



LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT



HEARING DATE: November 7, 2013

Project Description

AGENDA ITEM # 3

Vicinity Map



APN:	3064-041-02
Applicant:	David Eum (Oak Hills Plaza)
Community:	Oak Hills/1 st Supervisorial District
Location:	Northeast corner of Phelan Road and Baldy Mesa Road
Project No:	P201200482/CUP
Staff:	Tracy Creason
Rep:	MK Design / Ken Kang
Proposal:	Conditional Use Permit to establish three retail/general office buildings totaling approximately 20,450-square feet and one 2,850-square foot fast food restaurant with drive thru on 2.36 acres



9 Hearing Notices Sent On: October 25, 2013

Field Review: November 4, 2013

Report Prepared By: Tracy Creason

Reviewed by: Commissioner Coleman

SITE INFORMATION

Parcel Size: 2.36 acres

Terrain: Relatively flat, with elevations between approximately 3685 and 3690 feet above mean sea level

Vegetation: Disturbed bare land, with scattered Mojave scrub vegetation

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Abandoned Single-family residence	OH/CN – Oak Hills Community Plan/Neighborhood Commercial; FS-2 – Fire Safety; Biological Resources
North	Vacant	OH/RL – Oak Hills Community Plan/Rural Living; FS-2 – Fire Safety; Biological Resources
South	Vacant	OH/RL – Oak Hills Community Plan/Rural Living; FS-2 – Fire Safety; Biological Resources
East	Single-family residence	OH/RL – Oak Hills Community Plan/Rural Living; FS-2 – Fire Safety; Biological Resources
West	Convenience Store with Gas Station	PH/CN – Phelan Pinon Hills Community Plan/Neighborhood Commercial; FS-2 – Fire Safety; Biological Resources

City Sphere of Influence:

Water Service:

Sewer/Septic Service

AGENCY

City of Hesperia

CSA 70, Zone J

Septic proposed

COMMENT

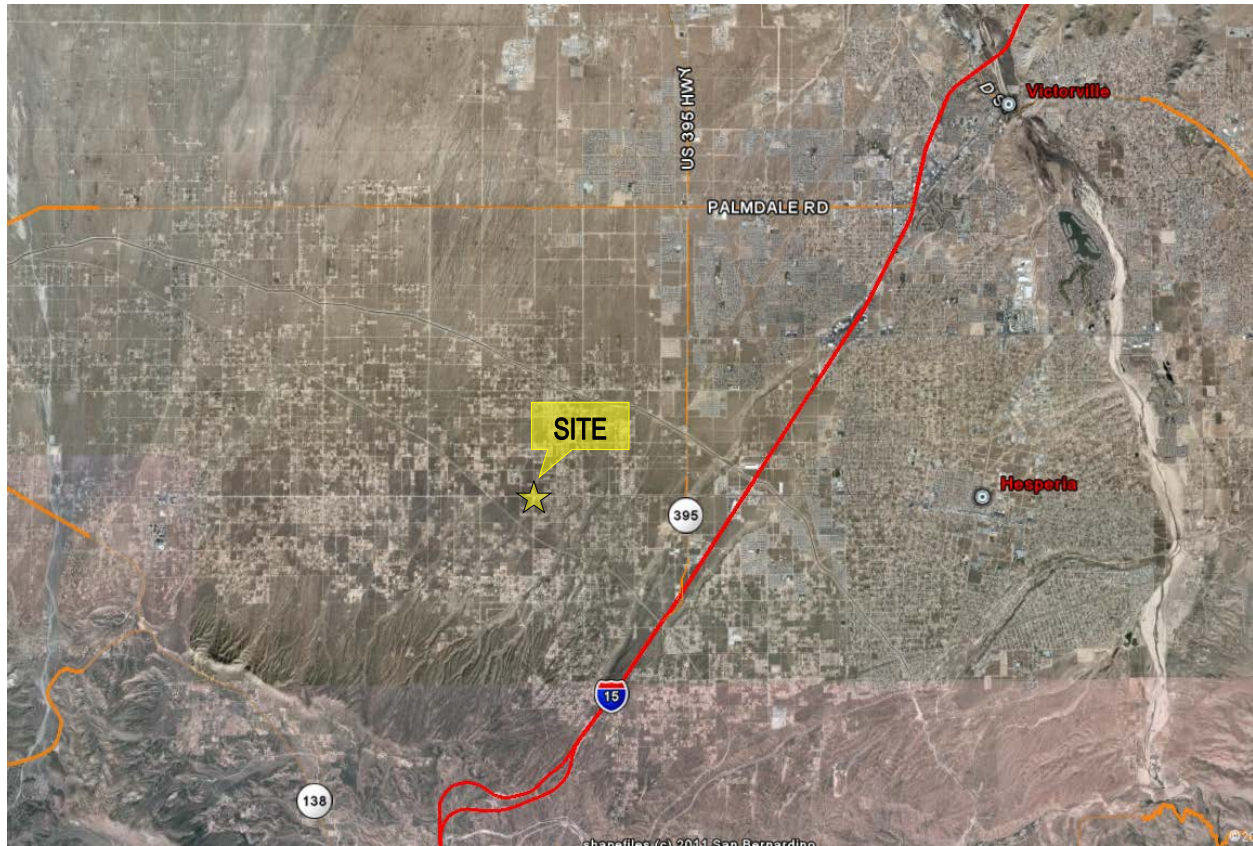
None received

Will continue to serve

EHS Approval Required

In accordance with Section 86.08.010 of the Development Code, action on this item may be appealed to the Board of Supervisors within 10 days after the Planning Commission action.

VICINITY MAP



DAVID EUM / OAK HILLS PLAZA
APN: 3064-041-02
P201200482/CUP
PLANNING COMMISSION HEARING – NOVEMBER 7, 2013

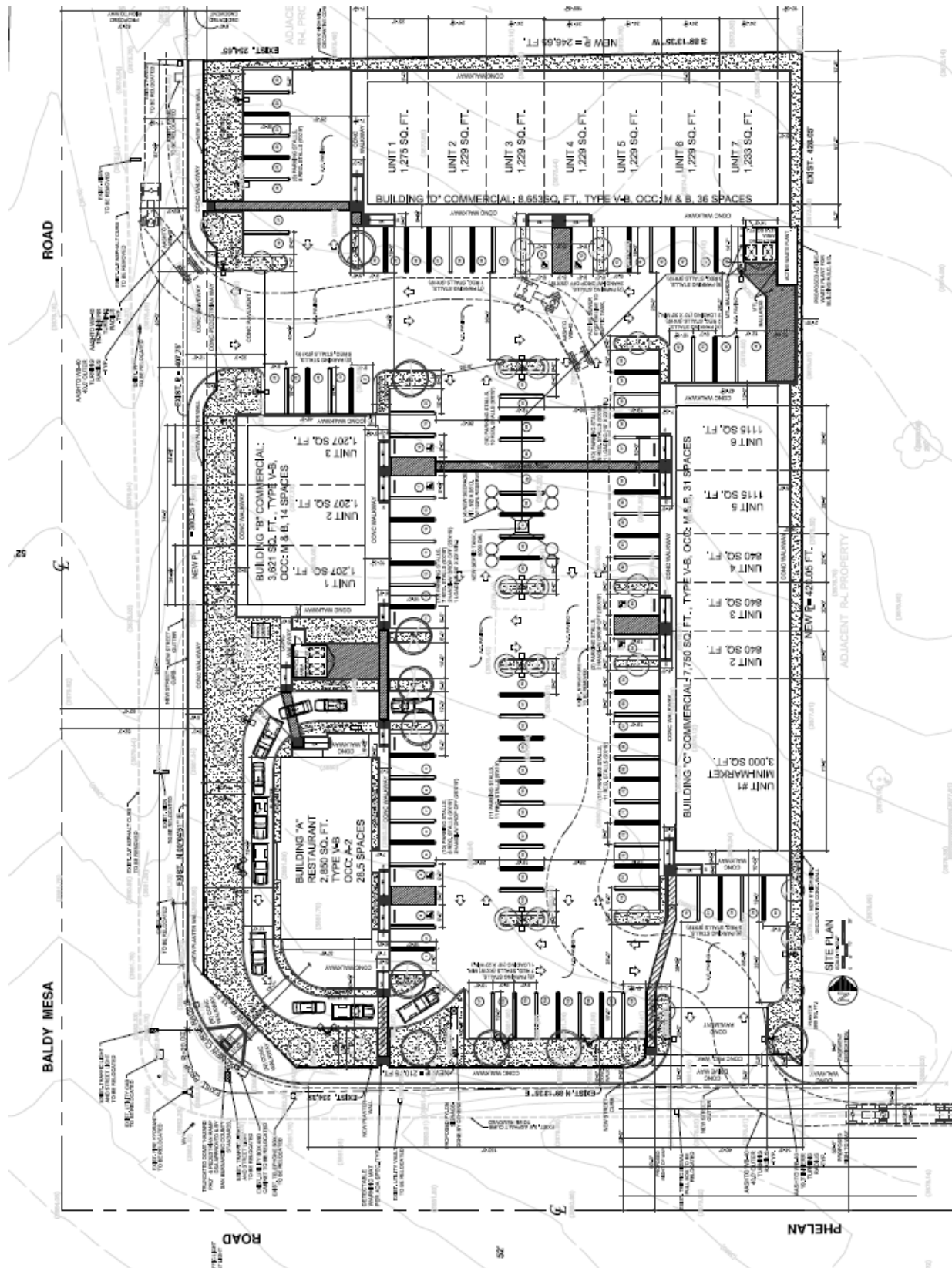
AERIAL VIEW



LAND USE ZONING DISTRICT MAP



SITE PLAN



BACKGROUND:

The previous owners of the subject property processed applications for a General Plan Amendment (GPA) from Oak Hills Community Plan Rural Living (OH/RL) to Oak Hills Community Plan Neighborhood Commercial (OH/CN) and a Conditional Use Permit (CUP) to establish a mini-market and gas station in 2002. The Board of Supervisors approved the applications in late 2003.

David Eum, the applicant and current owner, acquired title to the property in 2005. In 2008, Mr. Eum filed a revision to the original 2003 land use approval to remove the gas station, expand the retail building from 8,400 square feet to 20,000 square feet, and add a 2,200 square foot fast food restaurant and a 4,500 square foot office building (approximately 26,700 square feet total). County Staff conditionally approved this revision application in 2009; but the conditional approval expired in April 2012.

In addition to the subject 2.36-acre parcel, Mr. Eum also acquired two adjacent parcels (APNs 3064-041-01 and 3064-041-03) totaling approximately 22.5 acres. In 2005, Mr. Eum filed applications for a GPA from Oak Hills Community Plan Rural Living (OH/RL) to Oak Hills Community Plan General Commercial (OH/CG) and a CUP to establish five retail/office buildings, a market, a warehouse, and a restaurant totaling approximately 263,075 square feet.

Due to the shared ownership of the adjacent parcels and the concurrent development plans, the cost of traffic mitigation, local area transportation facilities fees, and regional transportation facilities fees were prohibitive for the applicant and neither project moved forward.

In May 2012, Mr. Eum and his representative MK Design filed a Pre-application Development Review meeting request to discuss a new proposal on the subject 2.36-acre property. At that time, County Staff verified the intention of the property owner for development of the adjacent 22.5 acres. When it was determined that no development is proposed on the adjacent property, MK Design submitted a CUP for the current development proposal on 2.36 acres.

ANALYSIS: CONDITIONAL USE PERMIT

Location and Setting: The site is located at the northeast corner of Phelan Road and Baldy Mesa Road, in the Oak Hills Community Plan area. Both roads are designated as major arterials in the County Master Plan of Roads. Access to the development is proposed from both roads. Baldy Mesa Road is the dividing line between the Phelan Pinon Hills Community Plan and the Oak Hills Community Plan. The site contains disturbed bare land, with scattered Mojave scrub vegetation. The site is relatively flat, with elevations between approximately 3685 and 3690 feet above mean sea level. The entire property is within the Fire Safety 2 overlay and within an area known to contain habitat to support Mohave ground squirrel, burrowing owl, loggerhead shrike, and Desert Tortoise. Conclusions in the biological survey stated that these species do not exist on the site nor is there habitat to support them.

Aesthetics/Visual: The properties in the general area of the Project site range in size from 2.5 gross acres to 20 gross acres, although most are 2.5 and 5 gross acres. The zoning on three corners of the intersection of Baldy Mesa and Phelan Road is Neighborhood Commercial – two parcels in the Phelan Pinon Hills Community Plan and the subject property in the Oak Hills Community Plan. The fourth corner is zoned OH/RL. Properties within 1,000 feet in all directions are zoned OH/RL, PH/RL, and PH/RL-5.

Although the site is not adjacent to a scenic corridor, the conditions of approval include requirements for submittal of exterior architectural elevations and landscaping plans. These will help to ensure that the proposed development is an aesthetic enhancement to the area.

Biological Resources: The site-specific *Biological Resources Study* prepared by Michael Brandman Associates concluded that no special status species were observed on the site. The Study further determined that the site contains habitat for several special status species. As a result, pre-construction surveys for burrowing owl, loggerhead shrike, and nesting birds are included as mitigation measures and conditions of approval.

Cultural Resources: The *Historical Resources Investigation* prepared by Archaeological Consulting Services for the original 2002 project identified the potential for a 1920 improvement associated with Frank L. Thomas to exist on the site. The report recommended monitoring of construction excavations. The conditions of approval contain the mitigation measure that an archaeological monitor be on-site during any earth disturbing activities. If resources are encountered, the archaeologist will assess the find, determine the significance, and make appropriate recommendations. Should resources be found, appropriate consultation with the San Bernardino County Museum is required.

Transportation/Traffic: Albert Wilson & Associates prepared a *Traffic Impact Study* for the proposal. A signal modification plan for the existing signal at the intersection of Baldy Mesa and Phelan Road is required as part of the conditions of approval. Signage and striping along the Phelan Road frontage to prevent left-turn vehicular movements at the Project driveway are required by the conditions of approval. Additionally, payment of fees associated with both the Regional Transportation Development Mitigation Fee Plan for the Hesperia Subarea and the Oak Hills Area Transportation Facilities Fee Plan for Zone A are required. The Level of Service on affected roads will remain at or above the County requirement.

ENVIRONMENTAL REVIEW:

Planning Staff prepared an Initial Study (IS) for the Project pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Staff prepared a Notice of Availability and Notice of Intent (NOA/NOI) and mailed it to nine surrounding property owners on August 29, 2013. The Initial Study was circulated through the State Clearinghouse Office of Planning and Research, posted with the Clerk of the Board, and available on the County website for public review. Staff received one response to the NOA/NOI from the Native American Heritage Commission, suggesting the County contact the appropriate Native American contacts if cultural resources are found. Adherence with the Cultural Resources mitigation measure for an on-site archaeological monitor addresses Native American resources as well.

The Initial Study concludes that the proposed Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration is proposed for adoption by the Planning Commission.

SUMMARY:

The proposed Project is consistent with County goals and policies regarding land use, specifically the Oak Hills Community Plan priorities associated with Policy OH/LU 1.10, which encourages the Oak Hills community theme in signage and entry monuments, Goal OH/LU 2, which supports commercial development that is compatible with the rural desert character and meets the needs of local residents, and Policy OH/LU 2.1, which encourages commercial development at the intersections of arterial or secondary streets. Therefore, Planning Staff recommends approval of the Project.

RECOMENDATION: That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration and find that the Initial Study was completed in compliance with the California Environmental Quality Act, that it has been reviewed and considered prior to approving the Project and that the Initial Study/Negative Declaration reflects the independent judgment of San Bernardino County;

- 2) **ADOPT** the Findings for approval of a Conditional Use Permit as contained in the Staff Report;
- 3) **APPROVE** the Conditional Use Permit to establish three retail/general office buildings totaling approximately 20,450 square feet and one 2,850 square foot fast food restaurant with drive thru on 2.36 acres;
- 4) **FILE** a Notice of Determination.

ATTACHMENTS:

Exhibit A:	Findings
Exhibit B:	Initial Study
Exhibit C:	Conditions of Approval
Exhibit D:	Correspondence

EXHIBIT A

Findings

FINDINGS – CONDITIONAL USE PERMIT

Conditional Use Permit to establish three retail/general office buildings totaling approximately 20,450 square feet and one 2,850 square foot fast food restaurant with drive thru on 2.36 acres.

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** The 2.36-acre site is adequate in size and shape to accommodate the proposed commercial uses. The site plan shows all aspects of the Project, which meets the required setbacks and landscaping.
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 project is adjacent to Phelan Road and Baldy Mesa Road, both of which are designated as major arterial roadways in the County Master Plan of Roads. These provide legal and physical access to the site.
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.** The proposed use is consistent with the development allowed in the Oak Hills Community Plan Neighborhood Commercial (OH/CN) land use zoning district. The structures are all single story. The Project must incorporate landscaped building setbacks to provide a buffer for adjacent properties.
4. **The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan and any applicable specific plan or planning area.** The proposed retail, general office, and fast food restaurant are consistent with the goals, policies, standards, and maps of the General Plan, the Development Code, and the Oak Hills Community Plan. The Project, together with the provisions for its design and improvement, are consistent with the General Plan's goals and policies, is consistent with the development standards of the CN Land Use Zoning District, and is consistent with the Oak Hills Community Plan. The Community Plan contains specific goals and policies relative to the Project. The Project is consistent with the following Goals and Policies:
 - **Goal LU 3 – The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.**
 - **Policy LU 3.1 – Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other utilities, from other incompatible uses.**
 - Goal and Policy Implementation:** The Project site is at the intersection of two major arterial roadways, both of which provide access to the site. The site is served by a water purveyor, CSA 70 J.
 - **Goal OH/LU 1, Policy OH/LU 1.10 – Where new developments are approved within the community, encourage the use of the Oak Hills community theme when establishing names**

and constructing signage and entry monuments for commercial or residential tract developments.

Goal and Policy Implementation: The proposed Project is named *Oak Hills Plaza*. A pole sign is proposed along the Phelan Road frontage.

- **Goal OH/LU 2** – Ensure that commercial and industrial development within the plan area is compatible with the rural desert character and meets the needs of local residents.
 - **Policy OH/LU 2.1** – Discourage linear development of commercial development of shallow depth along streets when it can be shown that it impairs traffic flow or detracts from the aesthetic enjoyment of the surroundings, or it can be demonstrated the equally effective services can be provided in an alternate configuration. Such development should be encouraged at intersections of arterial or secondary streets.

Goal and Policy Implementation: The Project proposes a commercial development at the intersection of two major arterial roads. Three corners of the intersection are zoned Neighborhood Commercial. Although specific tenants are not included as part of the Project, special attention will be paid to ensure that future tenants will meet the needs of the community residents.

Goal D/ED 1 – Promote economic development that is compatible with the rural desert character of the Desert Region.

- **Policy D/ED 1.1** – Support commercial development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character.

Goal and Policy Implementation: The Project proposes a 23,300 square foot commercial development that will cover approximately 23 percent of the parcel. The buildings are single story structures. A recently completed gas station and mini-market exist across Baldy Mesa Road from the Project.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** Water will continue to be supplied by County Service Area 70, Improvement Zone J. Electricity is supplied by Southern California Edison. Wastewater will be handled by an on-site wastewater treatment system which will require approval and certification from County Environmental Health Services based on the requirements of the Lahontan Regional Water Quality Control Board. Access roads, Phelan Road and Baldy Mesa Road, are adjacent to the project site.
6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.** All development issues have been evaluated by the appropriate agencies and applicable conditions have been required to address their concerns and areas of responsibility.
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 proposed buildings, structures, and impervious surfaces would cover approximately 23 percent of the site. The maximum lot coverage permitted in the CN land use zoning district is 80 percent. Sufficient open space exists to consider the use of solar energy systems and passive or natural heating and cooling opportunities.

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8. **An Environmental Initial Study / Mitigated Negative Declaration** have been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County, acting as lead agency for the Project. The Initial Study concludes that the project will not have a significant effect on the environment. Mitigation measures are proposed to address Biological Resources and Cultural Resources and reduce potential impacts of the Project that might have a significant effect on the environment. Adoption of a Mitigated Negative Declaration is therefore part of the recommendation for action on the Project.

EXHIBIT B

Initial Study

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN:	3064-041-02-0000
APPLICANT:	DAVID EUM
COMMUNITY:	OAK HILLS / 1 ST SUPERVISORIAL DISTRICT
LOCATION:	NORTHEAST CORNER OF PHELAN ROAD AND BALDY MESA ROAD
PROJECT No:	P201200482/CUP
STAFF:	TRACY CREASON
REP(S):	MK DESIGN – KEN KANG
PROPOSAL:	CONDITIONAL USE PERMIT TO ESTABLISH THREE RETAIL/GENERAL OFFICE BUILDINGS TOTALING APPROXIMATELY 20,450 SQUARE FEET AND ONE 2,850 SQUARE FOOT FAST FOOD RESTAURANT WITH DRIVE THRU ON 2.36 ACRES

USGS Quad: BALDY MESA
T, R, Section: **T4N R5W** Section **18** **SW ¼**
OLUD: OH/CN

Planning Area: Oak Hills Community Plan
Overlays: FS-2

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department – Planning Division
15900 Smoke Tree Street
Hesperia, CA 92345

Contact person: Tracy Creason, Senior Planner
Phone No: 760.995.8143
E-mail: tcreason@lusc.sbcounty.gov

Fax No: 760.995.8167

Project Sponsor: MK Design – Ken Kang
2021 W. Commonwealth Avenue, Suite U
Fullerton, CA 92833
Phone No: 626.374.8547
E-mail: kandesign@hotmail.com

Fax No: 714.879.0356

PROJECT DESCRIPTION:

The proposed Project is Conditional Use Permit to establish Oak Hills Plaza, a shopping center consisting of three retail/general office buildings totaling approximately 20,450 square feet and one 2,850 square foot fast food restaurant with drive thru on 2.36 with related site improvements such as parking and landscaping. The site is located within the unincorporated community of Oak Hills, within the Oak Hills Community Plan, and zoned Neighborhood Commercial (OH/CN). The project site is located on the northeast corner of Phelan Road and Baldy Mesa Road. Access to the site will come from both roads. Properties adjacent to the site on the north, south, and east are zoned OH/RL (Oak Hills Community Plan/Rural Living), property to the west is zoning PH/CN (Phelan Pinon Hills Community Plan/Neighborhood Commercial). The site is regulated by the FS-2 Fire Safety Overlay.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

According to the Biological Resources Study prepared by Michael Brandman Associates, "the Project site does not contain suitable habitat for the Mohave ground squirrel ... it contains moderately suitable vegetation for loggerhead shrike and moderately suitable foraging habitat for burrowing owl. ... The site and property within a 500-foot buffer around the site does not contain suitable nesting habitat for burrowing owl. The Project site contains no potentially jurisdictional waters.... The site does not contain any wildlife movement corridor features." The report goes on to state that "a majority of the Project site is disturbed from development" ... "vegetation ... primarily consists of disturbed bare

ground ... with scattered Mojave scrub vegetation.” The Assessment states that the site is relatively flat with an altitude range of 3,685 to 3,690 feet above mean sea level. Although the site is located in an area with the potential to support Desert Tortoise, the study concludes that there is a low potential of the Desert Tortoise to occur. The study concluded that the Mohave ground squirrel is not likely to occur. The study also concluded that although the Project site provides moderately suitable foraging habitat to support this species, due to the lack of suitable burrows, there is a very low potential for the burrowing owl to nest onsite.



AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Abandoned Single-family residence	OH/CN / FS-2, Biological Resources
North	Vacant	OH/RL / FS-2, Biological Resources
South	Vacant	OH/RL / FS-2, Biological Resources
East	Single-family residence	OH/RL / FS-2, Biological Resources
West	Convenience Store with Gas Station	PH/CN / FS-2, Biological Resources

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

Federal: US Fish and Wildlife Service

State of California: Regional Water Quality Control Board – Lahontan Region; California Department of Fish and Wildlife; Mojave Desert Air Quality Management District

County of San Bernardino: Land Use Services – Building and Safety, Code Enforcement, Land Development – Road & Drainage; Public Health – Environmental Health Services; Public Works – Surveyor, Traffic; County Fire; Special Districts – CSA 70, Zone J

Local: None

EVALUATION FORMAT:

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
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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. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
2. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. 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 mitigation measures)
4. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (Listing the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> 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 will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will 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 will 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): Tracy Creason, Senior Planner


Date


Signature: Heidi Duron, Supervising Planner


Date

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS - Would the project				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUBSTANTIATION (Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan):				

The Project site is not located in a Scenic Resources/Scenic Route Overlay. The Scenic Overlay Area includes unique views within the County's desert, mountain, and valley areas, as well as other aesthetic natural land formations. It covers an area extending 200 feet on both sides of the ultimate road right-of-way of State and County designated Scenic Highways as identified within the General Plan.

The nearest possible scenic corridors in the vicinity of the Project site are State Route 18, which is approximately 5.5 miles north of the Project site, State Route 138, which is approximately 9.6 miles west of the Project site, and Interstate 15, which is approximately 4 miles east of the Project site.

- I a) **Less Than Significant Impact.** The proposed Project is not located adjacent to or within the view-shed of a designated Scenic Corridor. To insure that the proposed development is an aesthetic enhancement to the area, the conditions of approval include the requirement that the applicant submit exterior architectural elevations of the proposed development for review and approval by the Planning Division prior to issuance of building permits. Landscaping in compliance with the State Water Model Ordinance and the County Development Code (Code) is also a requirement in the conditions of approval. Simulations of proposed views for the purposes of evaluating the impacts of the building's mass and scale in terms of impacting views are attached. The simulations are not meant to be representative of the architectural treatment and elements that will be proposed for the building. The Project site is 2.36 acres with dimensions of approximately 255 feet by 425 feet. The proposed buildings total 23,300 square feet, which occupies approximately 23 percent of the site. The maximum building height proposed is approximately 25 feet. Given the small mass and scale of the building, views will not be substantially blocked or degraded. Based on this, aesthetic will be less than significant.
- I b) **Less Than Significant Impact.** Within *Chapter 27: Visual & Aesthetic Review*, the Caltrans Standard Environmental Reference states that "[w]hile there is no comprehensive list of specific features that automatically qualify as scenic resources, certain characteristics can be identified which contribute to the determination of a scenic resource. Following is a partial list of visual qualities and conditions which, if present, may indicate the presence of a scenic resource:
- A tree that displays outstanding features of form or age;

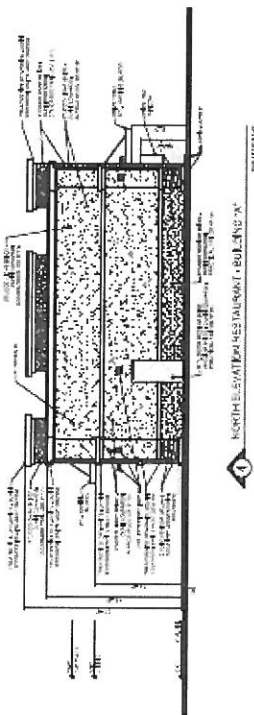
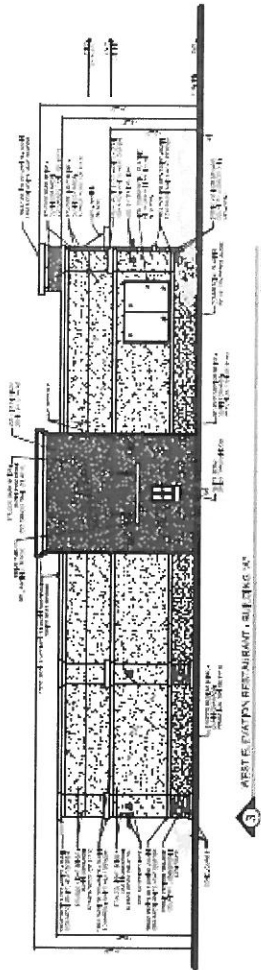
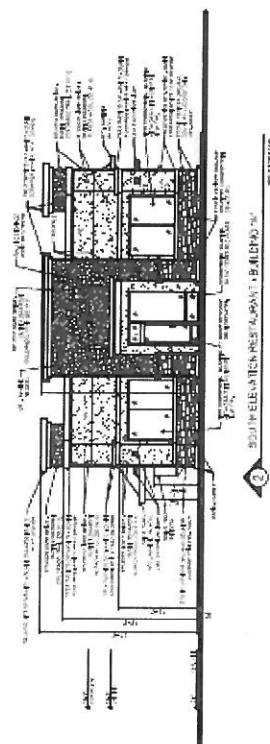
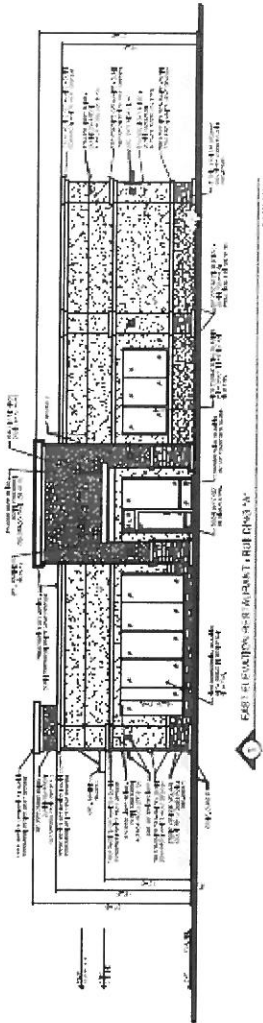
- A landmark tree or a group of distinctive trees accented in a setting as a focus of attention;
- An unusual planting that has historical value;
- A unique, massive rock formation;
- An historic building that is a rare example of its period, style, or design, or which has special architectural features and details of importance (A historic building, however, should be evaluated by a staff Architectural Historian as part of the historic resources studies);
- A feature specifically identified in applicable planning documents as having special scenic value;
- A unique focus or a feature integrated with its surroundings or overlapping other scenic elements to form a panorama;
- An exceptional example of proportion, balance, rhythm, and variety - all of these are amenable attractions of a visual scene.
- A vegetative or structural feature that has local, regional, or statewide importance."

The proposed Project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. The site currently supports an abandoned residence, but there are no historic buildings. The site is flat; there are no rock outcroppings. The Joshua Trees and cactus species existing on the site will be retained wherever possible and incorporated into the landscaping. Compliance with these conditions of approval will reduce damage to potential scenic resources.

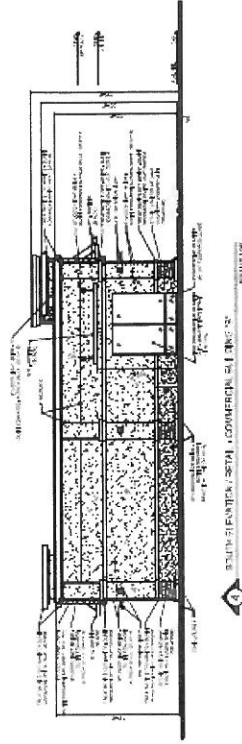
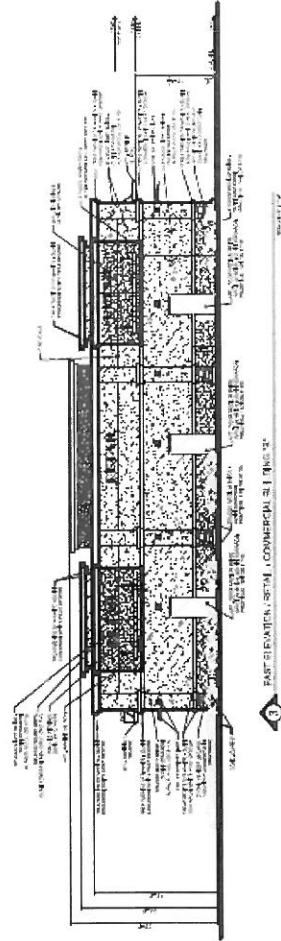
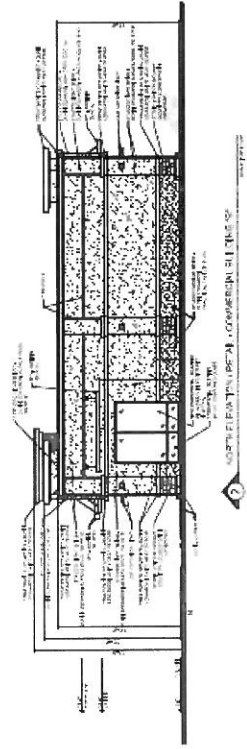
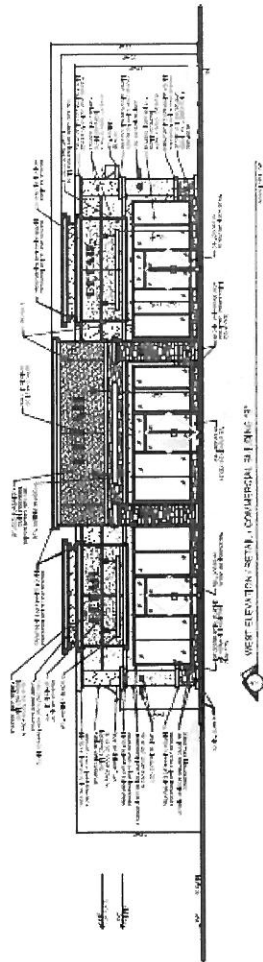
- I c) **Less Than Significant Impact.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the development will be conditioned to preserve the existing visual character of the area. As stated in I a) and I b) above, conditions of approval will include the requirement for architectural elevations, landscaping plans, and retention of native vegetation. The proposed Project is located at an intersection that includes two corners in the Phelan Pinon Hills Community Plan, both of which are zoned Neighborhood Commercial and two within the Oak Hills Community Plan, one of which is zoned Neighborhood Commercial. The intersection contains a convenience store and gas station on one corner and has a conditionally approved commercial land use plan on another corner, although development has not begun. Development of the site will introduce a new structure but will not result in the site becoming visually incompatible or unexpected when seen in the context of the existing commercial intersection. As a standard requirement, all building permits require a pre-construction inspection to verify the location of Joshua Trees and any removal will comply with the County's ordinance regarding tree protection.
- I d) **Less Than Significant Impact.** The proposed Project will create a new source of light. Any proposed on site lighting must comply with the Glare and Outdoor Lighting – Valley and Desert Region Code requirements, which include shielding to prevent light trespass and protect the night sky. Adherence with these requirements is mandatory per the County Development Code and will ensure that the Project will not create a new source of substantial light or glare.

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

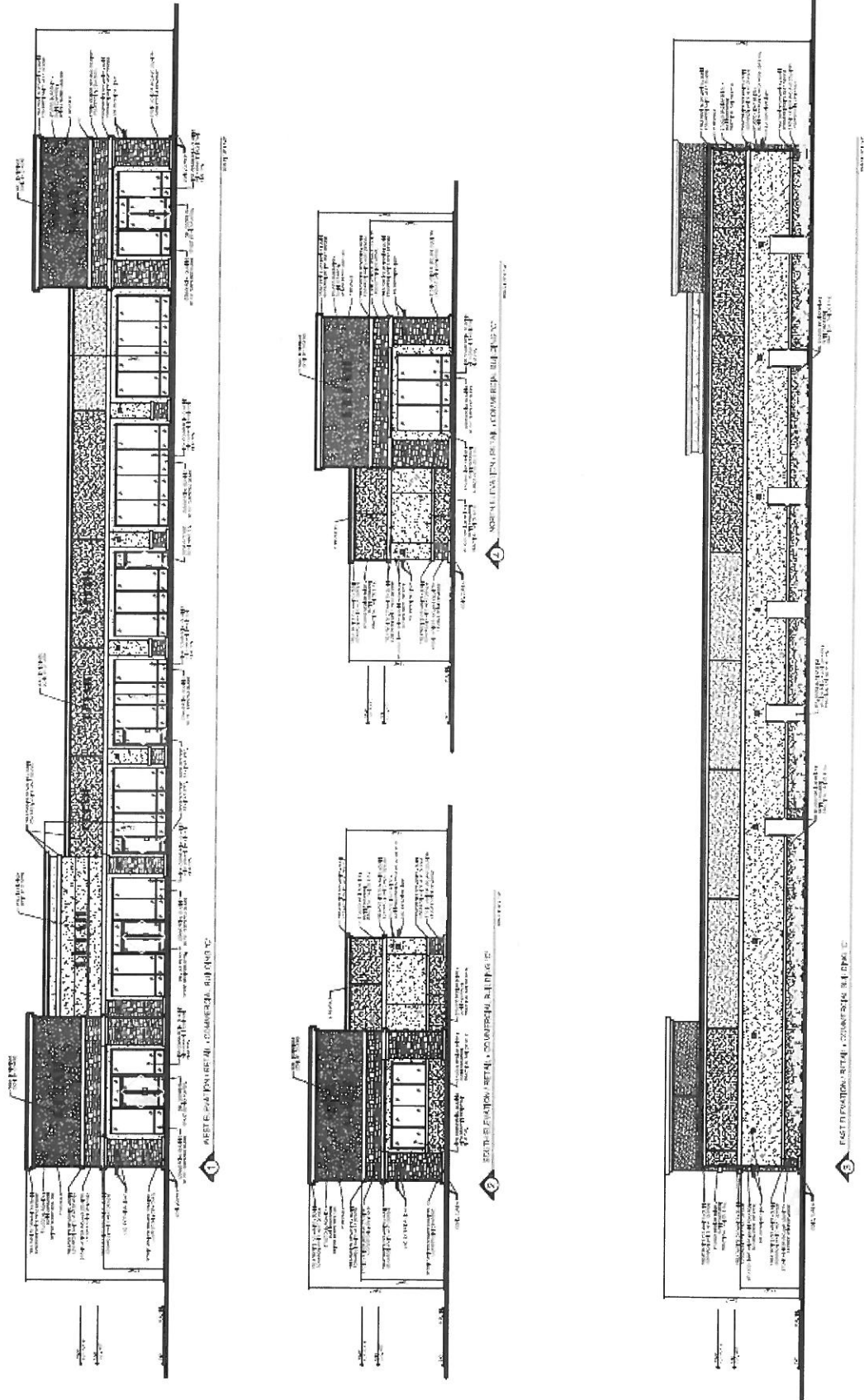
PROPOSED RESTAURANT ELEVATIONS



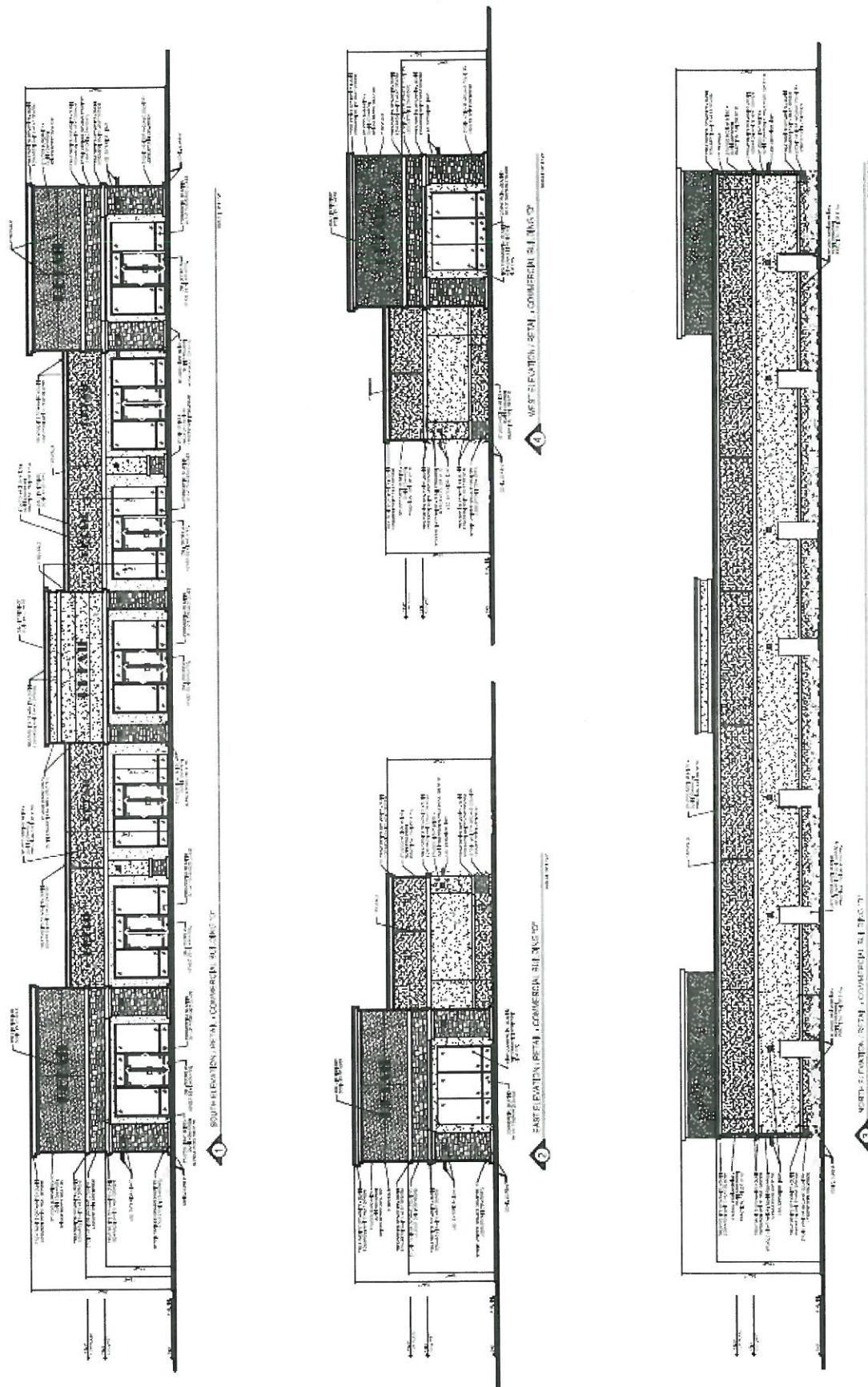
PROPOSED BUILDING "B" ELEVATIONS



PROPOSED BUILDING "C" ELEVATIONS



PROPOSED BUILDING “D” ELEVATIONS



II. AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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:

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Significant with
Mitigation
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Significant Impact No
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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- II a-e) **No Impact.** The subject property is designated "Other Land" on the San Bernardino County Important Farmland 2008, Sheet 2 of 2, a map prepared by the California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. The nearest boundary of the San Bernardino National Forest is approximately 3.6 miles southwest of the property.

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

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- III a) **Less Than Significant Impact.** The Desert portion of the County of San Bernardino is part of the Mojave Desert Air Basin (MDAB) and the Mojave Desert Air Quality Management District (MDAQMD). Under the Federal Clean Air Act, the MDAQMD has adopted a variety of attainment plans for a variety of non-attainment pollutants. The Air Quality Management Plan (AQMP) for the MDAB sets forth a comprehensive program that will lead the MDAB into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections. The proposed Project is consistent with the underlying General Plan designation on the property.

Project generated emissions were modeled based on sample project sizes by Land Use Category that are below 3000 metric tons of carbon dioxide equivalent (3000 MTCO_{2e}) based upon statistical analysis of Projects run in the California Emissions Estimator Model (CalEEMod) model. For General Commercial Office Space, the project size that generates 3000 MTCO_{2e} is 162,000 square feet. For Fast Food Restaurants, the project size that generates 3000 MTCO_{2e} is 5,300 square feet. The Project proposes 20,450 square feet of General Commercial Office Space and 2,850 square feet of Fast Food Restaurant. The Project's air pollutant emissions during all phases of the Project will not exceed construction or operational emission thresholds. The project will not contribute to the degradation of local or regional air quality. The site will be paved, dust proofed, and landscaped to Code standards, resulting in little or no wind-blown dust or particulate matter. Adding match-up paving on Baldy Mesa Road and Phelan Road where they are adjacent to the property will be part of the project.

This project will incrementally contribute to the amount of greenhouse gases in the environment. But when compared to the overall environment, this project's contribution to global warming will be insignificant. It is a policy of the County of San Bernardino to encourage efficient use of energy resources and the use of alternate energy sources. The Air Quality Plan used the underlying zoning as the baseline. The Mojave Desert Air Quality Management District received the project notice and responded that they had no comments or concerns about the proposal.

- III b) **Less Than Significant Impact.** The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use does not exceed thresholds of concern. The site will be paved and landscaped resulting in little or no wind-blown dust or particulate matter. Additional paving on Baldy Mesa and Phelan Roads will be required, and will thus reduce the potential for wind-blown dust and particulate matter. Even though the Project does not exceed the MDAQMD thresholds, the Project proponent must comply with all applicable rules and regulations of the MDAB to assist in achieving attainment for ozone and suspended particulates.
- III c) **Less Than Significant Impact.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors), because the proposed use does not exceed established thresholds of concern. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the MDAQMD and be inconsistent with growth projections. As previously stated, the Project will not exceed any established thresholds. The current zoning, OH/CN (Oak Hills Neighborhood Commercial), will remain unchanged. The Project is consistent with the growth projections contained in the County General Plan and the Oak Hills Community Plan.
- III d) **Less Than Significant Impact.** The project will not expose sensitive receptors to substantial pollutant concentrations. These sensitive receptors include residences, schools, daycare centers, playgrounds, and medical facilities. The following project types within the specified distance must not expose sensitive receptors to substantial pollutant concentrations. They include:
- Any industrial project within 1000 feet
 - A distribution center (40 or more trucks per day) within 1000 feet
 - A major transportation project (50,000 or more vehicles per day) within 1000 feet
 - A dry cleaner using perchloroethylene within 500 feet
 - A gasoline dispensing facility within 300 feet

The project will not expose sensitive receptors to substantial pollutant concentrations, because there are no identified concentrations of substantial pollutants associated with this project. The site is located approximately 0.75 miles south of Baldy Mesa Elementary School.

- III e) **Less Than Significant Impact.** According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The Project totals 23,300 square feet of general commercial office and fast food restaurant space within enclosed buildings, which will not produce objectionable odors affecting a substantial number of people.

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

IV. BIOLOGICAL RESOURCES - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☒): Desert Tortoise, Mohave ground squirrel, Burrowing Owl

Michael Brandman Associates conducted a Biological Resources Study for the property in August 2012, with the report dated September 7, 2012 and finalized on January 16, 2013. Although no special status species were observed, the site contains Joshua Trees, which are protected by County ordinance. The Study recommends in situ preservation and/or on-site transplantation of these plants. Additionally, the site contains habitat for several special status species. The Study recommends pre-construction surveys for Burrowing Owl. The Study recommends pre-construction surveys for Loggerhead Shrike if construction activities must begin during the breeding season of February through August. Furthermore, the Study recommends pre-construction nesting bird surveys if construction activities occur during nesting bird season.

- IV a) **Less Than Significant Impact with Mitigation Incorporated.** The site is located within a designated Desert Tortoise habitat area. The Biological Resources Study found no tortoise or tortoise sign on the site during the field

visit. The likelihood of Desert Tortoise to occur on site is low due to the fragmented nature of the habitat in the project area, the existence of Baldy Mesa and Phelan Roads, and the previous on-site residential development. The Study found that two California species of special concern have a potential to occur on the project site. The Study recommends a Burrowing Owl survey prior to land disturbance, and a pre-construction survey for Loggerhead Shrike if construction activities must occur during the breeding season. Additionally, the Study recommends a pre-construction, nesting bird survey if nesting habitat must be removed during nesting season. These mitigation measures will be incorporated into the Project conditions of approval prior to any land disturbance. Adherence with any recommended mitigation measures within the pre-construction surveys is required.

- IV b) **Less Than Significant Impact.** This project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. No riparian habitat or protected wetlands exist on or near the site.
- IV c) **Less Than Significant Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within an identified protected wetland. No riparian habitat or protected wetlands exist on or near the site.
- IV d) **Less Than Significant Impact.** This project will not 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, because there are no such corridors or nursery sites within or near the project site. The Biological Resource Study concluded that “[t]he project site does not provide for any regional wildlife movement. ...Additionally, the project site does not provide a habitat linkage between two larger open space or undeveloped habitat areas that would function at a movement corridor.” The property is adjacent to Baldy Mesa and Phelan Roads, is adjacent to other commercial development, and near rural residential development in all directions.
- IV e) **Less Than Significant Impact.** There are locally protected Joshua Trees on the site. Prior to issuance of any building permits County Building and Safety will conduct a pre-construction inspection to verify the location of any proposed construction. This is a mandatory requirement and is not considered a mitigation measure.
- IV f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site. The site is within the proposed boundary of the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert. Only the BLM amendment of the California Desert Conservation Area of the West Mojave Plan has been approved. The state and local government actions proposed by this interagency habitat conservation plan remain under review.

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:

BIO-1: Within 14 days prior to land disturbance, the applicant shall hire a qualified professional to conduct a pre-land disturbance and/or pre-construction focused Burrowing Owl survey. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.

BIO-2: If construction activities must commence during the avian breeding season of February through August, the

applicant shall hire a qualified professional to conduct a pre-construction clearance within 14 days prior to land disturbance to determine the presence/absence of Loggerhead Shrike. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.

BIO-3: In compliance with the Migratory Bird Treaty Act, if construction activities occur during nesting bird season, the applicant shall hire a qualified professional to conduct pre-construction nesting bird surveys to identify any nesting activity. If active nests are observed, construction must be postponed until the nestlings have fledged. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval.

V. CULTURAL RESOURCES - Would the project

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

John Stephen Alexandrowicz, RPA, from Archaeological Consulting Services, prepared *An Historical Resources Investigation* for a previously proposed project at the Project site on March 29, 2003. The report recommends monitoring of construction excavations.

- V a) **Less Than Significant Impact.** This Project will not cause a substantial adverse change in the significance of a historical resource because the project site is not located on or near any known historical resource, as defined in §15064.5.
- V b) **Less Than Significant Impact with Mitigation Incorporated.** This Project has the potential to cause a substantial adverse change to an archaeological resource because the *Historical Resources Investigation* identified the potential for a 1920 improvement associated with Frank L. Thomas to exist on the site. Monitoring of construction excavations was recommended in the report and the San Bernardino County Museum Archaeological Information Center concurred. To reduce the potential for impacts, mitigation measure CUL-1, which requires an archaeological monitor be on site during any earth disturbing activities, will be added to the project.
- V c) **Less Than Significant Impact.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no resources have been identified on the site. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V d) **Less Than Significant Impact.** This project will not disturb any human remains, including those interred outside of formal cemeteries, because no such burial grounds are identified on this project site. If any human remains are discovered during construction of this project, the developer is required to contact the County Coroner, County Museum for determination of appropriate measures, and a Native America representative, if remains are determined to be of Native American origin.

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:

CUL-1: An archaeological monitor must be on-site during any earth disturbing activities. If prehistoric or historic resources over 50 years of age are encountered during land modification, then activities in the immediate area of the finds should be halted so that the archaeologist can assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act. Submission to the San Bernardino County Museum Archaeological Information Center of a historical resources management report by the professional is required to document the monitoring, to evaluate resource significance and integrity, and if necessary, to evaluate project impacts and propose mitigation measures to reduce potential adverse impacts in accordance with the appropriate laws. For a list of qualified archaeologists, go to <http://chrisinfo.org>

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to 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

Potentially
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IncorporatedLess than
Significant ImpactNo
Impact☐☐☒☐

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 California Building Code (2001) creating substantial risks to life or property?

☐☐☒☐

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

☐☐☒☐

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

Geo Environ Geotechnical and Environmental Engineering Consultants, Inc. prepared a *Preliminary Geotechnical Investigation for Foundation Design* for the proposed Project on July 16, 2012. Geo Environ Geotechnical and Environmental Engineering Consultants, Inc. also prepared a report entitled *Results of Onsite Effluent Disposal System Testing & Preliminary System Design (Seepage Pits)* for the proposed Project on July 20, 2012.

VI ai-iv) **Less Than Significant Impact.** The Project site lies approximately 7.7 miles northwest of the Cleghorn Fault Zone, Southern Cleghorn Section. It is not within an Alquist-Priolo Earthquake Fault Zone designated by the State of California. The *Preliminary Geotechnical Investigation for Foundation Design* indicated that "nearby fault lines include San Andreas, Cucamonga ... (with) maximum probable earthquake magnitudes of 6.8." The Study concluded that "[b]ased on the subsurface soils and the depth of the groundwater, the site ... is not designated as susceptible to liquefaction." The project shall be reviewed and approved by County Building and Safety with appropriate seismic standards implemented in the construction of the project to insure that

structures can endure a seismic event. If grading exceeds 5,000 cubic yards, submittal of a geology report will be a condition of approval. The County Building and Safety Geologist must review and approve this report.

- VI b) **Less Than Significant Impact.** The development proposal includes landscaping and paving on the site, which will reduce soil erosion and loss of top soil. To control soil erosion during construction, the Project proponent must comply with the National Pollutant Discharge Elimination System permit applicable to the Project area and prepare a Storm Water Pollution Prevention Plan. Additionally, a Water Quality Management Plan is required to address post-construction soil erosion. Preparation and implementation of these reports is a mandatory requirement.
- VI c) **Less Than Significant Impact.** The project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on or off site landslide, lateral spreading, subsidence, liquefaction, or collapse. According to the *Preliminary Geotechnical Investigation for Foundation Design* report, the Project is not located in an area that is susceptible to liquefaction or subsidence. Adherence with the standards and requirements in the Building Code for design of the proposed structure will ensure that any impacts are less than significant. Compliance with the Building Code is mandatory.
- VI d) **Less Than Significant Impact.** The project site is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property.
- VI e) **Less Than Significant Impact.** There is no indication that the project site will not be supportive of a septic system. The *Preliminary Geotechnical Investigation for Foundation Design* report indicated that subsurface soils consisted of “fine sandy silt / silty sand, slightly moist, dense to very dense to depths of 50 feet...” The results of tests conducted in order to prepare the *Onsite Effluent Disposal System Testing & Preliminary System Design* report “indicate that it is feasible and safe from a geotechnical standpoint to utilize a subsurface disposal system to handle the effluent from the proposed facility.” Regardless of soil type or geotechnical stability, a percolation report is required prior to the issuance of permits for on-site wastewater treatment systems to verify soil stability. Any onsite wastewater treatment system (OWTS) must comply with the requirements of the State Regional Water Quality Control Board, Lahontan Region.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- VII a,b) **Less Than Significant Impact.** As discussed in Section III of this document, the proposed project is consistent with the underlying General Plan designation on the property. The Air Quality Plan used the underlying zoning as the baseline to evaluate impacts.

On December 6, 2011, the San Bernardino County Board of Supervisors adopted the County Greenhouse Gas (GHG) Emissions Reduction Plan. As part of the GHG Plan, sample project sizes that exceed the 3000 Metric Tons of CO₂ equivalents (MTCO₂e) level were established. The threshold for general commercial office space is 162,000 square feet and the threshold for a fast food restaurant is 5,300 square feet. The Mojave Desert Air Quality Management District threshold for MTCO₂e is 100,000 tons annually. GHGs and criteria pollutants associated with 20,450 square feet of general commercial office use and 2,850 square feet of fast food restaurant use will remain below the established threshold.

The Project's GHG emissions are anticipated to remain well below the established GHG emissions thresholds. The Project proponents must comply with the Performance Standards within the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*. Such compliance will be included in the conditions of approval. It is unlikely that this project would impede the state's ability to meet the reduction targets of AB32.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

VIII a) **Less Than Significant Impact.** The Project does not have the potential to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because the Project is not considered a 'hazardous waste generator' as defined by the U.S. Environmental Protection Agency. Such a hazardous waste generator would routinely transport, use, or dispose of hazardous materials. Prior to occupancy, the operator must submit a Business Emergency/Contingency Plan to the Hazardous Materials Division of the County Fire Department.

VIII b) **Less Than Significant Impact.** The project will not 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, because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Typical store maintenance products and cleaning supplies are anticipated to be the only potentially hazardous materials used on site.

- VIII c) **Less Than Significant Impact.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school, because the project does not propose the use of hazardous materials within ¼ mile of an existing or proposed school. The closest school is Baldy Mesa Elementary School, which is approximately 0.75 miles north of the site.
- VIII d) **Less Than Significant Impact.** Based on the *Cortese List Data Resources* webpage maintained by Cal/EPA, the Project site is not included on the list of hazardous materials sites compiled in accordance with Government Code 65962.5.
- VIII e) **Less Than Significant Impact.** The Hesperia Airport, the nearest public airport, is approximately 8.4 miles southeast of the Project site. The site is not within the approach/departure flight path of this public airport.
- VIII f) **Less Than Significant Impact.** The Adelanto Airport, the nearest private airport, is approximately 7.5 miles northwest of the Project site. The site is not within the vicinity or approach/departure flight path of this private airstrip.
- VIII g) **Less Than Significant Impact.** The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project will not result in any substantial alteration to road design or capacity that would affect evacuation procedures. Additionally, the Project has adequate emergency access via Baldy Mesa and Phelan Roads.
- VIII h) **Less Than Significant Impact.** The site is located within a Fire Safety 2 Overlay (FS-2) and the project site will be conditioned to meet all fire safety standards for projects within the FS-2 fire safety review overlay. The San Bernardino County Development Code requires that development within a Fire Review Area be subject to additional construction requirements, building separations, project design requirements, and erosion and sediment control to mitigate the potential impacts.

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

IX. HYDROLOGY AND WATER QUALITY - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

Trans American Engineering prepared a *Preliminary Water Quality Management Plan (PWQMP)* on August 8, 2012, with an update on April 15, 2013. The County Land Development Division found the *PWQMP* acceptable on May 18, 2013. So & Associates Engineers Inc., the District Engineer for County Service Area 70, Zone J, prepared a *Water Feasibility Study*. In correspondence dated August 22, 2012, County Special Districts Department confirmed that the *Water Feasibility Study* indicates the District can serve the Project. Cal Land Engineering, Inc. dba Quartech Consultants prepared a *Drainage*

Study on August 8, 2012. The County Land Development Division found the *Preliminary Drainage Study* acceptable.

- IX a) **Less Than Significant Impact.** The Project will not violate any water quality standards or waste discharge requirements because the Project's design incorporates design features to diminish water quality impacts to an acceptable level as required by state and federal regulations. These design features are identified in the *PWQMP* prepared for the Project. Additionally, the Project must prepare a Storm Water Pollution Prevention Plan (SWPPP) to determine and reduce the Project's potential impacts on water quality caused by storm event runoff during construction. Since the Project construction exceeds disturbance greater than an acre, the Project proponent needs to obtain a General Construction Permit under the National Pollutant Discharge Elimination System (NPDES) permit program of the federal Clean Water Act. The SWPPP requires submittal of a Notice of Intent to the Lahontan Regional Water Quality Control Board prior to construction activities. The objectives of a SWPPP are to identify pollutant sources (i.e., sediment) that may affect storm water discharge quality, and reduce the pollutants using Best Management Practices. The Project site can be served by County Service Area 70, Zone J (CSA 70-J). On-site wastewater treatment systems (OWTS) must be approved by the County Environmental Health Services based on the requirements of the Lahontan Region of the State Regional Water Quality Control Board. All the above are mandatory requirements and are not considered mitigation measures.
- IX b) **Less Than Significant Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The CSA 70-J issued a will serve letter for this parcel and has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of this project.
- IX c) **Less Than Significant Impact.** The Project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site, because the project does not propose any substantial alteration to a drainage pattern, stream or river. The Land Development Division accepted the *Preliminary Drainage Study*, which discussed use of Cultec Stormwater Chambers to capture runoff. The Project is required to submit and implement a Water Quality Management Plan and a Storm Water Pollution Prevention Plan as discussed previously.
- IX d) **Less Than Significant Impact.** The Project proposes the use of bioswales to provide storm water treatment and detention of any change in volume and flow rate and Cultec Stormwater Chambers to capture runoff. The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, because the project does not propose any substantial alteration to a drainage pattern, stream, or river. County Public Works has reviewed and approved the proposed Project drainage. All necessary drainage improvements both on and off site have been required as conditions of the construction of the Project. Review of detailed plans prior to construction is a mandatory requirement and not considered a mitigation measure.
- IX e) **Less Than Significant Impact.** Because of the Project design, implementation of the Water Quality Management Plan and Storm Water Pollution Prevention Plan requirements, and the lack of change to the drainage pattern, the project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. County Public Works has reviewed the proposed Project drainage and has determined that the proposed systems are adequate to handle anticipated flows. All necessary drainage improvements both on- and off-site will be required as conditions of the construction of the project. There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of stormwater flows originating from or altered by the project.

Adherence with the requirements of the Drainage Study and the Best Management Practices (BMPs) outlined in the Preliminary WQMP will be part of the conditions of approval.

- IX f) **Less Than Significant Impact.** The Project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including erosion control measures have been included in the Project design. As stated in IX a) and IX e) above, adherence with the requirements in the SWPPP and the BMPs contained in the Preliminary WQMP are required.
- IX g) **Less Than Significant Impact.** According to County Public Works, the Project site is located within Flood Zone D according to FEMA Panel Number 6475H dated August 28, 2008. This is not a 100-year flood hazard area. The Project is a retail store and does not include any housing; no housing will be placed within a 100-year flood hazard area.
- IX h) **Less Than Significant Impact.** The Project will not place structures within a 100-year flood hazard area that would impede or redirect flood flows, because the site is not within an identified FEMA designated flood hazard area. (See IX g, above)
- IX i) **No Impact.** The Project site is not within any locally identified Flood Plain, so will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- IX j) **No Impact.** The Project will not be impacted by inundation by seiche, tsunami, or mudflow, because the project is not adjacent to any body of water that has the potential of seiche or tsunami nor is the project site in the path of any potential mudflow

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- X a) **Less Than Significant Impact.** The Project will not physically divide an established community because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The proposed development conforms to the Oak Hills Community Plan, Neighborhood Commercial (OH/CN) Land Use Zoning District, which allows the general commercial office space and fast food restaurant uses proposed. The parcel is approximately 2.36 acres and is adjacent to PH/CN zoning to the west and southwest, and to OH/RL on the remaining sides. The Neighborhood Commercial uses proposed by the Project will meet daily convenience needs of the nearby residential areas. Furthermore, the Project site is adjacent to Baldy Mesa and Phelan Road, major arterial roadways.
- X b) **Less Than Significant Impact.** The analysis contained in this Initial Study Checklist addresses the potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. Based on this analysis, the Project is consistent with all applicable land use policies and regulations of the County Code, the General Plan, and the Oak Hills Community Plan.
- X c) **No Impact.** The Project is subject to and in conformance with the California Desert Conservation Area Plan (West Mojave Plan). As discussed in the Biological Resources section of this Initial Study Checklist, with implementation of the mitigation measures no impacts to biological resources were identified. Therefore, the Project's activities will be in compliance with the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert.

Therefore, no significant adverse impacts are identified or anticipated with adherence to mitigation measures contained in the biological resources section.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- XI a) **Less Than Significant Impact.** The project site is located within the MRZ-4 Mineral Resource Zone. There are no known mineral resources that would result in the loss of availability at this time. The project is consistent with the land use district, surrounding, and adjacent properties. No mining has been, or is, occurring on site.
- XI b) **Less Than Significant Impact.** The project will not 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, because there are no identified locally important mineral resources on the project site.

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

XII. NOISE - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 ☐):

- XII a) **Less Than Significant Impact.** Noise sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses. The proposed general commercial office space and fast food restaurant are not sensitive receptors to noise. The Project is required to maintain noise levels at or below County Standards identified in Development Code Section 83.01.080. This is a mandatory requirement and not considered a mitigation measure.
- XII b) **Less Than Significant Impact.** At 23,300 square feet on a 2.36-acre parcel, the Project is a relatively small development. As such, grading and construction activities will use comparatively fewer and smaller pieces of equipment that would cause less groundborne noise and vibration. Because of this smaller size, the Project will not expose persons to or generate excessive groundborne vibration or groundborne noise associated with truck deliveries. Additionally, the Project is required to maintain vibration and groundborne noise levels at or below standards identified in the County Development Code, Section 83.01.090. This is a mandatory requirement and not considered a mitigation measure.
- XII c) **Less Than Significant Impact.** The Project, which is at an intersection of mainly Neighborhood Commercial parcels in the Oak Hills and Phelan Pinon Hills Community Plan areas, will not generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. The project is required to comply with the noise standards of the County Development Code and no noise exceeding these standards is anticipated to be generated by the project.

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- XII d) **Less Than Significant Impact.** During construction of the project, noise generated may increase the existing ambient noise levels periodically. Once completed, the project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Adherence with the noise standards of the County Development Code is a condition of approval. Construction noise between 7:00am and 7:00pm, with no construction permitted on Sundays and federal holidays, is exempt from the County Noise Standards. Temporary noise impacts will be less than significant.
- XII e) **No Impact.** As mentioned in the Hazards and Hazardous Materials Section of this document, the Hesperia Airport, the nearest public airport, is approximately 8.4 miles southeast of the Project site. The site is not within the approach/departure flight path of this public airport so will not expose persons to excessive noise levels associated with aircraft operations.
- XII f) **No Impact.** The Adelanto Airport, the nearest private airport, is approximately 7.5 miles northwest of the Project site. The site is not within the vicinity or approach/departure flight path of this private airstrip so will not expose persons to excessive noise levels associated with aircraft operations.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
XIII. POPULATION AND HOUSING - Would the project:				
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XIII a) **Less Than Significant Impact.** The Project will not induce substantial population growth in the area either directly (it does not propose housing) or indirectly (it does not create a significant number of new jobs). The project will serve the existing population in the area and the traveling public along Baldy Mesa and Phelan Roads. Jobs and employment opportunities created would most likely be absorbed by the employment needs of the existing residents of the area.
- XIII b) **No Impact.** The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal. The site currently supports an abandoned residence, which has been vacant some time and will be demolished as part of the Project.
- XIII c) **No Impact.** The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere because the project will not displace any existing housing or existing residents. The site currently supports an abandoned residence, which has been vacant some time and will be demolished as part of the Project.

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

XIV. 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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XIV a) **Less Than Significant Impact.** The proposed Project will not 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, including fire and police protection, schools, parks or other public facilities.

The Project is a small general commercial office and fast food restaurant development, a total of 23,300-square feet of structures on 2.36 acres. It is located in a mixed use area of the Oak Hills and Phelan communities. It does not induce new growth by extending infrastructure or locating a development in an outlying undeveloped area.

As discussed in the Population and Housing section of this document, the Project does not result in a substantial population growth; it will not create a need for new governmental facilities. Construction of the Project will increase property tax revenues to provide a source of funding to meet anticipated demands for public services. San Bernardino County provides Fire and Sheriff services to the communities and will continue to provide them. The traveling public will not impact governmental facilities. The Project will not have a significant impact on the maintenance of acceptable service ratios, response times, or other performance objectives for any of the public services listed above.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XV a) **No Impact.** This Project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The Project will not generate any new residential units and the impacts generated by the employees of this project will be minimal. Its purpose is to serve the needs of the existing residents of the area and persons traveling throughout the Oak Hills and the Phelan communities.
- XV b) **No Impact.** This Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment because the type of project proposed will not result in an increased demand for recreational facilities. Impacts are considered less than significant.

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

XVI. TRANSPORTATION/TRAFFIC - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

Albert Wilson & Associates prepared a *Traffic Impact Study for APN 3064-041-018 [sic] at NE corner of Phelan Road & Baldy Mesa Road* on October 1, 2012. The Study was revised on June 18, 2013, and again on July 18, 2013. The County Traffic Division accepted the July 18, 2013 version of the *Traffic Impact Study*.

XVI a) **Less Than Significant Impact.** When building permits are issued for the Project, the applicant shall pay the required fees associated with the Regional Transportation Development Mitigation Fee Plan for the Hesperia Subarea. The applicant shall submit a signal modification plan for the existing signal at the intersection of Phelan and Baldy Mesa Roads. Signage and striping along the Phelan Road frontage are required as part of the conditions of approval to prevent left-turn vehicular movements at the Project driveway. The proposed Project will include all improvements associated with the street and signal modification plans. Additionally, the Project site is within the Oak Hills Area Transportation Facilities Fee Plan for Zone A. The applicant shall pay the required fees associated with the local plan. These are mandatory requirements and not considered mitigation measures.

XVI b) **Less Than Significant Impact.** The Project will not exceed, either individually or cumulatively, a level of service [LOS] standard established by the county congestion management agency for designated roads or highways,

because County Public Works – Traffic Division has reviewed and approved the traffic study prepared for the proposed Project. The County standard is Level of Service (LOS) C. The Circulation and Infrastructure Background Report prepared February 21, 2006 as part of the 2007 County of San Bernardino Development Code update contains *Table 2-7. Lane Configuration, Average Daily Traffic Volume and Peak Hour Level of Service for Major Roadways located in San Bernardino County*. Table 2-7 shows Baldy Mesa Road between Phelan Road and Duncan Road aka Bear Valley Road operates at LOS A during both AM and PM Peak Hours. Additionally, Table 2-7 shows that Phelan Road between State Route 138 and U.S. Highway 395 operates at LOS A during both AM and PM Peak Hours. County Traffic anticipates that traffic service will remain at or above the required LOS.

- XVI c) **No Impact.** The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. There are several small airports in the vicinity of the Project, but there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed use. No new air traffic facilities are proposed.
- XVI d) **Less Than Significant Impact.** The Project will not substantially increase hazards due to a design feature or incompatible uses, because the project site is adjacent to established roads that are accessed at points with good site distance and properly controlled intersections. The Project proposes general commercial office and fast food restaurant uses at a signalized intersection in a mixed use area of the Oak Hills and Phelan communities of the High Desert. There are no incompatible uses proposed by the Project that will impact surrounding land uses.
- XVI e) **Less Than Significant Impact.** The Project will not result in inadequate emergency access, because the site is adjacent to Phelan and Baldy Mesa Roads, both major arterial roadways.
- XVI f) **Less Than Significant Impact.** The Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. This project will have no impact on alternative methods of transportation. The Victor Valley Transit Authority (VVTA) provides bus transportation to the Tri-Community (Victorville, Phelan, and Wrightwood) via Route 21. The closest bus stop is at the intersection of Baldy Mesa Road and Yucca Terrace Drive, approximately 0.50 feet north of the proposed Project. The proposed Project will not decrease the performance of this alternative method of transportation in the community. As a condition of approval, the applicant shall consult with the VVTA about the need for another bus stop nearer the proposed Project.

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

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XVII a) **Less Than Significant Impact.** The proposed Project will not exceed wastewater treatment requirements of the State Regional Water Quality Control Board, *Lahontan* Region, as determined by County Public Health – Environmental Health Services. The proposed commercial development must meet the wastewater treatment requirements of the Lahontan Region. This is a mandatory requirement and not a mitigation measure.
- XVII b) **Less Than Significant Impact.** The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed commercial development must meet the water service connection requirements provided by the County Service Area 70, Zone J. The water agency provided a will serve letter, which indicated that a water meter can be installed for this Project without need for a mainline extension. The Project proposes an on-site wastewater treatment system (OWTS) to dispose of effluent. The County Environmental Health Services requires submittal and approval of a percolation report in order to use OWTS.
- XVII c) **Less Than Significant Impact.** The proposed Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. As stated in the Hydrology and Water Quality Section of this document, the proposed Project will not increase storm flow rates from the site. It will not create any additional impacts on downstream storm drain facilities that will necessitate expansion of existing facilities or construction of new facilities.

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- XVII d) **Less Than Significant Impact.** The proposed Project will have sufficient water supplies available to serve the project from existing entitlements and resources. The County Service Area 70, Zone J has given assurance that it has adequate water service capacity to serve the projected demand for the Project, in addition to the provider's existing commitments.
- XVII e) **Less Than Significant Impact.** The County's Division of Environmental Health Services (DEHS) will approve and oversee the proposed OWTs. Septic system pumpers must be approved by DEHS. Septage, the waste or sewage in a septic tank, is accepted at the Victorville Sanitary Landfill, which is approximately 16 miles northeast of the site.
- XVII f) **Less Than Significant Impact.** The Victorville Sanitary Landfill will serve the solid waste needs of the Project. According to the CalRecycle webpage, this landfill has sufficient remaining capacity to accommodate 81,510,000 cubic yards of solid waste. The estimated closure date is 2047. There is adequate capacity to accommodate the Project's solid waste disposal needs.
- XVII g) **Less Than Significant Impact.** The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste, construction waste diversion, and recycling.

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XVIII a) **Less Than Significant Impact.** The Project does not appear to have the potential to significantly degrade the overall quality of the region's environment or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. Michael Brandman Associates conducted a Biological Resources Study for the property in August 2012, with the report dated September 7, 2012 and finalized on January 16, 2013. Although no special status species were observed, the site contains Joshua Trees, which are protected by County ordinance. The Study recommends in situ preservation and/or on-site transplantation of these plants. Additionally, the site contains habitat for several special status species. The Study recommends pre-construction surveys for Burrowing Owl. The Study recommends pre-construction surveys for Loggerhead Shrike if construction activities must begin during the breeding season of February through August. Furthermore, the Study recommends pre-construction nesting bird surveys if construction activities occur during nesting bird season. Adherence with these recommendations are mitigation measures BIO-1, BIO-2, and BIO-3, which will be incorporated into the conditions of approval for the proposed Project to reduce any potential impacts to a level less than significant.

The Project does not appear to have the potential to eliminate important examples of the major periods of California history or prehistory. John Stephen Alexandrowicz, RPA, from Archaeological Consulting Services, prepared *An Historical Resources Investigation* for a previously proposed project at the Project site on March 29, 2003. The *Historical Resources Investigation* identified the potential for a 1920 improvement associated with Frank L. Thomas to exist on the site. The report recommends monitoring of construction excavations and the San Bernardino County Museum Archaeological Information Center concurred. To reduce the potential for impacts, mitigation measure CUL-1, which requires an archaeological monitor be on site during any earth disturbing activities, will be added to the project.

- XVIII b) **Less Than Significant Impact.** The analysis in this Initial Study Checklist demonstrates that the Project is in

compliance with all applicable regional plans including but not limited to water quality control plan, air quality maintenance plan, and greenhouse gas emissions reduction plan. Compliance with these plans serves to reduce impacts on a regional basis so that the Project will not produce impacts, that when considered with the effects of other past, present, and probable future projects, will be cumulatively considerable.

- XVIII c) **Less Than Significant Impact.** As discussed in this Initial Study Checklist, the Project will not expose persons to adverse impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, or Population and Housing. These impacts are identified as having no impacts or less than significant impacts. Adherence with the following mitigation measures will reduce potential impacts to a level less than significant. At a minimum, the project will be required to meet the conditions of approval in order for the Project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, or land uses authorized by the Project approval.

Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measures BIO-1, BIO-2, BIO-3, and CUL-1.

XIX. MITIGATION MEASURES

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

BIO-1: Within 14 days prior to land disturbance, the applicant shall hire a qualified professional to conduct a pre-land disturbance and/or pre-construction focused Burrowing Owl survey. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.

BIO-2: If construction activities must commence during the avian breeding season of February through August, the applicant shall hire a qualified professional to conduct a pre-construction clearance within 14 days prior to land disturbance to determine the presence/absence of Loggerhead Shrike. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.

BIO-3: In compliance with the Migratory Bird Treaty Act, if construction activities occur during nesting bird season, the applicant shall hire a qualified professional to conduct pre-construction nesting bird surveys to identify any nesting activity. If active nests are observed, construction must be postponed until the nestlings have fledged. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval.

CUL-1: An archaeological monitor must be on-site during any earth disturbing activities. If prehistoric or historic resources over 50 years of age are encountered during land modification, then activities in the immediate area of the finds should be halted so that the archaeologist can assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act. Submission to the San Bernardino County Museum Archaeological Information Center of a historical resources management report by the professional is required to document the monitoring, to evaluate resource significance and integrity, and if necessary, to evaluate project impacts and propose mitigation measures to reduce potential adverse impacts in accordance with the appropriate laws. For a list of qualified archaeologists, go to <http://chrisinfo.org>

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EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

Oak Hills Plaza (David Eum)

CONDITIONAL USE PERMIT P201200482 NEW DEVELOPMENT OF 23,300 SF OF GENERAL COMMERCIAL OFFICE SPACE AND FAST FOOD RESTAURANT

Northeast corner of Phelan Road and Baldy Mesa Road, Oak Hills, CA

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

[Not subject to clearance signatures on the Condition Compliance Release Forms (CCRFs)]

LAND USE SERVICES DEPARTMENT – Planning Division 760.995.8140

1. Project Approval Description. The County conditionally approves the proposed Conditional Use Permit (CUP) to establish three general commercial office buildings totaling approximately 20,450 square feet and a 2,850 square foot fast food restaurant on a previously developed 2.36-acre parcel in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), 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 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 Site with APN: 3064-041-02 and Project Number: P201200482.
2. Project Location. The Project is located in the community of Oak Hills, within the Oak Hills Community Plan, and adjacent to the Phelan Community Plan area. The project site is located on the northeast corner of Phelan Road and Baldy Mesa Road; First Supervisorial District.
3. Development Standards. The project site is located within the Oak Hills Community Plan (OH/) and is subject to the Desert Region Neighborhood Commercial (CN) General Plan Zoning District. SBCC Section 82.05.060 lists the CN development standards.
4. Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
5. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, the subdivider and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.

6. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (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 the 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's 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

7. **Continuous Effect/Revocation.** All conditions of approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
8. **Enforcement.** If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
9. **Expiration.** This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
- the permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - 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]

Occupancy of completed structures and operation of the approved 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:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.

- The County determines that the land use is 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

10. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include 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)
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. NOD/CDFG Fees. The California Environmental Quality Act (CEQA) requires the County prepare an initial study for this project. This was completed and a Mitigated Negative Declaration (MND) will be issued indicating that all impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Wildlife (CDFW) requires that an additional fee (\$2,156.25 as of January 1, 2013) be paid with the NOD filing. The applicant must ensure that adequate deposit is available in the Project Account to ensure the combined fees (currently \$2,206.25) are transferred to the Clerk of the Board with the NOD filing immediately following project action and no later than five days from the effective date in order to meet the 30-day CEQA appeal statute of limitations.
13. Project Account. The Job Costing System (JCS) account number is P201200482. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. 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. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
14. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Occupancy - a copy of the signed CCRF for final Certificate of Occupancy inspection after an on-site compliance inspection by County Planning.

15. **Additional Permits.** The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
- a) **FEDERAL:** USFWS
 - b) **STATE:** Regional Water Quality Control Board (Lahontan Region), California Department of Fish & Wildlife, and Air Quality Management District (Mojave Desert)
 - c) **COUNTY:** Land Use Services – Building and Safety, Code Enforcement, Land Development; County Fire; Public Health – Environmental Health Services; Public Works – Surveyor, Traffic; Special Districts; County Fire, and Hazardous Materials
 - d) **LOCAL:** None
16. **Continuous Maintenance.** 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:
- **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.
 - **Graffiti and debris.** The developer shall remove graffiti and debris immediately through weekly maintenance.
 - **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.
 - **Dust control.** The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - **Erosion control.** The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - **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.
 - **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.
 - **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.
 - **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.
 - **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.
 - **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 County Planning 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.
- 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.
17. Performance Standards. 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor
 - Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
 - Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
18. Lighting. 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 Night 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.
19. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
20. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
21. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

LAND USE SERVICES – Code Enforcement Division 760.995.8140

22. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
23. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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 Planning Commission Hearing Date – November 7, 2013

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EFFECTIVE DATE: November 19, 2013
 EXPIRATION DATE: November 18, 2016

LAND USE SERVICES – Building and Safety Division 760.995.8140

24. Permits. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.

LAND USE SERVICES – Land Development Division – Drainage Section 909.252.5224

25. FEMA Flood Zone. The Project is located within Flood Zone D according to Federal Emergency Management Agency (FEMA) Panel Number 6475H, dated 08/28/2008. Flood Hazards are undetermined in this area but possible.
26. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site/on-site 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.
27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.
29. Continuous BMP Maintenance. 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 Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
30. BMP Enforcement. In the event the property owner/developer (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five days of being given written notice by County 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.

LAND USE SERVICES – Land Development Division – Road Section 909.252.5224

31. Road Standards. All required street improvements shall comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.

PUBLIC HEALTH – Environmental Health Services [DEHS] 800.442.2283

32. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 800.442.2283.

APN: 3064-041-02
 Oak Hills Plaza (David Eum)
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EFFECTIVE DATE: November 19, 2013
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33. Septic Systems. The septic system shall be maintained so as to not create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at 800.442.2283.
34. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one time, and refuse containing garbage shall be removed from the premises at least two times per week to an approved solid waste facility in conformance with SBCC Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 800.442.2283.

PUBLIC WORKS – Solid Waste Management 909.386.8701

35. Recycling Storage Capacity. 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 AB 2176.
36. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses [defined to include a commercial or public entity that generates 4 or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of 5 units or more] are required to arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

COUNTY FIRE DEPARTMENT – Community Safety Division 760.995.8190

37. Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit of Fire Condition Letter 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 Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
38. Jurisdiction. 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 Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
39. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required, which cannot be determined from tentative plans at this time. Additional requirements may be required after more complete improvement plans and profiles have been submitted to this office.

ENVIRONMENTAL MITIGATION MEASURES ARE BOLD

**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY,
 The Following Shall Be Completed**

LAND USE SERVICES – Building and Safety Division 760.995.8140

40. Stormwater Management Plan. Prior to issuance of a grading permit, a San Bernardino County Stormwater Management Plan reviewed and approved by Building and Safety is required.
41. SWPPP. Submit a Storm Water Pollution Prevention Plan (SWPPP) to Building and Safety for review and approval.
42. Demolition Permit. Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
43. Septic. Provide location of septic system for verification of setback to property lines and structures.
44. Erosion Control. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
45. Preconstruction Inspection. A preconstruction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
46. Geotechnical Report. When proposed earthwork quantities exceed 5,000 cubic yards, a geotechnical (soils) report is require to be submitted with appropriate fees to the County Geologist for review and approval prior to issuance of grading permits.
47. Geology Report. When proposed earthwork quantities exceed 5,000 cubic yards, an engineering geology report is require to be submitted with appropriate fees to the County Geologist for review and approval prior to issuance of grading permits.
48. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
49. Notice of Intent. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.
50. Regional Board Permit. Prior to permit issuance, CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one acre of land total.

LAND USE SERVICES – Land Development Division – Drainage Section 909.252.5224

51. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. The submitted Preliminary Drainage Study is acceptable.

52. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
53. Grading Plans. Grading plans shall be submitted to Land Development Engineering, Drainage Section for review and approval. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
54. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
55. Permit. A permit, or authorized clearance, shall be obtained from the Land Development Division prior to issuance of a grading permit by the Building and Safety Division.
56. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found on our website at:
http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp
57. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of **\$3,600** to Land Development Division.

LAND USE SERVICES – Planning Division 760.995.8140

58. **BIO-1: Within 14 days prior to land disturbance, the applicant shall hire a qualified professional to conduct a pre-land disturbance and/or pre-construction focused Burrowing Owl survey. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.**
59. **BIO-2: If construction activities must commence during the avian breeding season of February through August, the applicant shall hire a qualified professional to conduct a pre-construction clearance within 14 days prior to land disturbance to determine the presence/absence of Loggerhead Shrike. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval. Adherence with any recommended mitigation measures is required.**
60. **BIO-3: In compliance with the Migratory Bird Treaty Act, if construction activities occur during nesting bird season, the applicant shall hire a qualified professional to conduct pre-construction nesting bird surveys to identify any nesting activity. If active nests are observed, construction must be postponed until the nestlings have fledged. This survey shall be submitted to County Land Use Services, Planning Division and California Department of Fish and Wildlife for review and approval.**
61. **CUL-1: An archaeological monitor must be on-site during any earth disturbing activities. If prehistoric or historic resources over 50 years of age are encountered during land modification, then activities in the immediate area of the finds should be halted so that the archaeologist can assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act. Submission to the San Bernardino County Museum Archaeological Information Center of a historical resources management report by the professional is required to document the monitoring, to evaluate resource significance and integrity, and if necessary, to evaluate**

project impacts and propose mitigation measures to reduce potential adverse impacts in accordance with the appropriate laws. For a list of qualified archaeologists, go to <http://chrisinfo.org>

62. **Air Quality.** 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 Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (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. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures. Provide verification of compliance to County Planning.
63. **Diesel Regulations.** The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines. Provide verification of compliance to County Planning.
64. **Grading Plans.** The developer shall submit three sets of grading plans to the Planning Division for review and approval.
65. **GHG.** The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).
66. **Construction Security Lighting.** During construction, on-site security measures shall include the provision of low-level security lighting. Additional measures may include the provision of private security personnel during hours when construction activities are not being performed and/or the securing of all machinery and related equipment. Provide details to County Planning.

COUNTY FIRE DEPARTMENT – Community Safety Division 760.995.8190

67. **Water System.** Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code.

The Fire Flow for this project shall be 2,500 GPM for a 2 hour duration at 20 PSI residual operating pressure. Fire Flow is based on an 8,952 square foot structure.

PUBLIC WORKS – Solid Waste Management 909.386.8701

68. **C & D Plan – Part 1.** The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a "Construction Waste Management Recycling Plan (C & D Plan), Part 1" for each phase of the project. The C & D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or

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recycling by a minimum of 50 percent of total volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste

Upon completion of construction, the developer shall complete SWMD's C & D Plan, Part 2 and shall provide documentation of diversion of materials including but not limited to receipts or letters documenting material types and weights from diversion facilities or certification of reuse of materials on site.

PUBLIC WORKS – Surveyor 909.387.8145

The following two conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

69. Record of Survey. A Record of Survey shall be filed in the following instances:
 - Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
 - Monuments set to mark the property lines.
 - Pursuant to applicable sections of the Business and Professions Code.
70. Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

SPECIAL DISTRICTS DEPARTMENT 760.955.9885

71. Water Service. This project is within the boundaries of County Service Area 70, Zone J (CSA 70 J). CSA 70 J can provide domestic water service. There is an existing 1-inch water service to a vacant residential dwelling on the property. CSA 70 J cannot provide the required fire protection at this location from the existing water system. The developer is fully responsible to mitigate the fire flow through special construction, building sprinklers, pipeline extension(s), a combination of these options, or other methods acceptable to the San Bernardino County Fire Department. For additional information regarding water service, please contact County Water and Sanitation at 760.955.9885.

PRIOR TO ISSUANCE OF BUILDING PERMITS
 The Following Shall Be Completed

LAND USE SERVICES – Building and Safety Division 760.995.8140

72. Erosion Control. Prior to issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
73. Erosion Control. All erosion control planting, landscaping and devices shall be installed upon completion of rough grading.
74. Runoff. All runoff must be held to pre-development levels per §82.13.080 of the SBCC.
75. Compaction. Upon completion of rough grading and prior to foot excavations, a compaction report shall be submitted to the Building and Safety Division for review and approval.
76. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
77. Fences. Submit plans and obtain permits for all fences greater than six feet in height and any walls required by Planning.
78. Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of each building.
79. Disabled Parking. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated van accessible. The words "NO PARKING" shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
80. Green Code. All new buildings shall be designed to include the "Green Building Measures" as outlined in the California Green Building Standards Code.

LAND USE SERVICES – Planning Division 760.995.8140

81. Victor Valley Transit Authority. The developer shall consult with the Victor Valley Transit Authority (VVTa) about the need for the installation of a bus stop, including a bench and shelter, at the intersection of Phelan and Baldy Mesa Roads. If required, the VVTa shall be consulted on the design and location, and improvement plans shall be submitted for review and approval and issuance of an encroachment permit by County Public Works. Any impact on the on-site improvements as shown on the approved site plan shall not affect the approval of the site plan or the use permit. Provide verification of consultation to County Planning.
82. Architecture. 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.
83. Landscape and Irrigation Plan. The developer shall submit and obtain approval from County Planning and County Public Works, Traffic Division of four copies of a Landscape and Irrigation Plan prepared by a registered landscape

architect. The plan shall indicate the location of all existing and proposed landscape materials. The installation details for the permanent irrigation system shall be shown on a separate sheet. The landscape and irrigation plans shall detail and adhere to the requirements outlined in the State Model Water Ordinance, the County Development Code, and the Oak Hills Community Plan.

84. Signs. 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 previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, and Glare and Outdoor Lighting Mountain and Desert Regions, in addition to the following minimum standards:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - All sign lighting shall not exceed 0.5 foot-candle.
 - 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.
 - Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
85. MDAQMD. The Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (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. Compliance with Rules 402 and 403 are mandatory requirements. Provide verification of compliance to County Planning.
86. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

LAND USE SERVICES – Land Development Division – Road Section 909.252.5224

87. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the County Public Works of the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Development Division.

Phelan Road (Major Arterial – 120')

- Road Dedication. An 8 foot grant of easement is required to provide a half-width right-of-way of 60 feet.
- Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersection of Phelan and Baldy Mesa Roads.
- Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.

- Sidewalks. Design sidewalks per County Standard 109 type C.
- Sidewalk Ramp. Design sidewalk ramp per County Standard 110.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.
- Curb Returns. Curb returns shall be designed per County Standard 110.

Baldy Mesa Road (Major Arterial – 120')

- Road Dedication. An 8 foot grant of easement is required to provide a half-width right-of-way of 60 feet.
 - Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.
 - Sidewalks. Design sidewalks per County Standard 109 type C.
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.
88. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County and in accordance with the Master Plan of Highways.
 89. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
 90. Utilities. 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.
 91. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, 909.387.8039, as well as other agencies prior to work within their jurisdiction.
 92. Soils Testing. 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 San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
 93. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.

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94. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
95. Street Gradients. Road profile grades shall not be less than 0.5 percent unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

PUBLIC WORKS – Traffic Division 909.387.8186

96. Left-turn prohibition. Based on the Traffic Study dated July 18, 2013 from Albert Wilson and Associates, the applicant shall use a combination of striping and signage along the Project frontage on Phelan Road to prohibit vehicles from making left-turn movements at the Project driveway.
97. Signal Modification. The applicant shall submit a signal modification plan for the existing traffic signal at Phelan Road and Baldy Mesa Road.
98. Regional Fee Plan. This project falls within the Regional Transportation Development Mitigation Fee Plan for the Hesperia Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office.

The fee assessed will be based on the applicable rates at the time of application for a building permit. Currently, the estimated fee is \$505,377. These fees are subject to change, however the current Regional Transportation Development Mitigation Plan can be found at the following website:
http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

PUBLIC HEALTH – Environmental Health Services [DEHS] 800.442.2283

99. Water Purveyor. Water purveyor shall be CSA 70, Zone J.
100. Verification Letter. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Project Number (P201200482/CUP) and Assessor's Parcel Number 3064-041-02. For projects with current active water connections, a copy of the water bill with project address may suffice. For information, contact the Water Section at 800.442.2283.
101. Sewer Service. Method of sewage disposal shall be DEHS approved.
102. Verification Letter. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. This letter shall reference the Project Number (P201200482/CUP) and Assessor's Parcel Number 3064-041-02.
103. Percolation Report. If sewer connection and/or service are unavailable, an onsite wastewater treatment system (OWTS) will be permitted under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS, designed to satisfy the performance criteria necessary to comply with all federal, state, and County

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regulations related to sewage and wastewater treatment. For information, please contact the Wastewater Section at 800.442.2283.

104. RWQCB. Written clearance from the Lahontan Regional Water Quality Control Board may be necessary. Contact the Water Board at 760.241.6583 or mail at 14440 Civic Drive, Suite 200, Victorville, CA 92392. A copy of the clearance must be forwarded to DEHS.
105. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), SBCC §87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For information and acoustical checklist, contact DEHS at 800.442.2283.
106. Food Plans. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 800.442.2283.

COUNTY FIRE DEPARTMENT – Community Safety 760.995.8190

107. Fees. Any required fire fees shall be paid to the San Bernardino County Fire Department, Community Safety Division.
108. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
109. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum 26 foot unobstructed width and vertically to 14 feet 6 inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
110. Multi-Story Road Access Width. Buildings three stories in height or more shall have a minimum access of 30 feet unobstructed width and vertically to 14 feet 6 inches in height.
111. Turnaround. An approved turnaround shall be provided at the end of each roadway 150 feet or more in length. Cul-de-sac length shall not exceed 350 feet in the Fire Safety 2 Overlay. All roadways shall not exceed a 12 percent grade and shall have a minimum 45 foot radius for all turns.
112. Building Plans. Not less than three complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
113. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three sets of detailed plans (minimum 1/8" scale) with manufacturer's specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
114. Fire Safety Overlay. The County designates this property as being within the Fire Safety Review Area 2. All future construction must adhere to all applicable standards and requirements of this overlay district.

ENVIRONMENTAL MITIGATION MEASURES ARE BOLD

115. Combustible Protection. Prior to combustibles being placed on the project site, as approved paved road with curb, gutter, and fire hydrants with an acceptable fire flow shall be installed.
116. Combustible Vegetation. Combustible vegetation shall be removed as follows:
 - Where the average slope of the site is less than 15 percent, combustible vegetation shall be removed a minimum distance of 30 feet from all structures or to the property line, whichever is less.
 - Where the average slope of the site is 15 percent or greater, combustible vegetation shall be removed a minimum of 100 feet from all structures or to the property line, whichever is less.
117. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational prior to combustibles being stored on the site. All fire hydrants shall be spaced no more than 300 feet apart (as measured along vehicular travel-ways) and no more than 300 feet from any portion of a structure.
118. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system meet distance and fire flow requirements. Fire Flow water supply shall be in place prior to placing combustible materials on the job site.
119. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to the installation of a fire protection system prior to the building inspection for drywall and insulation.
120. Fire Sprinkler – NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufactures specification sheets. 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.
121. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
122. Fire Alarm. An automatic monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 100 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
123. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
124. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department, Hazardous Materials Division for review and approval of building plans, if the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

COUNTY FIRE DEPARTMENT – Community Safety 760.995.8190

125. Hydrant Marking. 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 feet from the hydrant and at least six feet high above the adjacent road.
126. Commercial Addressing. Commercial and industrial developments of 100,000 square feet or less shall have the street address installed on the building with numbers that are a minimum six inches in height and with a 3/4 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 200 feet or more from the roadway, additional non-illuminated contrasting six inch numbers shall be displayed at the property access entrances.
127. Street Sign. This project is required to have an approved street sign. The street sign shall be installed on the nearest street corner to the project. Prior to final inspection and occupancy of the structure, the permanent street sign shall be installed.
128. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial, and multi-family complexes, all swing gates shall have an approved Fire Department Knox® Lock.
129. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
130. Inspection by Fire Department. 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 Division job card for "fire final" and on the Planning Division CCRF for release of occupancy.

PUBLIC WORKS – Solid Waste Management Division 909.386.8701

131. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of actual diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume of all construction waste.

PUBLIC WORKS – Traffic Division 909.387.8186

132. Modifications. The applicant shall construct, at 100 percent cost to the applicant, all improvements per the street and signal modification plans.
133. Local Transportation Fee. This project falls within the Oak Hills Area Transportation Facilities Fee Plan for Zone A. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. Currently, the

estimated fee is \$9,087. These fees are subject to change. The current Oak Hills Area Transportation Facilities Plan for Zone A can be found at the following website:

http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

LAND USE SERVICES – Building and Safety Division 760.995.8140

134. Van Accessible Parking. Provide van accessible parking spaces for the disabled as shown on the approved site plan. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated "Van Accessible". The words "NO PARKING" shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
135. Disabled Access. Provide a path of travel from the disabled parking spaces up to the primary entrance of the building.
136. Sign Lighting. Sign lighting shall comply with California Energy regulations.
137. Outdoor Lighting. Submit an outdoor lighting plan and obtain permits prior to installation of lighting standards.
138. Building Occupancy. Any building without specified tenants and uses may receive final inspection for construction purposes only. A Tenant Improvement that identifies the tenant and proposed uses shall be submitted and approved prior to occupancy being granted.
139. CCRFs. Prior to occupancy all Planning Division requirements and Condition Compliance Release Forms (CCRFs) signatures shall be completed.

LAND USE SERVICES – Land Development Division – Drainage Section 909.252.5224

140. Drainage and WQMP Improvements. All required drainage and WQMP improvements shall be completed by the applicant, inspected and approved by the Land Development Division.
141. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

LAND USE SERVICES – Land Development Division – Road Section 909.252.5224

142. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
143. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
144. Parkway Planting. Trees, irrigation systems, and landscaping if required to be installed on public right-of-way shall be approved by the Land Development Division and the Planning Division. They shall be maintained by the adjacent property owner or other County-approved entity.

LAND USE SERVICES – Code Enforcement Division 760.995.8140

145. Special Use Permit – Landscaping. The developer shall submit an application with the appropriate fees and obtain approval of a Special Use Permit for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and survival of the required landscaping and irrigation systems.

LAND USE SERVICES – Planning Division 760.995.8140

146. Surety for the Landscaping. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to insure that the landscaping remains in a healthy thriving condition for a minimum of three full years and that the irrigation system continues to function properly for a minimum of three full years. At a minimum this surety shall be in an amount equal to 120 percent of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by County Code Enforcement. Also the requirement for the Special Use Permit shall be extended and continue until such time as the objective has been accomplished to the satisfaction of County Code Enforcement and sustained for a minimum of one year.

OR

The developer shall cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the landscaping remains healthy and thriving for three growing seasons in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate therefor provided by a licensed landscape architect and approved by the Land Use Services Director.

147. Landscaping & Irrigation Installed. All landscaping, dust control measures, walls/fences, pedestrian walkways, irrigation systems, water quality management measures, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC Section 83.10.100. Supplemental verification may include photographs.
148. Air Quality & GHG. The developer shall submit evidence to County Planning that all air quality requirements and greenhouse gas reduction measures have been properly installed and implemented.
149. Parking. Parking and on-site circulation requirements shall be installed as follows:
- All vehicular access drives shall be surfaced with all weather paving with a minimum of three inches asphalt and three inches of base or greater as determined by Building and Safety.
 - All primary vehicular access drives shall be 26 feet wide or greater.
 - All parking lot vehicular aisle widths shall be 24 feet wide or greater.
 - All paved parking stalls shall be clearly striped with double or hairpin stripes, and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained including arrows painted to indicate direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum three inch white or yellow painted line. All pedestrian crossings in public rights-of-way shall be delineated per County Standards.

APN: 3064-041-02
Oak Hills Plaza (David Eum)
P201200482/CUP
Planning Commission Hearing Date – November 7, 2013

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EFFECTIVE DATE: November 19, 2013
EXPIRATION DATE: November 18, 2016

- All internal parking lot stops shall be installed with a painted limit line and shall have either a breakaway pole sign and/or painted "STOP" lettering on the paving.
 - Disabled Access. Disabled access parking spaces shall be clearly marked and said markings shall be maintained in good condition at all times.
150. Shield Lights. 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").
151. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
152. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.
153. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Minor or Conditional Use by the Planning Division, all fees required under actual cost job number P201200482 shall be paid in full.

END OF CONDITIONS – P201200482/CUP

EXHIBIT D

Correspondence



SAN BERNARDINO COUNTY
LAND USE SERVICES
PLANNING PROJECT NOTICE
15900 Smoke Tree Street, Hesperia, CA 92345

Referral Date:
February 04, 2013

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ATTENTION PROPERTY OWNERS

Page 1 of 2

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than February 19, 2013 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, TRACY CREASON at (760) 995-8143 or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 995-8167.

ASSESSOR PARCEL NUMBER: 3064-041-02 (See map below for more information)
PROJECT NUMBER: P201200482/CUP
APPLICANT: EUM, DAVID
LAND USE DISTRICT: OH/CN
(ZONING):
IN THE COMMUNITY OF: OAK HILLS/1ST/ SUPERVISORIAL DISTRICT
LOCATED AT: PHELAN RD AND BALDY MESA RD, NORTH EAST CORNER
PROPOSAL: CONDITIONAL USE PERMIT TO ESTABLISH THREE RETAIL/GENERAL OFFICE BUILDINGS
TOTALING APPROX. 20,450-SQ.FT. AND ONE 2,850-SQ.FT. FAST FOOD RESTAURANT WITH DRIVE
THRU ON 2.36 ACRES

If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

VICINITY MAP




SIGNATURE **ABBA KADER**

2-12-2013

DATE

AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

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STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
 West Sacramento, CA 95691
 (916) 373-3715
 (916) 373-5471 – FAX
 e-mail: ds_nahc@pacbell.net

September 17, 2013

Tracy Creason, Land Use Planner

County of San Bernardino**Land Use Services Department**

15900 Smoke Tree Street
 Hesperia, CA 92345

RE: SCH#2013091010CEQA Notice of Completion; proposed Mitigated Negative Declaration for the **“OAK HILLS PLAZA/CUP NO.**

P201200482(RETAIL/GENERAL OFFICE)” located in the Oak Hills/Phelan area; San Bernardino County, California

Dear Tracy Creason

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to

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the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

October 4, 2013

Tracy Creason
San Bernardino County, Land Use Services
15900 Smoke Tree Street
Hesperia, CA 92345

Subject: Oak Hills Plaza Conditional Use Permit; P201200482
SCH#: 2013091010

Dear Tracy Creason:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 3, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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