESSIBLE PATH SIGN.
25 ACCESSIBLE TOW-AWAY SIGN: POST AT ENTRANCE TO
OFF-STREET PARKING FACILITIES.
26 CONSTRUCT COMMERCIAL DRIVEWAY APPROACH WITH
CURB RETURNS PER SAN BERNARDINO COUNTY STANDARD
130.
27 CONSTRUCT LANDSCAPING.
28 JOSHUA TREES TO REMAIN.
29 JOSHUA TREES TO BE REMOVED PER SEPARATE PERMIT.
30 REFUSE ENCLOSURE.
31 DIRECTIONAL TRAFFIC FLOW ARROWS FOR REFERENCE
ONLY. DO NOT INSTALL PAVEMENT MARKINGS.
32 OFFSITE IMPROVEMENTS PER SEPARATE PERMIT.
33 3" SPLIT WOOD RAIL FENCE.
34 NO TRUCKS (R5-2) SIGN.

SITE INFORMATION

APPLICATION INFORMATION
APPLICATION TYPE: MINOR USE PERMIT
NUMBER OF EMPLOYEES: 10-12 WITH 3-6 IN STORE AT
ALL TIMES
HOURS OF OPERATION: MON-SAT: 7:30 AM TO 9:00 PM
SUNDAY: 9:00 AM TO 7 PM

SITE INFORMATION
ADDRESS: 3919 PHELAN ROAD
APN: 3066-221-01-0000
ABUTTING STREETS: MALPOSA ROAD, PHELAN ROAD

ZONING CODE

ZONING
CLASSIFICATION: PH/CG - GENERAL COMMERCIAL
PROPERTY AREA: 84,679 SQ. FT. / 1.94 ACRES
BUILDING AREA: 7,225 SQ. FT. / 8.5%
FAR: 0.085 (0.5:1 MAX)
PAVEMENT AREA: 24,444 SQ. FT.
IMPERVIOUS AREA: 31,669 SQ. FT. / 37% (80% MAX)
LANDSCAPE AREA: 53,010 SQ. FT. / 63% (20% MIN)

PARKING SUMMARY
PARKING FORMULA: 1 SP. PER 250 SQ. FT. GLA
SPACE SIZE: 9' x 19' MINIMUM
SPACES REQUIRED: 30
SPACES PROVIDED: 38
H.C. SPACES PROVIDED: 2
EV SPACES PROVIDED: 2
FUTURE EV SPACES: 6

LEGAL DESCRIPTION

LOT 33, TRACT NO. 5790, IN THE COUNTY OF SAN BERNARDINO, STATE
OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 73 OF MAPS, PAGE
4, RECORDS OF SAID COUNTY.

TOGETHER WITH THAT PORTION PHELAN ROAD AS VACATED BY
RESOLUTION NO. 2004-83, RECORDED MAY 25, 2004, AS INSTRUMENT
NO. 365799, OF OFFICIAL RECORDS, WHICH WOULD PASS BY
OPERATION OF LAW UPON CONVEYANCE.

FOR INFORMATIONAL PURPOSES ONLY APN: 3066-221-01-0000.

SYMBOLS LEGEND

NEW BUILDING CONSTRUCTION
AREA OF STANDARD DUTY CONCRETE
NEW LANDSCAPE AREA
AREA OF HEAVY DUTY CONCRETE
NEW POLE SIGN LOCATION
NEW CONCRETE PAVING BLOCK
NEW LIGHT POLE LOCATION
NEW BIKE RACKS
PROPERTY LINE

JOSHUA TREE NOTE

ALL JOSHUA TREES SHOWN HEREON, INCLUDING
TREES IDENTIFIED TO REMAIN, HAVE BEEN INCLUDED
IN SEPARATE CAFWS INCIDENTAL TAKE PERMIT FOR
REMOVAL. THE TREES IDENTIFIED TO REMAIN ARE
LOCATED OUTSIDE THE AREA OF DISTURBANCE AND
SHALL BE PROTECTED IN PLACE WHERE POSSIBLE.

TAIT
& ASSOCIATES
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ARCHITECT
1736 East Sunshine, Suite 417
Springfield, Missouri 65804
417.862.0558
Fax: 417.862.3265
e-mail: architect@esterjshneider.com

PROJECT:
NEW O'REILLY AUTO PARTS STORE
PHELAN RD
PHELAN, CA #1
CONCEPTUAL SITE PLAN

O'Reilly AUTO PARTS
CORPORATE OFFICES
233 SOUTH PATTERSON
SPRINGFIELD, MISSOURI 65802
(417) 862-2674 TELEPHONE

COMM # 4758
DATE: 11/24/23
REVISION
DATE: 07/02/24
07/24/24
11/25/24
12/23/24
05/14/25

PREPARED BY TAIT & ASSOCIATES, INC.