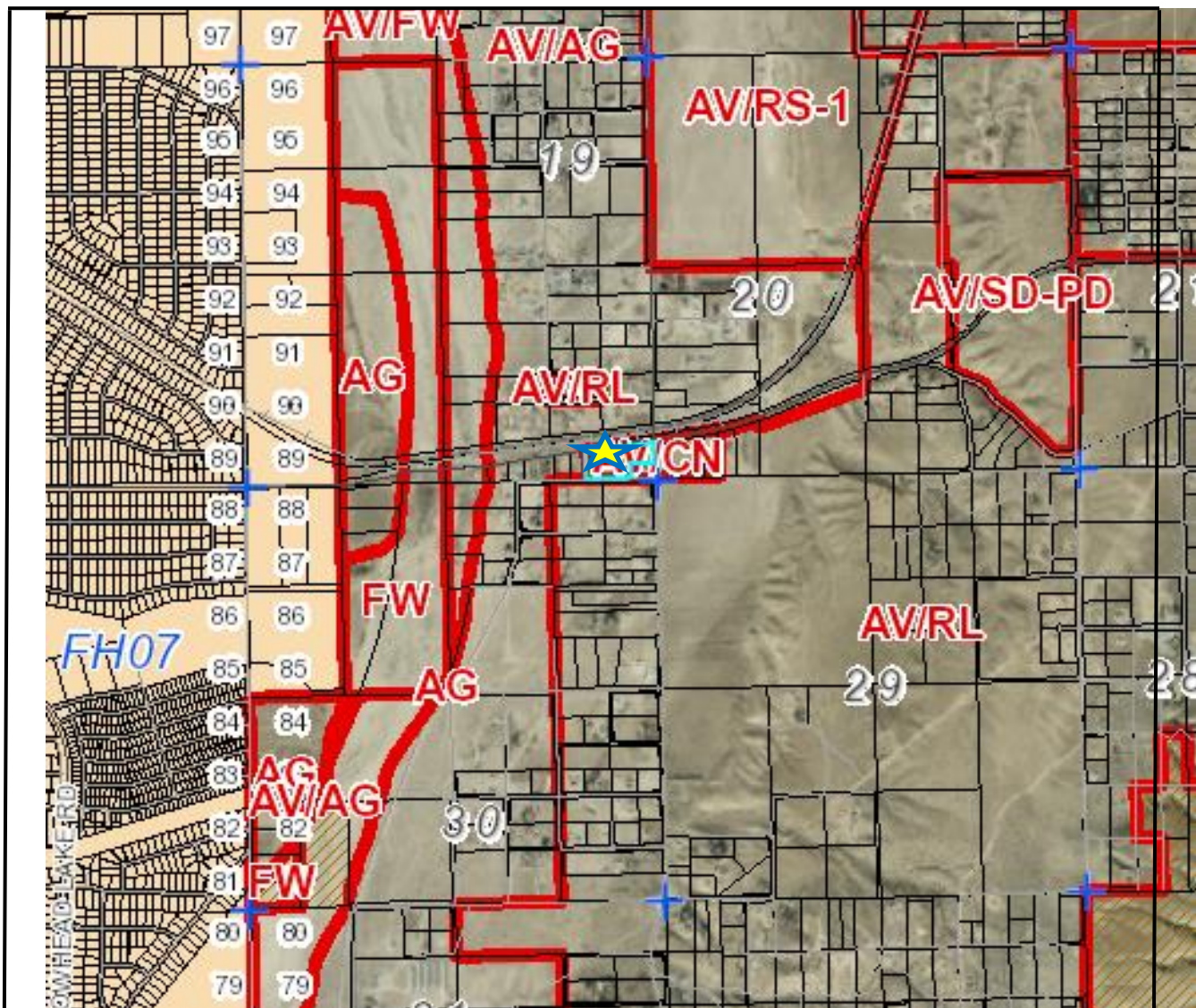


STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, **APPROVE** the Tentative Parcel Map, and **DIRECT** staff to file a Notice of Determination.
1

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors

VICINITY MAP:
Aerial view of the Project Site

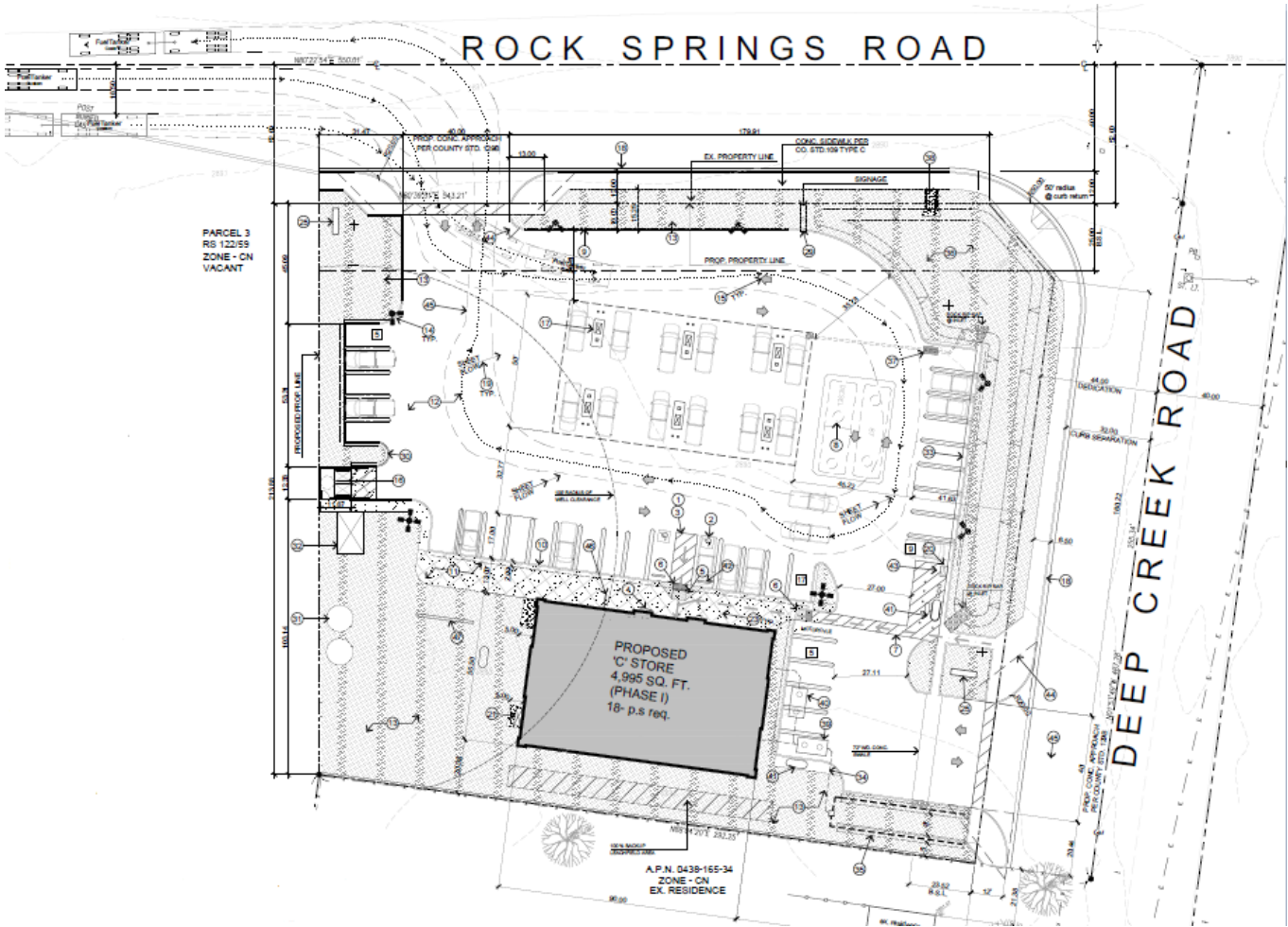


LAND USE DISTRICT MAP:



AERIAL MAP:



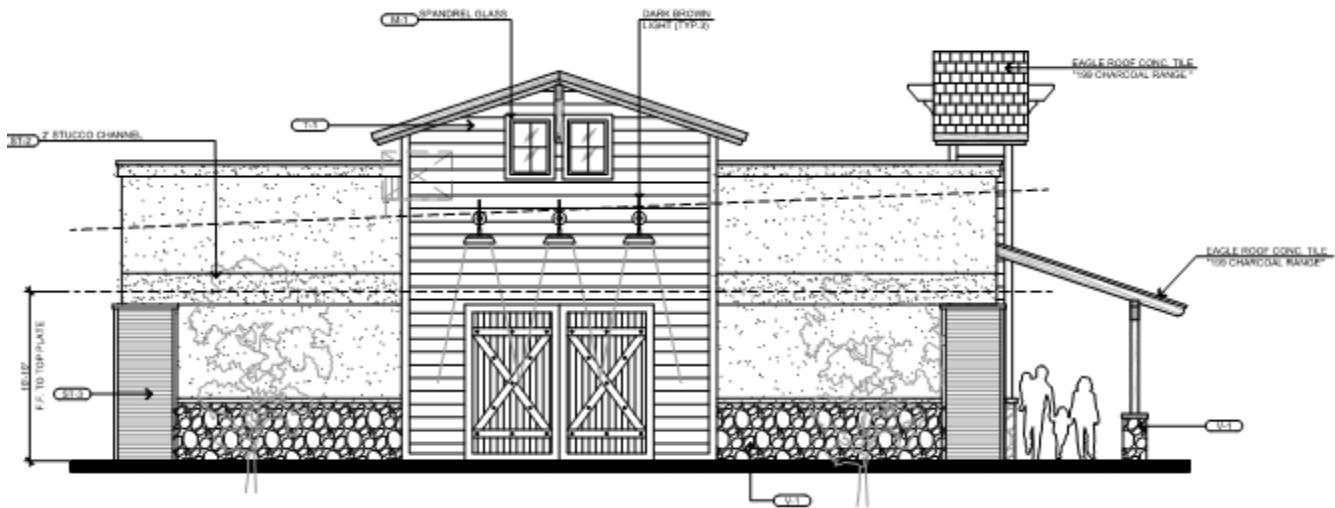




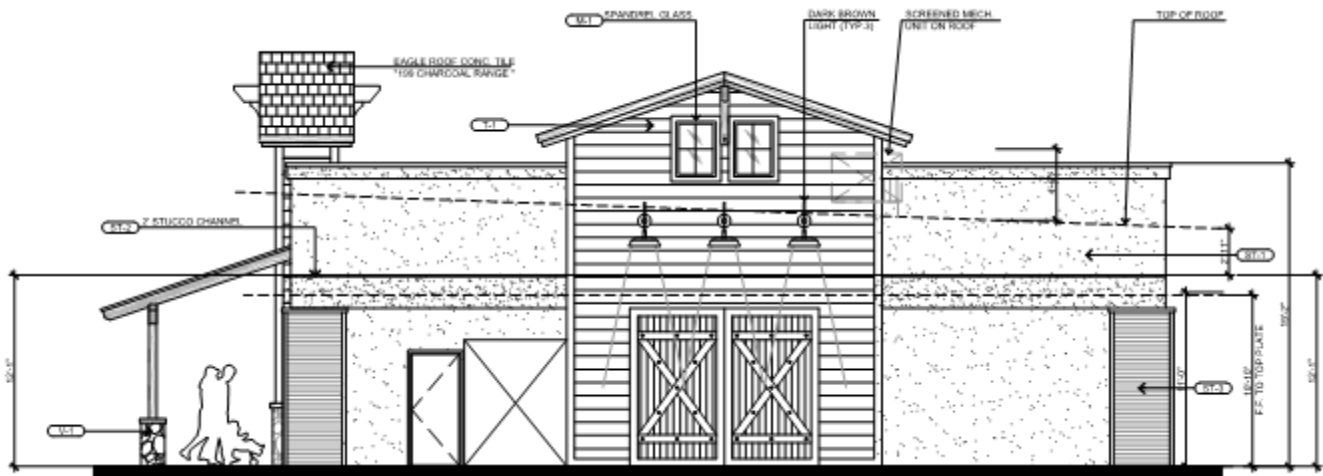
BUILDING ELEVATIONS:



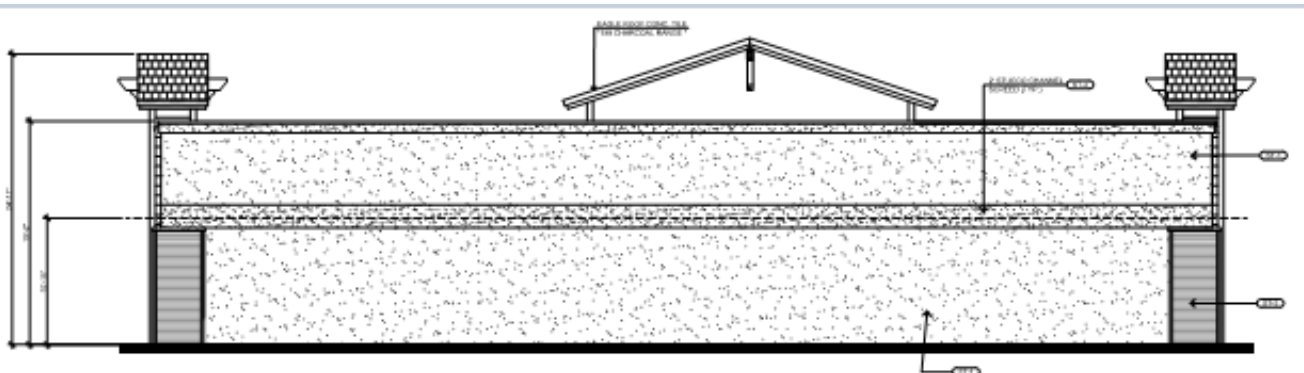
FRONT ELEVATION – FROM ROCK SPRINGS ROAD



EAST SIDE ELEVATION – FACING LEFT ON DEEP CREEK ROAD



WEST SIDE ELEVATION – FACING RIGHT



SOUTH SIDE ELEVATION – REAR

SITE PHOTOS

Northwest view from the corner of Rock Springs Road and Deep Creek Road



West view from Deep Creek Road



East view from the subject property



South view from Rock Springs Road



Northeast view from rear of current parcel



[STAFF REPORT CONTINUES ON NEXT PAGE]

PROJECT DESCRIPTION AND BACKGROUND:

The applicant, Munem Maida, requests approval of a Tentative Parcel Map for the subdivision of 6.28-acres into four (4) lots and a Conditional Use Permit (CUP) to construct and operate a 4,995 sq. ft. convenience store with tobacco and alcohol sales to include beer, wine and distilled spirits, a six (6) fuel pump service station and a 500-gallon propane tank for propane sales (Project). The Project site is approximately 1.65 acres located at 8986 Deep Creek Road in unincorporated Apple Valley within the Apple Valley Neighborhood Commercial (AV/CN) Zoning District. The applicant has provided a detailed letter of intent for the Project (Exhibit E).

The scope of the proposed development will consist of site clearing, site preparation, appurtenant improvements, and construction of the proposed convenience store, with on-site parking and loading areas, circulation, landscaping and water quality management improvements. Off-site street and drainage improvements will also be constructed. The convenience store will have parking to the front, west and east of the building with landscaping being utilized for screening and noise attenuation.

The Project site is vacant and undeveloped land. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way further to the north, to the east by Deep Creek Road and undeveloped land further to the east, to the south by residential housing, and to the west by undeveloped land. The site is mostly cleared and supports a highly disturbed desert scrub community with a limited number of plant species on the site. The surface topography of the site has an approximate gradient slope of 1% towards the west. Rock Springs Road located along the northern border of the site is an east-west primarily two-lane road (one in each direction, with turn pockets at key intersections). Deep Creek Road located along the eastern border of the site is a local north-south roadway primarily two-lane (one in each direction). The Project site will be accessed through both Deep Creek Road and Rock Springs Road.

PROJECT ANALYSIS:

Site Planning: The Project proposes a convenience store, a six (6)-fuel pump service station and a 500-gallon propane tank for propane sales, along with a Tentative Parcel Map for the subdivision of 6.28-acres into four (4) lots. The building and parking areas will be screened from public view on all sides through the incorporation of trees and shrubs placed strategically along the front, side and rear property lines. Off-site improvements will consist of street improvements, including curb, gutter and driveway approach on Rock Springs Road and Deep Creek Road. The Project site plan provides adequate areas to accommodate all parking, loading areas, and access and circulation requirements, as needed to comply with County requirements (See Table 2 below).

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the AV/CN Land Use District, as illustrated in Table 2:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard Neighborhood Commercial – Desert Region	Project Plans
Convenience Store	MUP	CUP – elevated due to controversy.
Parking	20 spaces	36 spaces
Landscaping	20% required	25% (16, 374 sq. ft.) provided

Building Setbacks	Front Interior Side Rear	25' 10' 10'	60' 10' 86'
Building Height	35 feet maximum		26'-3"
Floor Area Ratio	.25:1		.25:1

Landscaping: A total of 25% of the site will be covered with drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 83.10.060 and species native to the Desert Region Landscaping Design Guidelines. The Project will exceed the code requirements and will provide ample tree planting in the perimeter landscaping.

Hours of Operation: The operator(s)/tenant(s) of the property and convenience store plan to operate from 5:00 A.M. to Midnight, seven days a week.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE:

In compliance with the California Environmental Quality Act (CEQA), County staff prepared an Initial Study (IS) for the Project. Staff determined that the proposal will not have any adverse impacts that will remain potentially significant with implementation of the proposed mitigation measures. The Initial Study was sent to the State Clearinghouse with the review period ending on August 26, 2019. Acknowledgement that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA, has been received. Mitigation measures have been identified to ensure construction impacts will not have a significant impact on the environment. Therefore, a Mitigated Negative Declaration (MND) is recommended along with approval of the Project. The County exercised its independent judgment in making this determination.

Following are summaries of the pertinent topics addressed in the IS/MND:

Aesthetics: The proposed Project will include a structure, painted in earth tone colors to blend with the surrounding area; the closest convenience store in the vicinity is located approximately four (4) miles from the subject property. The single-story building will be 26'-3" feet tall at the highest point of the peak of the roof and will include a landscape buffer and building features that will screen parking and loading activities from the street and adjacent properties.

Biological Resources: No wildlife were observed, no distinct wildlife corridors were identified on the site or in the surrounding area, the site does not support suitable habitat for the species nor is the species expected to inhabit the site, there are no documented observations of desert tortoise in the area immediately surrounding the site, and no tortoises or tortoise signs were observed on the site during the protocol survey conducted for the General Biological Resources Assessment. However, mitigation measures are described in the IS/MND that will reduce the level of impact to less than significant, which includes a pre-construction survey prior to ground disturbance to confirm burrowing owls have not occupied the site.

Landscaping: A landscaping plan will be provided and will be required to comply with the Landscaping Standards provided in the Development Code Section 83.10.060 and Table 83-12 "Minimum Landscaped Area." The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.

Traffic: A Traffic Impact Study was reviewed and approved for this Project. It was determined that a Traffic signal modification plan is required for the intersection southwest corner of Deep

Creek Road and Rock Springs Road to address circulation and turning movement issues. The applicant is required to pay a transportation fee to fund improvements to the regional transportation system. The Project's obligation under this fee program, based on trips generated, is estimated to be \$40,492.87.

Public Comments:

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A significant number of comments were received during the public comment period, both in support and opposition. Fifty-nine (59) copies of a standard letter in opposition of this Project were received (Exhibit G). The standard opposition letter expressed multiple concerns, not all related with land use; concerns such as vandalism, criminal activity at other properties with similar uses, attracting "undesirable people", and the possibility that this type of project will increase crime rate, amongst other concerns. Over two-thousand (2,000) signatures in support of the Project were also received (Exhibit H). The letters in support of this Project state that there is a community need that will be met with this type of proposal. "Having a local convenience store would be beneficial to those residences in that area", reads one of the letters.

Based on the opposition, the County determined the Project to be controversial and elevated the original submittal of a MUP application to a CUP. Most of the comments received in opposition of the Project pertained to the type of use proposed and potential residual consequences that are not evaluated with an entitlement review. The proposed use, a convenience store and service station, is a permitted use for the Project site's zoning district and mitigation measures are stipulated as part of the conditions of approval to make less than significant any potential impact.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **ADOPT** the Findings as contained in the Staff Report;
3. **APPROVE** the Conditional Use Permit for the construction of a 4,995 sq. ft. convenience store with six (6) pump fuel stations, a 500 gallon propane tank of propane sales and an Alcohol & Beverage Control license, subject to the recommended Conditions of Approval;
4. **APPROVE** the Tentative Parcel Map (19991) for the subdivision of 6.28-acres into four (4) lots; and
5. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

EXHIBIT A:	Findings
EXHIBIT B:	Conditions of Approval
EXHIBIT C:	Site Plan
EXHIBIT D:	Tentative Parcel Map
EXHIBIT E:	Letter of Intent
EXHIBIT F:	Initial Study
EXHIBIT G:	Comment Letters – Opposing
EXHIBIT H:	Comment Letters and petition – Supporting

EXHIBIT A

Findings

Maida Convenience Store and Gas Station

P201800369/CUP & TPM 19991

Planning Commission: September 5, 2019

Effective Date: September 17, 2019

Expiration Date: September 17, 2022

CONDITIONAL USE PERMIT FINDINGS:

The following are the required findings, per the San Bernardino County Development Code Section 85.06.040, and supporting facts for the proposed 4,995 square-foot convenience store with tobacco and alcohol sales to include beer, wine and distilled spirits, a six (fuel) pump service station and a 500-gallon propane tank for propane sales (Maida Convenience Store and Gas Station) (hereafter referred to as "Project") on approximately 1.65 acres of land in unincorporated San Bernardino County (P201800369/CUP, APN: 0438-165-33).

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.** All setbacks meet or exceed the requirements of the Development Code for the proposed land use and the existing zoning. The proposed 4,995 square-foot convenience store and service station meet all development code requirements for the Apple Valley/Neighborhood Commercial (AV/CN) Land Use Zoning District.
2. **The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The proposed Project provides for adequate site access off of Rock Springs Road and Deep Creek Road. The Project is conditioned to install off-site roadway improvements and to provide updates on the existing traffic signal on the corner of Rock Springs Road and Deep Creek Road, as needed.
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.** An Initial Study (IS) was prepared for the proposed Project resulting in a proposed Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project would not shade adjacent parcels and would not limit the future development of solar energy systems or other development on neighboring properties.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.** The Project implements General Plan Goal LU 3 which states, unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities. Specifically, the General Plan states that the County should:

- 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. (Policy LU 3.1)
- Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert. (Policy LU 1.1)

The Project is located within the Town of Apple Valley Sphere Standards Overlay. Additionally, the provisions contained in the Town of Apple Valley Sphere Standards indicate those that are different from countywide provisions and unique to the Apple Valley Sphere of Influence. The Project proposes no changes to zoning or regulations for the County. The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over 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.** During construction and operation the Project's required use of local infrastructure will not significantly affect existing service levels. Operation of the Project will generate approximately 1,134 new vehicle trips that would be accommodated by an existing local roadways and mitigation will ensure the effects of temporary construction traffic. The applicant shall submit a Traffic signal modification plan to the Department of Public Works Traffic Division and contribute to the SE Apple Valley Local Area Transportation Facility plan. The Project applicant will be responsible for paying for and/or constructing the minimal necessary infrastructure improvements and thus there will be no significant effect on existing service levels.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.** The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. These conditions are based on established legal

Maida Convenience Store and Gas Station

P201800369/CUP & TPM 19991

Planning Commission: September 5, 2019

Effective Date: September 17, 2019

Expiration Date: September 17, 2022

requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All conditions listed in the conditions of approval are necessary and reasonable to ensure compliance and to carry out the goals, policies and objectives of the County's General Plan.

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 location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels.

Maida Convenience Store and Gas Station
P201800369/CUP & TPM 19991
Planning Commission: September 5, 2019

Effective Date: September 17, 2019
Expiration Date: September 17, 2022

TENTATIVE PARCEL MAP FINDINGS:

The following are the required findings, in accordance with Chapter 87.02.060 of the San Bernardino County Development Code and the California Subdivision Map Act (Government Code Section 66410 et. seq.), to approve P201800369/TPM 19991 to subdivide 6.28 gross acres into four 1.5+ acre parcels:

- 1. The proposed map, subdivision design and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan.** The proposed subdivision is consistent with the Desert Region Development Standards for the Apple Valley/Neighborhood Commercial (AV/CN) Land Use Zoning District, in that the minimum parcel area, parcel width, parcel depth and parcel ratio are met for each proposed parcel. The proposed subdivision is consistent with the General Plan's Neighborhood Commercial (CN) density requirement, which states that the minimum lot area for the Desert Region shall be 1-acre minimum and may be less than specified if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit application.
- 2. The site is physically suitable for the type and proposed density of development.** The proposed Tentative Map is adequately sized for the proposed development of a 4,995 square-foot convenience store with six (6) fuel pumps. The project site is consistent with the density requirements of the Neighborhood Commercial (CN) Land Use Zoning District which states lot area to be 1-acre minimum. There is adequate room for an appropriately sized and located building pad and connection to the City of Hesperia Water District will be required as a method of sewage disposal on each proposed parcel, each parcel is proposed to be a minimum of 1.5-acres, development is proposed on only one parcel. The Project meets all applicable County development standards.
- 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** Each proposed parcel has been designed with a commercial use in mind. In accordance with the California Environmental Quality Act, the project impacts have been found to be less than significant. An Initial Study (IS) was prepared for the proposed Project resulting in a proposed Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.
- 4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.** The design of the subdivision follows a logical and orderly progression of development. The proposed subdivision has been reviewed by all agencies with jurisdiction over the project and has been found to not cause serious public health or safety problems, either through design, or through the adoption of conditions of approval.

Maida Convenience Store and Gas Station

P201800369/CUP & TPM 19991

Planning Commission: September 5, 2019

Effective Date: September 17, 2019

Expiration Date: September 17, 2022

5. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.** The approval of the Tentative Map will require all existing easements to remain in place and unobstructed and no improvements are required that would conflict with any easements of record.
6. **The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.** The development proposed with this subdivision will require an approved sewer connection by the City of Hesperia Water District or a San Bernardino County Department of Public Health – Environmental Health Services Division approved onsite wastewater treatment system (OWTS).
7. **The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.** The design of the subdivision allows for future development to be designed in any alignment to take advantage of passive or natural heating and cooling opportunities that exist on the project site.
8. **The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.** The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Neighborhood Commercial Land Use Zoning District for the Desert Region. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code and any applicable federal, state, and local laws are met.

ENVIRONMENTAL FINDINGS:

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

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

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

Maida Convenience Store & Service Station
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

LAND USE SERVICES DEPARTMENT– Planning Division (760) 995-8140

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved to establish a 4,995 square foot convenience store with a six (6) fuel pump service station and a 500-gallon propane tank for propane sales on 1.65-acre in unincorporated Apple Valley, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN:0438-165-33, Project No. P201800369.

2. Project Location. The Project site is located at 8986 Deep Creek Road, in unincorporated Apple Valley.
3. 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 the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval 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)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer’s indemnification obligation applies to the indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:
- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
 - c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.
- PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project account number is P201800369. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or 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 the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division 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 inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
 - a. FEDERAL: U.S. Fish & Wildlife
 - b. STATE: Lahontan RWQCB, Mojave AQMD, California Department of Fish and Wildlife,
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire – Hazardous Materials; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor/Solid Waste Management, and
 - d. LOCAL: Apple Valley Fire Protection District
12. 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:
 - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.

- j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
 - l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
13. 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.
14. 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 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.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
- All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
 - a. Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - b. Vehicle Trip Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
 - c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
 - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.
21. Common Ravens. The applicant shall implement the following measures to reduce the attractiveness of the proposed facility to common ravens:
 - a. Educate workers to not feed common ravens and to secure their food where common ravens cannot steal it;
 - b. Reduce as much as possible standing water from which common ravens can drink;
 - c. Design structures in a manner that reduce the opportunities for nesting and perching;
 - d. Remove inactive nests of common ravens;
 - e. Properly dispose of any carcasses of wildlife that are killed during construction and operation; and
 - f. Report any evidence of predation of desert tortoises to the Service.

LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

22. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
23. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

24. 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, which will not adversely affect adjacent or downstream properties at the time the site is developed.
25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

26. Additional Drainage Requirements. In addition to drainage, requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
27. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

28. Noise Level. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
29. Septic System Maintenance. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
30. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

APPLE VALLEY FIRE PROTECTION DISTRICT - (760)247-7618

31. Construction Permits. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
32. Jurisdiction. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701

33. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Advance Disposal).
34. 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 Assembly Bill (AB) 2176.
35. 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 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 commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.

36. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

38. Joshua Tree Relocation Plan. The developer shall submit and have approved by the Planning Division a relocation plan for Joshua Trees within the developed site area. The relocation plan shall be accompanied with certification from a certified arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing a Joshua Tree removals from the subject property.
39. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading contractor shall provide and implement the following when possible:
 - 1) training operators to use equipment more efficiently.
 - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
 - 3) replacing older, less fuel-efficient equipment with newer models.
 - 4) use GPS for grading to maximize efficiency.
 - d) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
 - e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
40. 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. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
 - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
41. 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.
42. Raven Management. Contribution to the USFWS Regional Raven Management Program to reduce raven impacts on desert tortoises is required prior to any ground disturbing activities. The amount shall be a one-time payment of \$105 per acre for the 1.65-acre project site. Payment will be to the National Fish and Wildlife Foundation (NFWF).
43. Desert Tortoise Mitigation. Applicant shall contact the United States Department of Interior Fish and Wildlife Service if desert tortoise enters the site at any time.
44. Migratory Birds. Applicant shall implement measures to avoid killing migratory birds by either avoiding construction during nesting season (generally January through July) or by buffering active nests during construction.

LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311

45. Geotechnical Report. Applicant shall submit a geotechnical report that shall include soils engineering/geotechnical recommendations for the proposed gas station canopy foundations. Soils engineering recommendations shall be provided as part of the revised geotechnical investigation report referenced above. The geotechnical report shall address all comments included in the San Bernardino County Land Use Services Geotechnical Report Review Sheet provided by the County Geologist.
46. Geotechnical (Soil) Report: When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

47. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
48. FEMA Flood Zone. The project is located within Flood Zone X (Unshaded) according to FEMA Panel Number 06071C6515J dated 09/02/2016.
49. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
50. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
51. NPDES Permit. An NPDES permit – Notice of Intent (NOI) – is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
52. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
53. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

APPLE VALLEY FIRE PROTECTION DISTRICT (760) 247-7618

54. Water Letter. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

55. Vector. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149

56. Survey 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 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 pursuant to Section 8771(b) Business and Professions Code.

57. Record of Survey or Corner Record. Pursuant to Sections 8726(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311

58. 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.
59. 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.
60. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
61. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
 - Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
 - Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
 - Plumbing. All plumbing shall incorporate the following:
 - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
 - Lighting. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.

- Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
 - **Building Design.** Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
 - **Landscaping.** The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
 - **Irrigation.** The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
 - **Recycling.** Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
 - **Transportation Demand Management (TDM) Program.** The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
62. **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 the

previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
- b. All sign lighting shall not exceed 0.5 foot-candle.
- c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
- d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

63. MDAQMD Permits. Submit applicable permit applications and the associated application and permit fees to the Mojave Desert Air Quality Management District for the Gasoline Dispensing Facility and to dispense propane. Provide a copy of the permit to the Planning Division prior to obtaining a building permit.

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149

64. Survey 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 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 pursuant to Section 8771(b) Business and Professions Code.
65. Record of Survey or Corner Record. Pursuant to Sections 8726(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- a. Monuments set to mark property lines or corners;
 - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311

66. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
67. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311

68. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Rock Springs Road (Major Highway – 104')

- Road Dedication. A 52 foot grant of easement is required to provide a half-width right-of-way of 52 Feet.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Curb Returns and Sidewalk Ramps. A 50' Curb return and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A at the intersection of Rock Springs Road and Deep Creek Road. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

Deep Creek Road (Secondary Highway – 88')

- Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 Feet.
- Street Improvements. Design curb and gutter with match up paving 32 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 San Bernardino County Standard 130.

Santa Rosa Road (Section line – 88')

- Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.

69. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
70. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
71. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

72. **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.
73. **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.
74. **Street Gradients.** Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
75. **Slope Tests.** Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
76. **Regional Transportation Fee.** This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Apple Valley Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$ 5.97 per square foot for Commercial Use, which includes the 9,594 total sq. ft. of building and canopy area per the site plan dated 08/21/2018.

Therefore, the estimated Regional Transportation Fees for the Project is \$ 57,276.18. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

APPLE VALLEY FIRE PROTECTION DISTRICT (760) 247-3895

77. **Combustible Vegetation.** All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire. California Public Resources Code, Sec. 4291.
78. **Combustible Construction.** Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
79. **Fees.** Prior to issuance of building permits, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701

80. **Construction and Demolition Waste Management Plan (CDWMP) Part 1** – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at

<http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

81. Water Purveyor. Water purveyor shall be **City of Hesperia Water District** or EHS approved. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
82. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.

Technical report should include the following:

- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.
 - b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.
 - c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.
 - d) All sources of domestic water supply for the proposed new public water system.
 - e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
 - f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
 - g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
 - h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
 - i) Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.
83. Onsite Wastewater Treatment System (OWTS). Method of sewage disposal shall be **City of Hesperia Water District**, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
84. Sewer Service Verification Letter. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

85. OWTS. If sewer connection and/or service are unavailable, Onsite Wastewater Treatment System(s) (OWTS) may then be allowed under the following conditions: A soil percolation report per June 20107 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
86. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider;
 - or,
 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
87. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

88. Traffic Signal Modification. A Traffic signal modification plan is required for the intersection southwest corner of Deep Creek Road and Rock Springs Road.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

89. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201800369.
90. 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).
91. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
92. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
93. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
94. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
95. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
 - a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

96. Local Area Transportation Fee Plan. This project falls within the SE Apple Valley Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. These fees are subject to change. Based on the ITE Trip Generation Manual (10th Edition) and 12 fueling positions, as shown on the site plan and consistent with the traffic study by David Evans and Associates dated 05/20/2019, this project generates approximately 1,134 new vehicle trips per day on a commercial site. This fee is \$178.54 per trip multiplied by the number of vehicle trips (1,134) and multiplied by an induced trip adjustment factor of 20% as shown in the fee plan. Therefore, the total estimated Local Transportation Fees for this project is \$40,492.87. The current SE Apple Valley Local Area Transportation Facilities plan can be found at the following website: http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

97. Improvements. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

98. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311

99. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
100. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
101. 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.
102. 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.

APPLE VALLEY FIRE PROTECTION DISTRICT - (760)247-7618

103. Commercial Addressing. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (12) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall
104. Fire Lanes. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue through the site.
105. Turnaround. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet. Turning radius on all roads within the facility shall not be less than 22 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.
106. Co2. Submit Plans for Co2 system prior to installation.

COUNTY FIRE PROTECTION DISTRICT – Hazardous Materials Division (909) 386-8401

107. Permits. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous material permitting requirements: Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>
108. Underground Storage Tank (UST) Systems. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.
109. Spill Prevention, Control, and Countermeasures (SPCC) Plan. Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a).

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

110. Food establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at 1-800-442-2283.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701

111. Construction and Demolition Waste Management Plan (CDWMP) Part 2. The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

END OF CONDITIONS

CONDITIONS OF APPROVAL

Tentative Parcel Map **Map No. 19991**

PROJECT DESCRIPTION

1. Project Approval Description. Tentative Parcel Map 19991 to subdivide 6.28 acres into four (4) lots is approved and may be recorded in compliance with the conditions of approval, the approved stamped tentative map, and the required Composite Development Plan. The project site is located on the southwest corner of Rock Springs Road and Deep Creek Road, at 8986 Deep Creek Road in unincorporated Apple Valley, First Supervisorial District.

NOTICES

2. Expirations/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation before the expiration date.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible for initiation of any extension request.

3. Extension of Time/TPM. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Land Use Services may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.
4. Revisions/TPM. Any proposed change to the approved Tentative Parcel Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
5. Condition Compliance. Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.
6. Project Account. The Project account number is Project No. P201800369. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expenses charged to this account. Processing of the project shall cease, if it is

determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$500.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation.

7. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

**PRIOR TO RECORDATION OF THE PARCEL MAP
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

8. Composite Development Plan (CDP). A Composite development plan (“CDP”), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.
9. CDP/Planning Division. The following shall be delineated or noted on the CDP (Statements in quotations shall be verbatim):

“Land Use Services Department- Planning Division (909) 387-8311”

- a) “Utilities. All proposed utility lines shall be placed underground.”
- b) “Delineate Building Setback Lines.”

LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311

10. Geotechnical (Soil) Report. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval
11. COMPOSITE DEVELOPMENT PLAN (CDP) REQUIREMENTS
[NOTE: These CDP conditions are for construction on parcels after the map records.]

CDP/B&S. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the B&S, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

“Land Use Services Department / Building and Safety Division (909) 387-8311”

- “Geotechnical (Soil) Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.”
- “Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.”

- “Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.”

LAND USE SERVICES DEPARTMENT-Land Development Division-Drainage Section (909) 387-8311

12. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
13. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
14. CDP/LDD – Drainage. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

“Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311”

- “Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by County Land Use Services Department - Land Development Division/Drainage Section for each lot/parcel.”
- “FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C6515J dated 09/02/2016.”
- “Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.”
- “NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction

permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

- **“Regional Board Permit:** Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.”
- **“Additional Drainage Improvements.** At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall prepare/design complete drainage improvement plans and profiles. After these are submitted for review and approval additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time.”
- **“Drainage Improvements.** All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.”

LAND USE SERVICES DEPARTMENT-Land Development Division-Road Section
(909) 387-8311

15. **Road Dedication/Improvements.** The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Rock Springs Road (Major Highway – 104’)

- **Road Dedication.** A 52 foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- **Street Improvements.** Design curb and gutter with match up paving 40 feet from centerline.
- **Sidewalks.** Design sidewalks per County Standard 109 Type “C”.
- **Curb Returns and Sidewalk Ramps.** A 50’ radius curb return and sidewalk ramps shall be designed per Caltrans standard A88A at the intersection of Rock Springs Road and Deep Creek Road. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

Deep Creek Road (Secondary Highway – 88')

- Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Street Improvements. Design curb and gutter with match up paving 32 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 San Bernardino County Standard 130.

Santa Rosa Road (Section line – 88')

- Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
16. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
 17. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
 18. Improvement Securities. Any required public road, drainage, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
 19. Maintenance Bond. Once all required public road, drainage, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all

improvements. Submit necessary fees, per the latest fee schedule, for new securities.

20. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
21. 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.
22. 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.
23. 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.
24. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
25. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
26. CDP/LDD – Roads. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

“Land Use Services Department / Land Development Division – Roads (909) 387-8311”

- “Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.”
- “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.”
- “Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.”
- “Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works.”
- “Regional Transportation Fee. This project falls within the Regional Transportation Facilities Mitigation Plan for the Apple Valley Subarea. This fee shall be paid by a cashier’s check to the Department of Public Works Business Office prior to the issuance of building permits.”
- “Local Transportation Fee. This project falls within the SE Apple Valley Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier’s check to the Department of Public Works Business Office prior to occupancy.”

APPLE VALLEY FIRE PROTECTION DISTRICT – (760) 247-7618

27. Jurisdiction. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149

28. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
29. Encroachments. All encroachments need to be relocated/removed prior to the filing of the Parcel Map.
30. Well Site Boundary. The well site boundary appears to be in a different location than the exiting well site. This would need to be corrected prior to recordation of the Parcel map. If it will be corrected with the filing of the Parcel Map, the owner(s) of the well site will be required to sign the Parcel Map.
31. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
32. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
33. Parcel Map Review. Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3,000 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
34. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
35. Survey 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 appropriate documents shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

36. Water Purveyor. The water purveyor shall be **City of Hesperia Water District** or EHS approved. 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 File Index Number and Assessor's Parcel Number(s).

37. Wells. If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), **"An individual well shall be utilized as the domestic water source for each lot. The well shall be installed, pump tested, and the pump test results reviewed and approved by DEHS prior to the issuance of building permits for each lot."**
38. Existing Wells. Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at 1-800-442-2283.
39. Sewer Purveyor. Method of sewage disposal shall be City of Hesperia Water District or EHS approved. 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. The letter shall reference the File Index Number and Assessor's Parcel Number.
40. Onsite Wastewater Treatment System(s). If sewer connection and/or service is unavailable, Onsite Wastewater Treatment system(s) in conformance with the Local Agency Management Program will be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. The following note shall be placed on a Composite Development Plan (CDP): **"An approved percolation report, (DEHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with DEHS."** For information, please contact Water / Wastewater / Land Use Section at 1-800-442-2283.
41. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
- a. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or
 - b. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such

agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

42. On-site/off-site Water System and/or Sewer System. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system.
- a. Where the water and/or sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the TRANSPORTATION/FLOOD CONTROL DEPARTMENT, SURVEYOR DIVISION, a copy of the approved plan and a signed statement from the utility of jurisdiction confirming that the improvement has been installed and accepted.
 - b. Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit the approved plans and determined amount or a signed statement from an acceptable governmental entity, that financial arrangements have been completed and submitted to the TRANSPORTATION/FLOOD CONTROL DEPARTMENT, SURVEYOR DIVISION.
43. Installation and/or finance of the on-site/off-site water system and/or sewer system. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system.
- a. Where the water and/or sewer system is to be installed prior to recordation, submit a signed statement to DEHS from the approved utility of jurisdiction confirming the improvement has been installed and accepted.
 - b. Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit evidence of financial arrangements agreeable to the water purveyor and/or sewer entity to DEHS for review and approval.
44. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

NOTICES

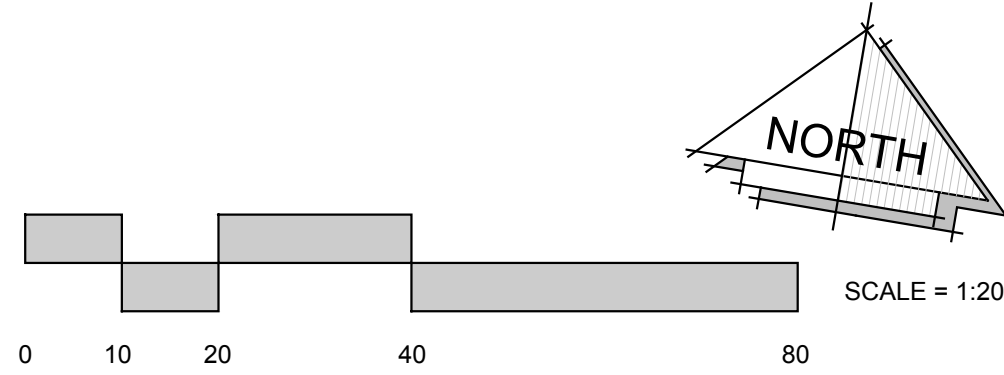
45. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
46. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, 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 may include:
- a) FEDERAL: None Identified
 - b) STATE: Regional Water Quality Control Board, and Mojave Desert Air Quality Management District
 - c) COUNTY: Land Use Services-Building and Safety/Code Enforcement/Land Development; Public Health-Environmental Health Services, Public Works – Traffic, Surveyor, Solid Waste Management,; County Fire Protection District – Hazardous Materials Division, AND
 - d) LOCAL: Apple Valley Fire Protection District

END OF CONDITIONS

EXHIBIT C

Site Plan

FOR OFFICIAL USE



PROJECT DATA

TPM/MUP FOR THE CONSTRUCTION & OPERATION OF A 4,995 SQ. FT. C-STORE W/ 6 FUEL PUMP SERVICE STATION.

APPLICATION TYPE: AV/ CN
ZONE: AV/ CN
OCCUPANCY'S: M - MERCANTILE
CONSTRUCTION TYPE: V - B
STORIES: 1
FIRE SPRINKLERS: YES

OWNER: KALLEN FAMILY TRUST
18564 HWY 18
APPLE VALLEY, CA 92307
PH: 760.403.3000
ARCHITECT / REPRESENTATIVE: STEENO DESIGN STUDIO, INC.
11774 HESPERIA RD., SUITE B-1
APPLE VALLEY, CA 92307
PH: 760.244.5001 FX: 760.244.1948

SITE DATA

A.P.N.: 0438-165-33
LEGAL DESCRIPTION: PORTION OF SECTION 19, T.4N., R.3W., S.B.M., AS SHOWN ON RS 122/59, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
ASSESSOR'S PARCEL NO.: APN 0438-165-33

SITE AREA	
AREA	SQ. FOOTAGE
GROSS LAND AREA (6.29 ACRES)	273,788 S.F.
NET LAND AREA (6.12 ACRES)	266,546 S.F.
NOT A PART (4.62 ACRES)	201,089 S.F.
PROJECT NET LAND AREA (1.50 ACRES)	65,457 S.F.

PROPOSED LAND AREA & COVERAGE		
AREA	SQ. FOOTAGE	% COVERAGE
BUILDING AREA (TOTAL)	4,995	7.6%
FUELING CANOPY AREA	4,599	7.0%
A/C PAVING	33,095	50.4%
CONCRETE HARDSCAPE & CURBING	3,728	5.6%
LANDSCAPED AREA	16,374	25.0%
RETENTION BASIN	2,888	4.4%
TOTAL NET LAND AREA COVERAGE =	65,679	100%
LANDSCAPED AREA (BEYOND PROPERTY LINE)	1,813	NOT A PART
40,763 SQ. FT. OF IMPERVIOUS AREA		

SCOPE OF WORK

TO PARCEL OFF A 1.5 ACRES LAND AREA OF THE 6.12 ACRES NET SITE AREA FOR A PROPOSED GAS STATION AND C-STORE.

PARKING DATA

REQUIRED PARKING PER G.F.A.			
AREA	RATIO	S.F.	# SPACES
CONVENIENCE STORE	1.250	4,995	20
TOTAL REQUIRED			20
PROVIDED PARKING:			
9'x19' ACCESSIBLE PARKING STALLS			= 2 SPACES
9'x18' STANDARD PARKING STALLS			= 34 SPACES
TOTAL PROVIDED			= 36 SPACES

KEYED NOTES

- VAN ACCESSIBLE PARKING SPACE
- ACCESSIBILITY STALL EMBLEM PAINTED AS SHOWN
- 8'-0" WIDE ACCESSIBILITY ACCESS W/ BLUE STRIPES
- A.D.A. VAN ACCESSIBLE SIGN
- A.D.A. RAMP NOT TO EXCEED 5% SLOPE IN DIRECTION OF RUN AND 2% MAX CROSS SLOPE
- TRUNCATED DOMES, 36" DEPT x WIDTH OF RAMP
- A.D.A. PATH OF TRAVEL
- UNDERGROUND FUEL STORAGE TANKS
- 6" WIDE CONCRETE CURB TYPICAL
- 6" WIDE CONCRETE CURB, W/ 2" PARKING NOSE OVER INDICATED BY DASHED LINE TYPICAL
- 4" NOMINAL THICK CONCRETE WALKWAYS
- PROPOSED CONC. PAVING
- LANDSCAPED AREA SEE LANDSCAPE PLANS
- SITE LIGHT POLE STANDARD, TWIN HEAD 90"-23"/ QUAD HEAD 360"-23" W/ SHOE BOX STYLE FIXTURES & LIGHT SHIELD TO MEET 0.5 FOOTCANDLE LEVELS AT ALL PROPERTY LINE
- TRAFFIC FLOW DIRECTIONAL ARROWS PAINTED ON PAVING AS SHOWN ON PLAN
- TRASH ENCLOSURE PER COUNTY STANDARDS PROVIDE REFUSE AND RECYCLE MATERIAL STORAGE OF 12 SQ. FT. EACH ONE, 24 SQ. FT. TOTAL. [CDC 84.24.040]
- GAS PUMP ISLAND W/ CANOPY, (6" DOUBLE SIDED FUEL DISPENSERS)
- PROPOSED CONC. CURB & GUTTER PER CITY/COUNTY STANDARDS
- LINE OF WATER FLOW
- AIR & WATER STATION
- ELECTRICAL SERVICE PANEL
- PROPOSED 8' CHAINLINK FENCING
- CONCRETE SCREED LINES IN A 5' SQUARE GRID PATTERN
- 123 LINEAR FT. OF DRIVE THRU - 8 CARS STACKED
- GAS PRICING MONUMENT SIGN
- FIRE HYDRANT
- CONC. SPILLWAY FOR RETENTION BASIN OVERFLOW
- NOT USED
- 30" HIGH ILLUMINATED TENANT SITE SIGNAGE
- CONCRETE 12" WIDE AT END PARKING STALLS
- 10,000 GAL. WATER STORAGE TANK (TYP. OF 2)
- WATER PUMP HOUSE
- CONC. GUTTER FOR SITE DRAINAGE
- 4" DIA. DRAIN FROM SEPTIC TANK TO LEACH FIELD
- PROPOSED 95' LINEAR LENGTH LEACH FIELD SYSTEM WITH 100% BACKUP AREA
- PROPOSED RETENTION BASIN
- C 1 AGENT HYDROCARBON FILTER VAULT
- PROPOSED UNDERSIDEWALK DRAIN SEE CITY STANDARD
- PROPOSED 1500 GAL SEPTIC TANK
- PROPOSED 1000 GAL GREASE TRAP AND SAMPLE BOX
- PROPANE TANK
- WHEEL STOPS PER CITY STANDARD
- FUEL VENT SYSTEM
- LINE OF CLEAR SIGHT TRIANGLE
- LINE OF TRUCK TURN MANEUVER
- SHORT TERM BIKE RACK (MOD. R8240-EM)
- HORSE AREA W/ HITCHING POST & WATER TROUGH

STEENO
DESIGN STUDIO, INC.
ARCHITECTURE • DESIGN • PLANNING
11774 HESPERIA ROAD, SUITE B-1
APPLE VALLEY, CA 92307
PHONE (760) 244-5001 • FAX (760) 244-1948
WWW.STEENODESIGN.COM

DATE FINISHED
OCTOBER 2018

REVISIONS
NOV. 7, 2018

THESE PLANS SHALL COMPLY WITH THE 2016 CALIFORNIA BUILDING CODE WHICH ADAPTS THE 2015 IBC, 2015 IRC, 2015 CBC, 2015 CFC, 2015 CEC, AND THE 2016 ENERGY STANDARDS.

THESE DOCUMENTS AND THE DESIGN AND IDEAS INCORPORATED HEREIN AS AN INSTRUMENT OF A PROFESSIONAL SERVICE ARE THE SOLE PROPERTY OF STEENO DESIGN STUDIO, INC. ANY USE, IN WHOLE OR IN PART, FOR WHICH THEY WERE NOT PROVIDED SHALL BE UNLAWFUL.

PROJECT: C-STORE
DEEP CREEK COUNTRY MARKET

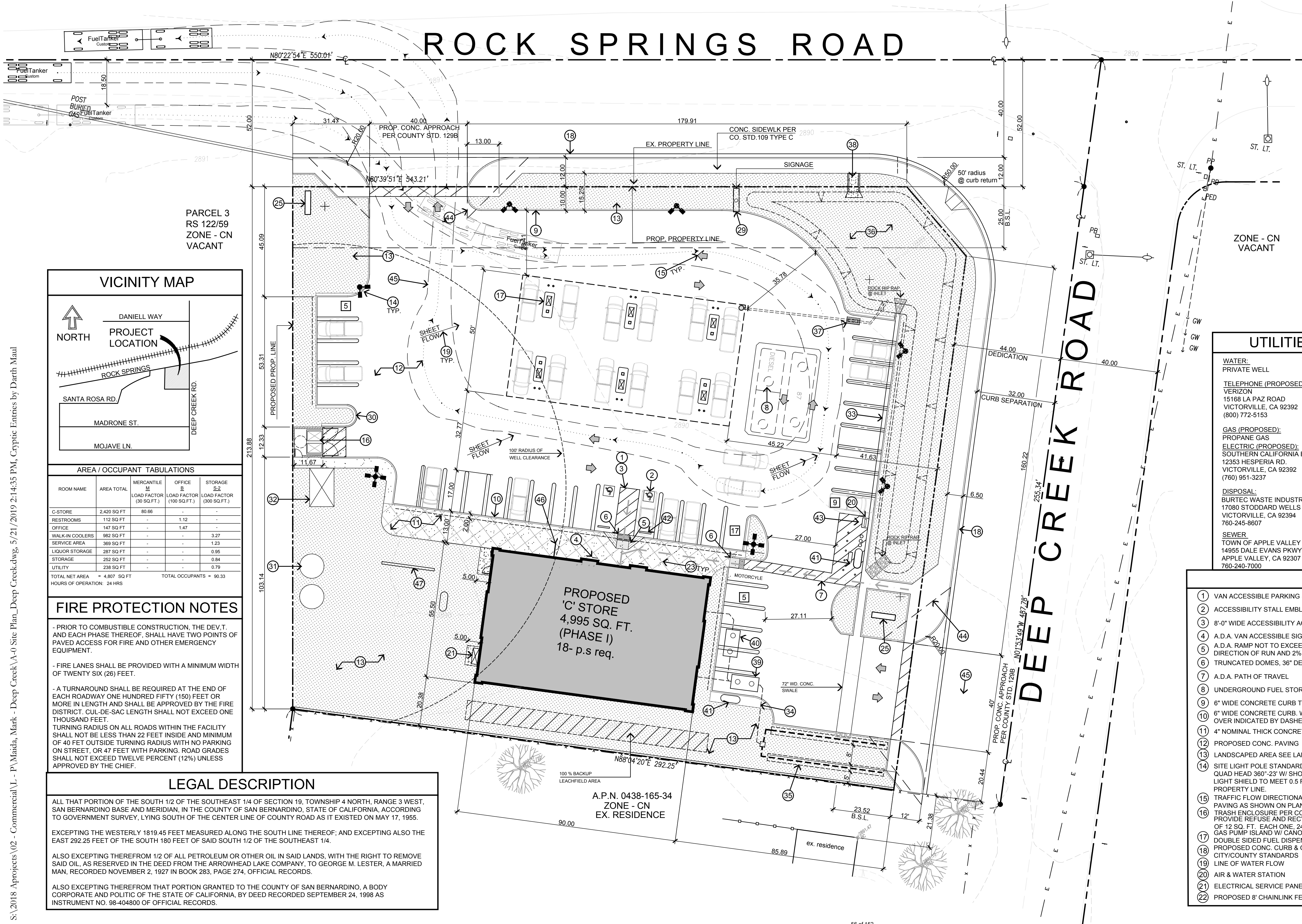
CONTACT INFO:
KALLEN FAMILY TRUST
18564 HWY 18
APPLE VALLEY, CA 92307

JOB NO.
C17-430

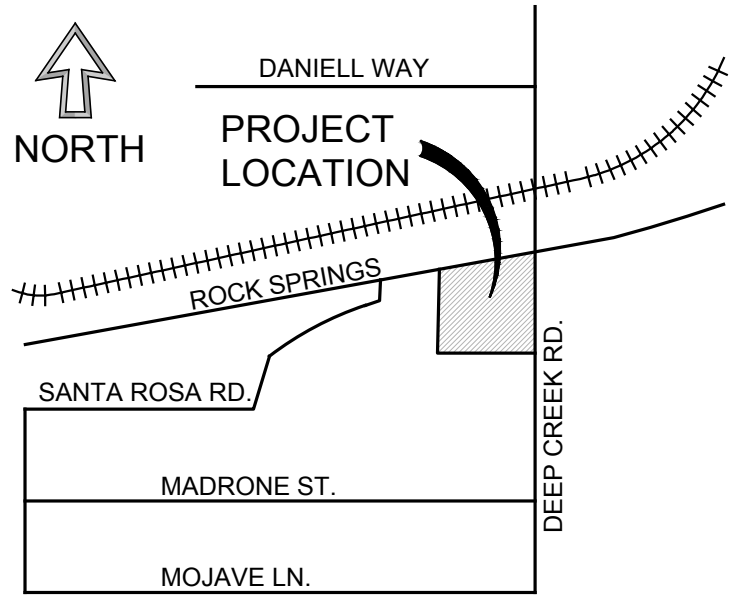
SHEET NAME:

SITE PLAN

PAGE
A-0



VICINITY MAP



AREA / OCCUPANT TABULATIONS

ROOM NAME	AREA TOTAL	MERCANTILE B LOAD FACTOR (30 SQ.FT.)	OFFICE B LOAD FACTOR (100 SQ.FT.)	STORAGE B LOAD FACTOR (300 SQ.FT.)
C-STORE	2,420 SQ.FT.	80.66	-	-
RESTROOMS	112 SQ.FT.	-	1.12	-
OFFICE	147 SQ.FT.	-	1.47	-
WALK-IN COOLERS	982 SQ.FT.	-	-	3.27
SERVICE AREA	369 SQ.FT.	-	-	1.23
LIQUOR STORAGE	287 SQ.FT.	-	-	0.95
STORAGE	252 SQ.FT.	-	-	0.84
UTILITY	238 SQ.FT.	-	-	0.79
TOTAL NET AREA = 4,807 SQ.FT.		TOTAL OCCUPANTS = 90.33		
HOURS OF OPERATION: 24 HRS				

FIRE PROTECTION NOTES

- PRIOR TO COMBUSTIBLE CONSTRUCTION, THE DEV.T. AND EACH PHASE THEREOF, SHALL HAVE TWO POINTS OF PAVED ACCESS FOR FIRE AND OTHER EMERGENCY EQUIPMENT.

- FIRE LANES SHALL BE PROVIDED WITH A MINIMUM WIDTH OF TWENTY SIX (26) FEET.

- A TURNAROUND SHALL BE REQUIRED AT THE END OF EACH ROADWAY ONE HUNDRED FIFTY (150) FEET OR MORE IN LENGTH AND SHALL BE APPROVED BY THE FIRE DISTRICT. CUL-DE-SAC LENGTH SHALL NOT EXCEED ONE THOUSAND FEET.
TURNING RADIUS ON ALL ROADS WITHIN THE FACILITY SHALL NOT BE LESS THAN 22 FEET INSIDE AND MINIMUM OF 40 FEET OUTSIDE TURNING RADIUS WITH NO PARKING ON STREET, OR 47 FEET WITH PARKING. ROAD GRADES SHALL NOT EXCEED TWELVE PERCENT (12%) UNLESS APPROVED BY THE CHIEF.

LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY, LYING SOUTH OF THE CENTER LINE OF COUNTY ROAD AS IT EXISTED ON MAY 17, 1955.

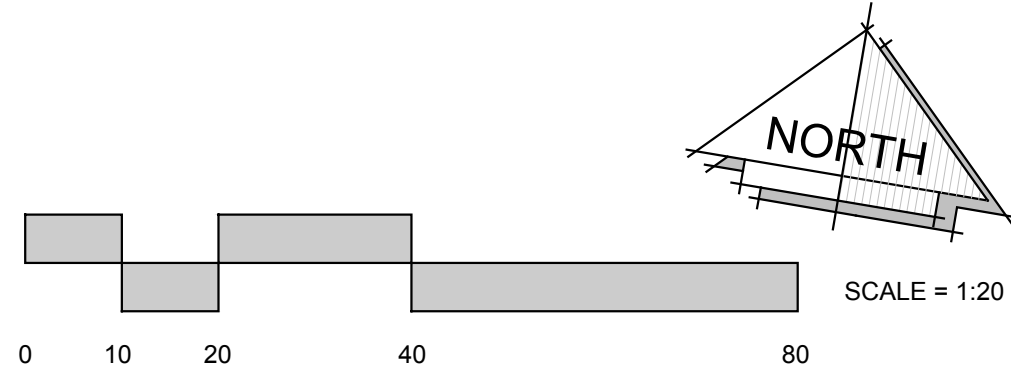
EXCEPTING THE WESTERLY 1819.45 FEET MEASURED ALONG THE SOUTH LINE THEREOF; AND EXCEPTING ALSO THE EAST 292.25 FEET OF THE SOUTH 180 FEET OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4.

ALSO EXCEPTING THEREFROM 1/2 OF ALL PETROLEUM OR OTHER OIL IN SAID LANDS, WITH THE RIGHT TO REMOVE SAID OIL, AS RESERVED IN THE DEED FROM THE ARROWHEAD LAKE COMPANY, TO GEORGE M. LESTER, A MARRIED MAN, RECORDED NOVEMBER 2, 1927 IN BOOK 283, PAGE 274, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE COUNTY OF SAN BERNARDINO, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA, BY DEED RECORDED SEPTEMBER 24, 1998 AS INSTRUMENT NO. 98-404800 OF OFFICIAL RECORDS.

S:\2018 Aprojects\02 - Commercial\L - P\Maida, Mark - Deep Creek\A-0 Site Plan_Deep Creek.dwg, 5/21/2019 2:16:35 PM, Cryptic Entries by Darth Maul

FOR OFFICIAL USE



STEENO
DESIGN STUDIO INC.
ARCHITECTURE • DESIGN • PLANNING
11774 HESPERIA ROAD, SUITE B • HESPERIA, CA 92345
PHONE (760) 244-5001 • FAX (760) 244-1948
WWW.STEENODESIGN.COM

DATE FINISHED
OCTOBER 2018

REVISIONS
NOV. 7, 2018

THESE PLANS SHALL COMPLY WITH THE 2016 CALIFORNIA BUILDING CODE WHICH ADOPTS THE 2016 CMR, 2016 CBC, 2016 CFC, 2016 CEC, 2016 CFS, AND THE 2016 ENERGY STANDARDS.

THESE DOCUMENTS AND THE DESIGN AND IDEAS INCORPORATED HEREIN AS AN INSTRUMENT OF A PROFESSIONAL SERVICE ARE THE SOLE PROPERTY OF STEENO DESIGN STUDIO INC. ANY USE, IN WHOLE OR IN PART FOR WHICH THEY WERE NOT PROVIDED SHALL BE UNLAWFUL.

PROJECT: C-STORE

DEEP CREEK COUNTRY MARKET

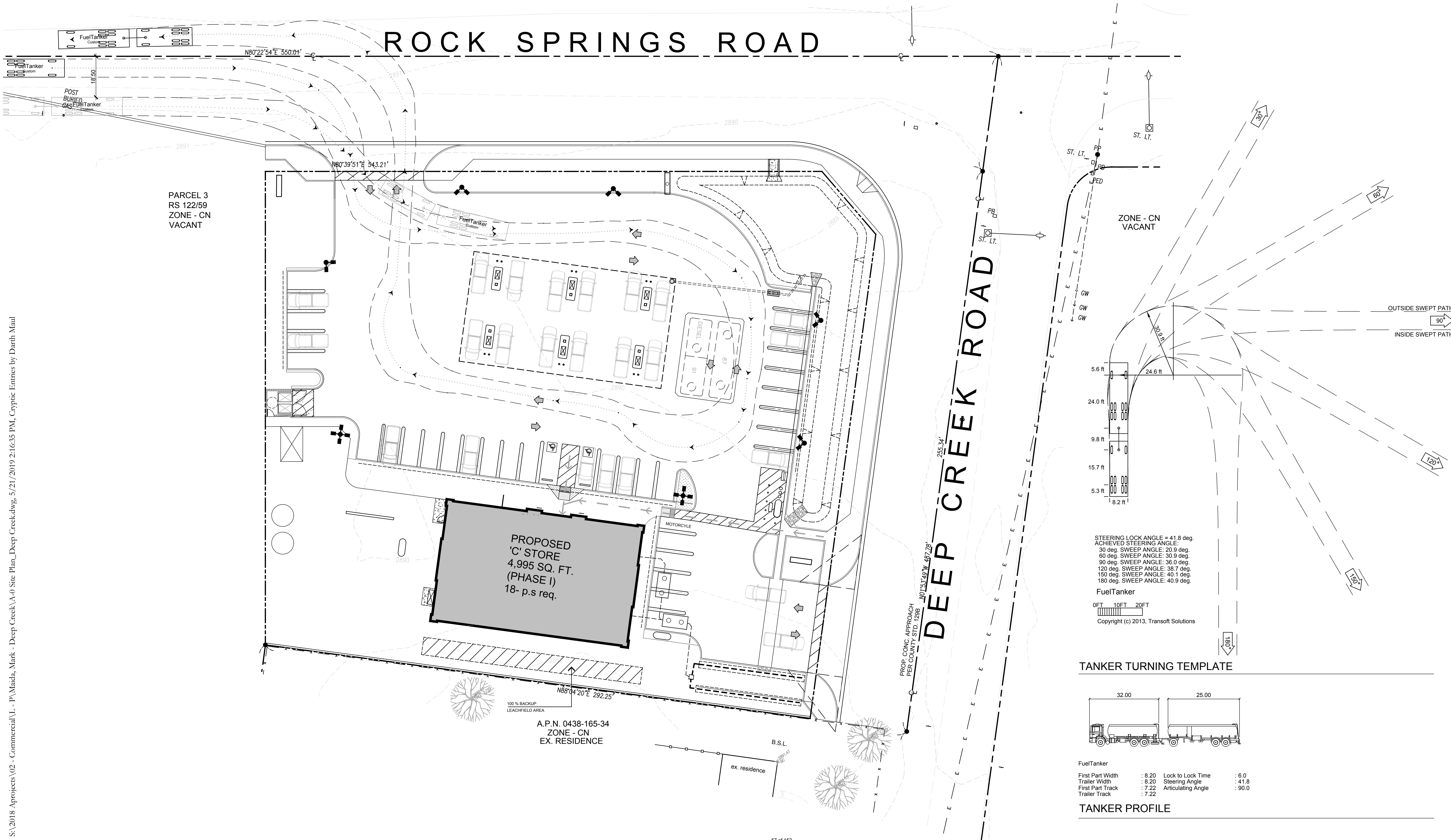
CONTACT INFO:
STEENO DESIGN STUDIO TRUST
18584 HWY 18
APPLE VALLEY, CA 92308

JOB NO.
C17-430

SHEET NAME:
SITE PLAN
TRUCK TURN
ANALYSIS

PAGE

A-1



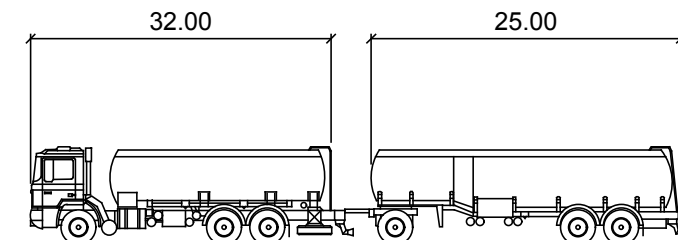
STEERING LOCK ANGLE = 41.8 deg.
ACHIEVED STEERING ANGLE:
30 deg. SWEEP ANGLE: 20.9 deg.
60 deg. SWEEP ANGLE: 30.9 deg.
90 deg. SWEEP ANGLE: 36.0 deg.
120 deg. SWEEP ANGLE: 38.7 deg.
150 deg. SWEEP ANGLE: 40.1 deg.
180 deg. SWEEP ANGLE: 40.9 deg.

FuelTanker

0FT 10FT 20FT

Copyright (c) 2013, Transoft Solutions

TANKER TURNING TEMPLATE



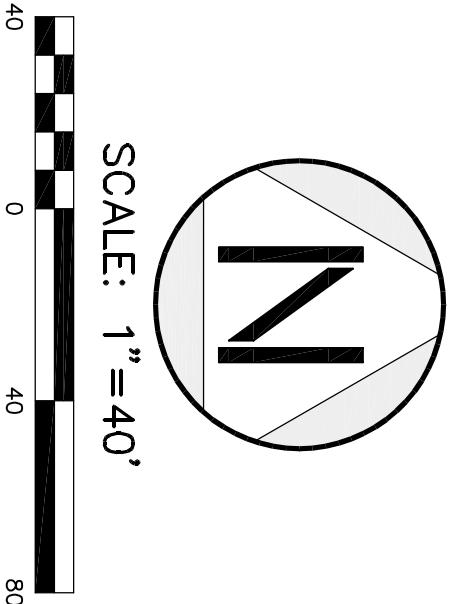
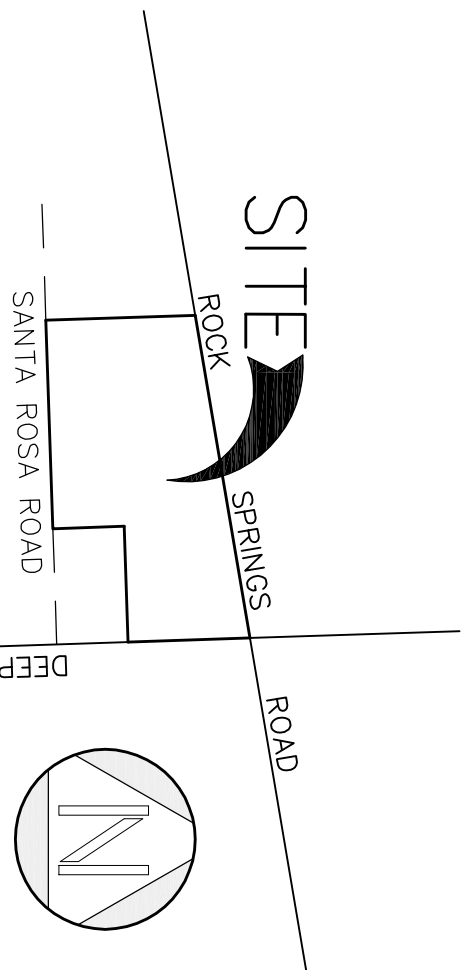
FuelTanker

First Part Width	: 8.20	Lock to Lock Time	: 6.0
Trailer Width	: 8.20	Steering Angle	: 41.8
First Part Track	: 7.22	Articulating Angle	: 90.0
Trailer Track	: 7.22		

TANKER PROFILE

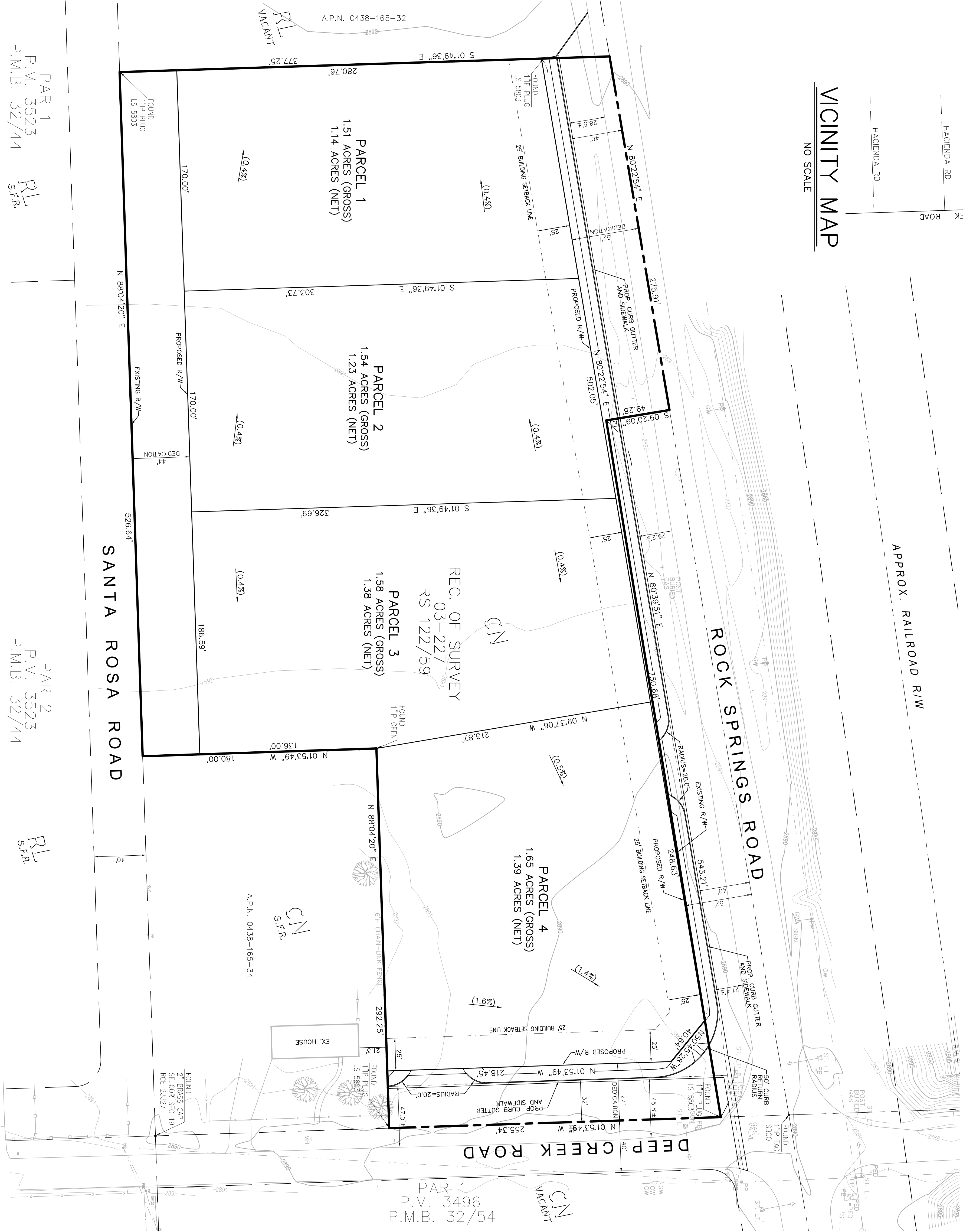
EXHIBIT D

Tentative Parcel Map



VICINITY MAP

NO SCALE



IN THE COUNTY OF SAN BERNARDINO TENTATIVE PARCEL MAP NO. 19991

PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, S.B.&M. COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

SITE TECH, INC.

FEBRUARY, 2019

NOTES:

- THIS PARCEL MAP CONTAINS 4 PARCELS ON 6.28 GROSS ACRES FOR AN OVERALL DENSITY OF APPROXIMATELY 1.57 ACRES PER PARCEL.
- EXISTING AND PROPOSED LAND USE DISTRICT IS: CN - NEIGHBORHOOD COMMERCIAL
- THE LAND USE OF THE SURROUNDING PROPERTY TO THIS PROJECT IS AS FOLLOWS
TO THE NORTH: AT&SF RAILROAD
TO THE SOUTH: S.F.R. / RURAL LIVING (RL)
TO THE EAST: VACANT/ NEIGHBORHOOD COMMERCIAL (CN)
TO THE WEST: VACANT/ RURAL LIVING (RL)
- LEGAL DESCRIPTION:
PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, S.B.&M. COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
A.P.N.: 0438-165-33
SEE TITLE REPORT FOR FULL DESCRIPTION.
5. ALL PROPOSED BUILDING SHALL MEET SAN BERNARDINO COUNTY DEVELOPMENT CODE REQUIREMENTS.
6. ALL PROPOSED INFRASTRUCTURE IMPROVEMENTS SHALL MEET SAN BERNARDINO COUNTY DEVELOPMENT CODE REQUIREMENTS PER CHAPTER 83.10.
7. NO KNOWN PROTECTED PLANTS EXIST ON SITE.
8. GRADING IS PROPOSED AS A PART OF THIS PROJECT.
9. NO KNOWN PLOTTABLE EASEMENTS EXIST ON SITE.
10. LOT COVERAGE: BUILDING LOT COVERAGE FOR THIS PROJECT IS LESS THAN 10%.
11. SEE SITE PLAN/ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS.
12. THERE ARE NO NEW ROADS PROPOSED AS A PART OF THIS PROJECT.
13. THIS TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE SUBDIVIDER.

EASEMENT NOTES:

- ITEM #5 - AN EASEMENT FOR DITCHES AND CANALS PER DOCUMENT RECORDED IN BOOK H, PAGE 338 OF PATENTS, RECORDS OF SAN BERNARDINO COUNTY - ITEM IS BLANKET IN NATURE
- ITEM #7 - AN EASEMENT FOR WATER LINES PER DOCUMENT RECORDED IN BOOK 283, PAGE 274, O.R., RECORDS OF SAN BERNARDINO COUNTY - ITEM IS BLANKET IN NATURE

UTILITY COMPANIES FOR THIS PROJECT:

TELEPHONE:	ELECTRIC:	SEWER:
VERIZON P.O. BOX 641 SAN BERNARDINO, CA. 92401 PH: (909) 482-6711	SOUTHERN CALIFORNIA EDISON CO. 287 TENNESSEE STREET REDLANDS, CA. 92373 PH: (909) 335-7191	PRIVATE SEPTIC
CABLE TELEVISION:	GAS:	WATER:
SATELLITE SYSTEM	PROPANE	PRIVATE WELL

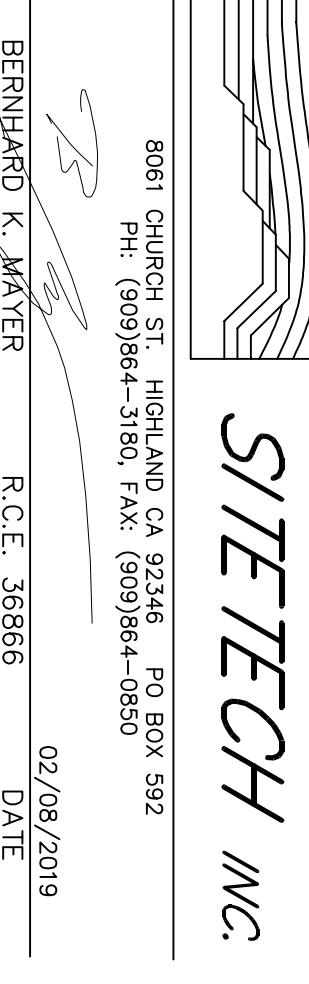
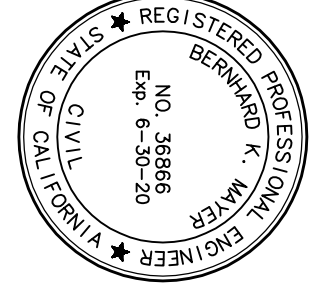
OWNER:	APPLICANT:	ARCHITECT / REPRESENTATIVE:
CONTACT INFO: KALEN FAMILY TRUST 18564 HWY 18 APPLE VALLEY, CA 92307 PH: 760-403-3000 E: bdkalen@gmail.com	MUNEN MAIDA 13302 RANCHERO ROAD OAK HILLS, CA 92344 PH: 760-964-7936 E: modid5150@gmail.com	STEENO DESIGN STUDIO, INC. ARCHITECT: TOM STEENO 11774 HESPERIA RD. SUITE B-1 HESPERIA, CA 92345 PH: 760-244-5001 FX: 760-244-1948

A.P.N.: 0438-165-33

PAR 1
P.M. 3523
P.M.B. 32/44
S.F.R.

PAR 2
P.M. 3523
P.M.B. 32/44
S.F.R.

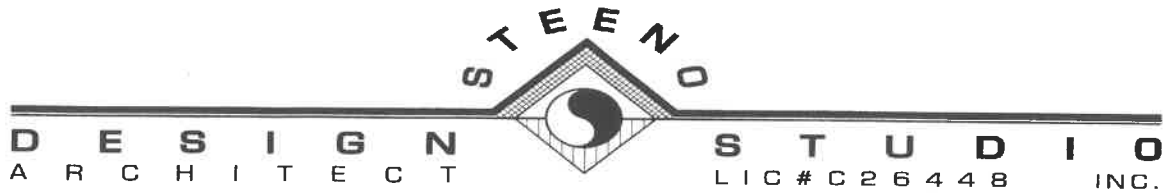
PAR 1
P.M. 3496
P.M.B. 32/54
CN



BERNARD K. MAYER R.C.E., 36666 L.S. 7/319 DATE 02/08/2019

EXHIBIT E

Letter of Intent



February 2, 2018

Planning Department
San Bernardino County Building-Land Use services
15900 Smoke Tree Street
Hesperia, CA 92345

Re: Letter of Intent for Gas Station -Convenience Store Project Deep Creek & Rock Springs Road

To whom it may concern:

This letter is to provide the County with our intentions to develop the northeast portion of a 9 acre vacant lot on Deep Creek and Rock Springs Road, APN 0438-165-33-0-000. As architect of the project owned by Mr. Maida, we are proposing a standalone 1,800 sf drive-through restaurant, a 4,999 sf convenience store, and gas station with 6 fuel dispensers. In addition to fuel, the store will provide retail sales of standard convenience store goods, Type 21 off site Liquor Sales with beer, wine, and tobacco sales. The store will have hours of 5 a.m. to midnight, 7 days a week. The owner would like approval for the project to include at least a 500 gallon propane tank for propane sales and a 30 foot pole sign for display of gas pricing.

Currently there are no commercial developments within the area. The project's mix of amenities will support the surrounding residential communities' commercial needs, as well as provide flexibility in the development standards. The project will provide convenient and necessary services to the surrounding residential community.

The project incorporates the goals and objectives of the San Bernardino County General Plan as well as the San Bernardino County Development Code. The land use for the proposed commercial sites is designed to integrate with adjacent developments and to create an interface to future and current development around the site.

It would be greatly appreciated if as many County departments possible can review the proposed site plan and provide us with their design criteria so that we can have a better scope of what the development will be conditioned to provide. If there is anything I can do to facilitate this matter, please feel free to contact me.

Sincerely,

Thomas R. Steeno
Architect

Cc: Mr. Maida

STEENO DESIGN STUDIO INC.
11774 HESPERIA ROAD, SUITE B1, HESPERIA, CA 92345
PH. 760.244.5001 WWW.STEENODESIGN.COM

- 1 -

EXHIBIT F

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

USGS Quad: Apple Valley South
T, R, Section: T: 4N R: 3W Sec: 19

Thomas Bros.: Page 4477, Grid: E-7

Planning Area: Apple Valley
Land Use Zoning: AV/CN (Apple Valley/Neighborhood Commercial)

Overlays: Dam Inundation
Fire Safety Area 1

PROJECT CONTACT INFORMATION:

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

Contact Person: Magda Gonzalez, MPA, Senior Planner,
Phone No: (760) 995-8150 Fax No.: (760) 995-8167
E-mail: Magda.gonzalez@lus.sbcounty.gov

Project Sponsor: Munem Maida
13302 Ranchero Road
Oak Hills, CA 92344
Phone No: (760) 964-7936

PROJECT DESCRIPTION:

Tentative Parcel Map

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

Conditional Use Permit

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

Street Improvements

The Project proposes the following street improvements:

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

Drainage Improvements

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

Water and Wastewater Improvements

A new water well is proposed to provide water service.

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

Construction Duration

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

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

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

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

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

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

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

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

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

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

Federal: None.

State of California: Lahontan Water Board.

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

Regional: Mojave Desert Air Quality Management District.

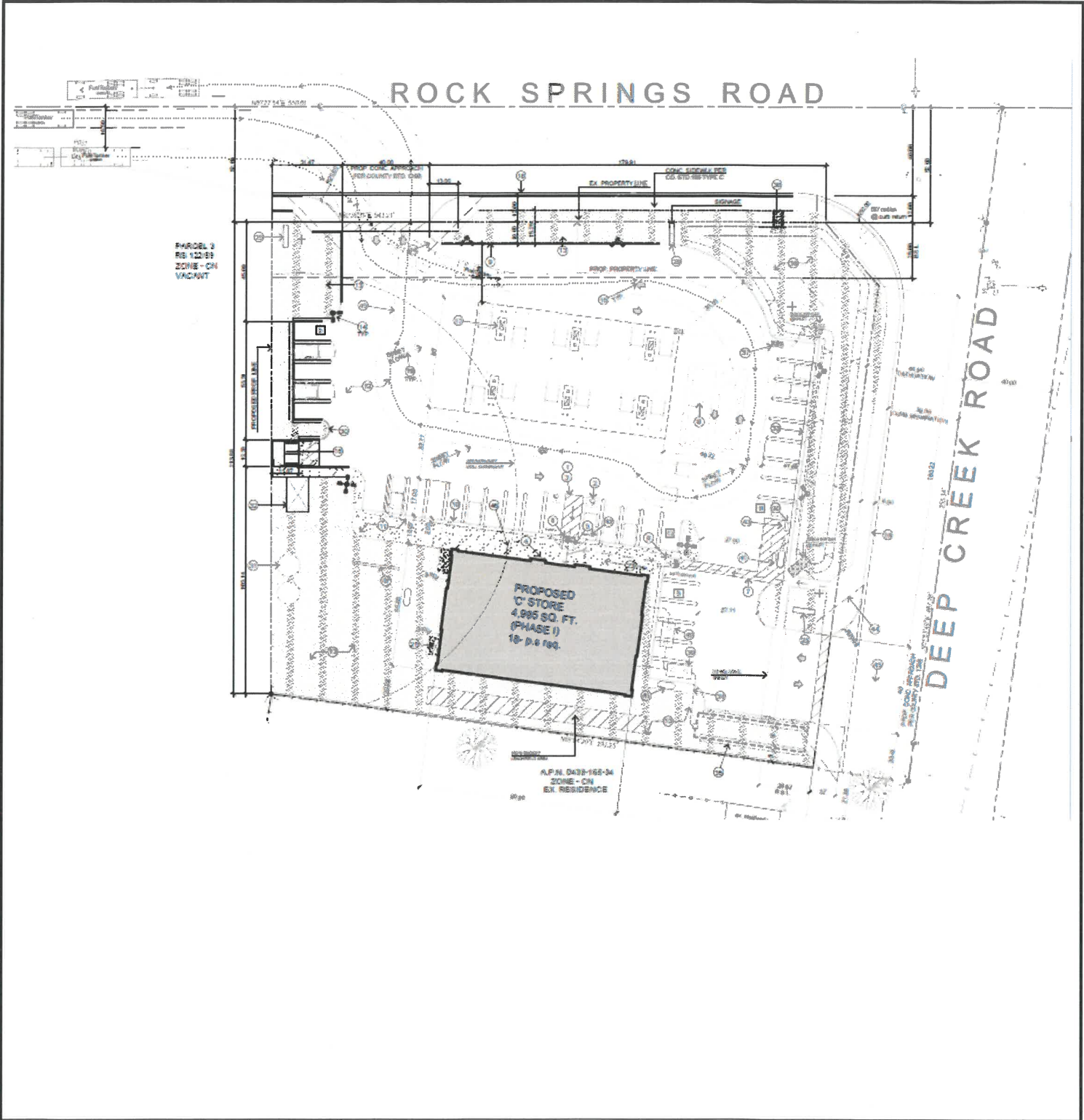
Local: Apple Valley Fire Protection District



Maida-Deep Creek Project

Location /Aerial Photo

Exhibit 1



Maida-Deep Creek Project

Site Plan

Exhibit 2

EVALUATION FORMAT

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

Potentially Significant Impact	Less than Significant Impact With Mitigation Incorporated	Less than Significant Impact	No Impact
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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. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|----------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <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 | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

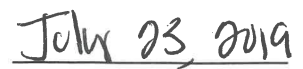
Because none of the environmental factors above are "checked", the Project does not require the preparation of an Environmental Impact Report.

DETERMINATION: (To be completed by the Lead Agency)

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

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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


Date

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
I. AESTHETICS - Except as provided in Public Resources Code Section 21099, would the project					
a)	Have a substantial adverse effect on a scenic vista?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<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):					

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

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

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

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

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

- lb) **No Impact.** According to the County of San Bernardino General Plan the Project site is not within a scenic route (Ref. General Plan Pg. IV-16). Therefore, no impact is anticipated
- lc) **Less than Significant impact.** According to the Census 2010 Urbanized Area Outline Maps, the project site is located in the Victorville-Hesperia-Apple Valley Urbanized Area. The Project is subject to mandatory Development Code requirements governing scenic quality that stipulate that new land uses and structures shall be designed, constructed, and established in compliance with the requirements in Development Code Tables 82-13A and B, 8-14A and B, 82-15A and B, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards) and Division 4 (Standards for Specific Land Uses and Activities). Compliance with these mandatory Development Code requirements will ensure that the Project will not degrade the existing visual character or quality of public views of the site and its surroundings.
- ld) **Less Than Significant Impact.** The Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07-Glare and Outdoor Lighting of the Development Code ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required, as a condition of Project approval, to ensure the standards are met.

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
II. AGRICULTURE and FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- IIa) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.
- IIb) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is zoned AV/CN (Apple Valley Neighborhood Commercial) which is intended for commercial development and not agricultural use. There are no agricultural uses on the Project site.

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

- IIc) **No Impact.** The Project site is zoned AV/CN (Apple Valley Neighborhood Commercial). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.
- IId) **No Impact.** The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.
- Ile) **No Impact.** The Project site is located in an area largely characterized by residential development and vacant land. The Project site is bounded to the north by Rock Springs Road and BNSF Railroad right-of-way further to the north, to the east by Deep Creek Road and undeveloped land, to the south by residential housing, and to the west by undeveloped land. The site is mostly cleared and supports a highly disturbed desert scrub community with a limited number of plant species on the site. The Project site is planned for commercial development by the County's General Plan and this type of development has been anticipated for the Project site.

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

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

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

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

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

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

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

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

IIIb) **Less than Significant Impact.**

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

Construction Emissions

Construction activities associated with the Project will result in emissions of CO, VOCs, NOX, SOX, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities:

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

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

Table 3. Construction Emissions (Pounds per Day)

Year	ROG (VOC)	NO_x	CO	PM₁₀	PM_{2.5}
2019	26.37	20.37	12.97	7.24	4.39
MDAQMD Threshold (lbs/day)	137	137	548	82	65
Significant	No	No	No	No	No
Source: <i>Air Quality Impact Analysis</i> , Appendix A.					

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

Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOC, NOX, CO, SOX, PM₁₀, and PM_{2.5}. Operational emissions would be expected from the following primary sources:

- Area Source Emissions (architectural coatings, consumer products, landscape maintenance equipment);
- Energy Source Emissions (combustion emissions associated with natural gas and electricity); and

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

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

Table 4. Operational Emissions (Pounds per Day)

Source	ROG (VOC)	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	0.28	5.00E-05	4.95E-03	0.00	2.00E-05	2.00E-05
Energy Source	6.30E-04	5.72E-03	4.81E-03	3.00E-05	4.30E-04	4.30E-04
Mobile Source	4.55	22.95	23.91	0.06	2.88	0.81
Total Peak (lbs/day)	4.83	22.96	23.91	0.06	2.88	0.81
MDAQMD Threshold (lbs/day)	137	137	548	137	82	82
Significant	No	No	No		No	No

Source: *Air Quality Impact Analysis*, Appendix A.

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

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

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

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

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

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

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

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

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<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 Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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):

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

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

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

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

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

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

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

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

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

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

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

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

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

- IVb) **No Impact.** There is no surface water on site or any riparian habitat or other sensitive natural community. As such, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- IVc) **No Impact.** No state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) exist on the site.
- IVd) **No Impact.** The Project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none exist on the site.
- IVe) **No Impact.** The County's Plant Protection and Management Ordinance requires a Tree & Plant Removal Permit for the removal of any Native Desert Plant listed in Chapter 88.01.060(c) of the Development Code or listed in Food and Agriculture Code Section 80001 et seq. None of the species listed in Chapter 88.01.060(c) or in Food and Agriculture Code Section 80001 et seq.) were identified on site.
- IVf) **No Impact.** The Project site is located within the planning area of the *West Mojave California Desert Conservation Area Plan* Amendment. The *West Mojave California Desert Conservation Area Plan* Amendment was adopted by the Bureau of Land Management in 2006. The Record-of-Decision applies only to 3.3 million acres of BLM-managed lands. To date no approvals have been issued for the Habitat Conservation Plan component by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. All land within the Project site is located on private property outside of the Bureau of Land Management; therefore the *West Mojave California Desert Conservation Area Plan* does not apply. Additionally, the Project site is located within the boundaries of the *Desert Renewable Energy Conservation Plan*. Phase I of the *Desert Renewable Energy Conservation Plan* was approved by the Bureau of Land Management on September 14, 2016 and applies to Bureau of Land Management land only. Phase II which would apply to non-federal land is an on-going process and no implementing agreements have been issued. All land within Project site is located on private property outside of the Bureau of Land Management land; therefore the *Desert Renewable Energy Conservation Plan* does not apply.

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES - Would the project				

- | | | | | |
|---------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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) 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 ☐ Resources overlays or cite results of cultural resource review):

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

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

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

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

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

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

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

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

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

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

Mitigation Measure CR-1: Inadvertent Discoveries

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

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

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

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

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

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

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

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

SUBSTANTIATION

Vla) Less Than Significant Impact.

Short-Term Construction Impacts

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

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

Table 4. Energy Consumption Estimate for Project Construction.

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

1: Calculation is based on an average construction energy cost of \$2.28 per month of energy use per 1,000 square feet of building space (15,220 s.f.) over the total duration of construction (8 months), at the rate of 8 cents per kilowatt hour (kWh).

2: Calculation is based on expected horsepower (HP) hours and an average factor of 1 gallon of fuel per 18.5 horsepower-hour.

3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 14.7 miles and based on the average fuel economy of a light duty automobile of 26.77 miles per gallon.

4: This calculation overstates the HP hours per construction phase because it does not apply a load factor.

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

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

Long-Term Operational Impacts

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

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

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

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

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

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

- VIa(ii) **Less Than Significant Impact.** The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code. The County's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the buildings during construction, which would ensure that all required California Building Code seismic safety measures are incorporated into the buildings. Compliance with the California Building Code as verified by the County's review process, would reduce impacts related to strong seismic ground shaking.
- VIIa(iii) **Less Than Significant Impact.** Based on ground water being at a depth of at least 64 feet in the area and that the soils have a very high infiltration rate, the site is not subject to liquefaction. However, detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low potential for liquefaction to a less than significant level.
- VIIa(iv) **No Impact.** The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.
- VIIb) **Less Than Significant Impact.** During construction, the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. A Construction General Permit would be obtained and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction. Potential impacts would be mitigated for through sediment, erosion, and non-storm water control methods identified in the SWPPP pursuant to the requirements of the NPDES General Construction Permit. Implementation of a SWPPP would ensure the project does not result in significant impacts to water quality due to construction-related activities.

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

- VIIc) **Less Than Significant Impact.**

Landslide

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

Lateral Spreading

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

Subsidence

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

Liquefaction

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

Collapse

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

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

- VIIe) **Less Than Significant Impact.** The Project will require an Environmental Health Services approved wastewater treatment device since no public sewer is available. The County's Environmental Health Services Department reviewed the Project and has approved the site for on-site wastewater treatment subject to an approved percolation report.
- VIIIf) **Less Than Significant Impact With Mitigation Incorporated.** Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

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

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

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.
2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.
3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.

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

Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<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

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

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

Section 5.6 of the GHG Plan identifies the procedures for reviewing development projects for consistency with the GHG Plan. The GHG Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the Plan pursuant to Section 15183.5 of the State CEQA Guidelines. The initial screening procedure is to determine if a project will emit 3,000 metric tons of carbon dioxide equivalent (MTCO₂E) per year or more. Projects that do not exceed this threshold require no further climate change analysis but are required to implement mandatory reducing measures in the project's conditions of approval.

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

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

Table 5. Project Greenhouse Gas (GHG) Emissions

Source	GHG Emissions MT/yr			
	CO2	CH4	N2O	Total CO2E
Annual construction related emissions amortized over 30 years	3.01	0.00	0.00	3.03
Area	8.60E-04	0.00	0.00	9.20E-04
Energy	43.44	1.77E-03	3.80E-04	43.59
Mobile Sources	1,022.41	0.11	0.00	1,025.25
Waste	0.00	0.00	0.00	0.00
Water Usage	0.83	4.12E-03	1.00E-04	0.97
TOTAL CO2E (All Sources)	1,072.84			
Screening Threshold	3,000			
Exceed Threshold?	NO			
Source: Greenhouse Gas Analysis, Urban Crossroads, October 3, 2018 (Appendix F).				

As shown on Table 5 above, the Project's GHG emissions are less than the initial screening threshold of 3,000 MTCO₂E per year. Projects that do not exceed this threshold require no further climate change analysis. However, Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project.

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

ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
IX.	HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a)	Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

IX a-b) Less Than Significant Impact.

Construction Activities

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

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

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

Operational Activities

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

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

- IXc) **No Impact.** The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. The nearest school is Carmel Elementary School located approximately 0.80 miles northwest of the Project site. In addition, as discussed in the responses to issues IXa-b above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials.
- IXd) **No impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.
- IXe) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Hesperia Airport located approximately 5 miles to the southwest of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses. No impact is anticipated.
- IXf) **No Impact.** Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.

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

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

SUBSTANTIATION

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

Xa) Less Than Significant Impact.

Construction Impacts

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

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

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

Operational Impacts

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

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

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

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

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

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

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

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

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

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

- Xci) **Less Than Significant Impact.** Development of the Project site will create impervious surfaces and increase the amount of surface runoff. Surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site which will manage erosion or siltation on- or offsite.
- Xcii) **Less Than Significant Impact.** The water quality retention basin is designed to mitigate 100% of storm water runoff from any rain fall event for the developed condition. The preliminary volume of required storm water retention is approximately 9,878 cf. The proposed water quality retention basin is designed to capture and infiltrate a minimum of 9,878 cf. As such, the Project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite..
- Xcii) **Less Than Significant Impact.** The site will be developed with structures and pavement and surface runoff will be directed via pipes, curbs, or concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site. The water quality retention basin is designed to mitigate 100% of storm water runoff from any rain fall event for the developed condition. The preliminary volume of required storm water retention is approximately 9,878 cf. The proposed water

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

- Xiv) **Less Than Significant Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C6515J) and is not subject to flooding from the Mojave River. The Project site is also not impacted by offsite storm water runoff. As such, the Project will not Impede or redirect flood flows
- Xd) **No Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C6515J) and is not subject to flooding from the Mojave River. According to the California Department of Conservation, California Official Tsunami Inundation Maps the site is not located within a tsunami inundation zone. The Project would not be at risk from seiche because Silverwood Lake, Lake Arrowhead, and Lake Gregory are all upstream and the Project site is protected by the Mojave River Forks Reservoir.
- Xe) **Less Than Significant Impact.** With construction of the water quality retention basin, the Project will not conflict with or obstruct implementation of the *Lahontan Basin Plan*.

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

SUBSTANTIATION

- XIa) **No Impact.** The Project site is located at the intersection of two roadways and is a logical and orderly extension of the planned land uses and development that are established within the surrounding area.
- XIb) **No Impact.** As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the Project would not conflict with any applicable policy document, including, without limitation, the *California Desert Conservation Area Plan*, the Mojave Desert Air Quality Management District's *Air Quality Management Plan*, and the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan*. The purpose of these plans is to avoid or mitigate an environmental effect.

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

ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XII.	MINERAL RESOURCES - Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
SUBSTANTIATION		(Check <input checked="" type="checkbox"/> if project is located within the Mineral Resource Zone Overlay):			

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

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

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XIII. NOISE - Would the project:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<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 ☐):
The following analysis is based in part on the *Noise Impact Analysis*, Urban Crossroads, October 22, 2018 (Appendix L).

XIIIa) Less Than Significant Impact With Mitigation Incorporated.

Construction Noise

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

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

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

Table 6. Typical Construction Equipment Noise Levels

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

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

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

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

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

Table 7 Unmitigated Construction Noise Level Compliance.

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

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

Notes:

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

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

Mitigation Measure NOI-1: Construction Noise.

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

- a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.
- b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday excluding holidays.
- d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
- e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

[Mitigation Measure XII-1] Prior to Grading Permit/Planning

Operational Noise (Stationary)

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

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

Table 8. Unmitigated Operational Noise Level Compliance

Receiver Location (1)	Unmitigated Noise Level at Receiver Locations						Threshold Exceeded?	
	Leq (E. Avg.)	L50 (30 mins)	L25 (15 mins)	L8 (5 mins)	L2 (1 mins)	Lmax (Anytime)	AM	PM
AM	55	55	60	65	70	75	AM	PM
PM	45	45	50	55	60	65		
R1	38.4	35.6	37.2	38.9	41.5	47.9	No	No
R2	30.5	27.7	29.3	30.9	32.7	38.1	No	No
R3	44.6	41.9	43.4	45.2	47.8	54.3	No	No
R4	31.7	28.9	30.5	32.1	33.9	39.3	No	No

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

Notes:

- Noise receiver locations are shown on Exhibit 4.

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

Traffic Noise

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

XIIIb) Less Than Significant Impact.

Construction Vibration

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

- **Heavy Construction Equipment:** Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage.
- **Trucks:** Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

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

Table 9. Unmitigated Construction Equipment Vibration Levels

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

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

Notes:

1. Noise receiver locations are shown on Exhibit 3.

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

Operational Vibration

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

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



Maida-Deep Creek Project

Construction Activity and Receptor Locations

Exhibit 3



LEGEND:

- Receiver Locations
- Gas Station Activity
- Roof-Top Air Conditioning Unit
- Distance from receiver to noise source (in feet)

Maida-Deep Creek Project

Operational Activity and Receptor Locations

Exhibit 4

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

SUBSTANTIATION

- XIVa) **Less Than Significant Impact.** The Project would not directly result in population growth because it does not propose any residential dwelling units. It is anticipated that new employees generated by the commercial facility would be within commuting distance and would not generate needs for any housing. As such, impacts are less than significant.
- XIVb) **No Impact.** The Project would not displace substantial numbers of existing people or existing housing units, or require the construction of replacement housing, as no housing units exist on the site.

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

XVa) **Less Than Significant Impact.**

Fire Protection

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

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

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

Police Protection

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

Schools

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

Parks

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

Other Public Facilities

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

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

- XVIa) **Less Than Significant Impact.** The Project would increase the use of park facilities or other recreational facilities in the region because it does not result in a direct increase in the population that would use parks.
- VIIb) **No Impact.** The Project is a small commercial facility and does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment.

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

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

XVIIa) **Less Than Significant Impact.**

Motor Vehicle Analysis

Significance Thresholds

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

Study Area Intersections

The following intersections were analyzed:

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

Study Scenarios

The following study scenarios were analyzed:

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

Existing Conditions

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

Background (Cumulative) Conditions

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

Project Conditions

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

Future Year 2040 Conditions

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

Future Year 2040 Plus Project Conditions

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

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

Transit Service Analysis

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

Bicycle & Pedestrian Facilities Analysis

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

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

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

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

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

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

SUBSTANTIATION

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

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

- 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.*
- 2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.*
- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBSTANTIATION

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

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

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

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

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

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

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

- XIXc) **No Impact.** A wastewater treatment provider does not serve the Project site. Wastewater is proposed to be treated by a septic system and leach lines.
- XIXd) **Less Than Significant Impact.** Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities.

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

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

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

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

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

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

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

SUBSTANTIATION

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

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

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

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

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

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

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

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

ISSUES	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

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

XVIII MITIGATION MEASURES. Include mitigation measures here.

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

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

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

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

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

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

Mitigation Measure CR-1: Inadvertent Discoveries

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

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

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

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

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

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

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

Mitigation Measure NOI-1: Construction Noise.

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

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

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

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

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

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

[Mitigation Measure XII-1] Prior to Grading Permit/Planning

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

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

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

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

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

GENERAL REFERENCES

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

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

Cal Recycle, Solid Waste Information System (SWIS), <https://www2.calrecycle.ca.gov/SWFacilities/Directory/>

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

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

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

Census 2000 Urbanized Area Maps. <https://www.census.gov/geo/maps-data/maps/ua2kmaps.html>.

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

County of San Bernardino. 2007. *County of San Bernardino 2007 General Plan*.
<http://cms.sbcounty.gov/lus/Planning/GeneralPlan.aspx>

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

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

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

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

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

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

Mojave Desert Air Quality Management District, 2004 Ozone Attainment Plan

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

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

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

PROJECT SPECIFIC REFERENCES

Appendices: (Under Separate Cover or on Compact Disk)

- A. Urban Crossroads *Air Quality Impact Analysis*, October 3, 2018.
- B. RCA Associates, *General Biological Resources Assessment*, March 13, 2018.
- C. RCA Associates, *Cultural Resources Assessment (Phase 1)*, April 20, 2018.
- D. RCA Associates, *Excavation of Test Pits*, November 9, 2018.
- E. ALR Engineering & Testing, *Preliminary Geotechnical Investigation*, Revised December 6, 2018.
- F. Urban Crossroads, *Greenhouse Gas Analysis*, October 3, 2018.
- G. ALR Engineering & Testing, *Preliminary Hydrology Study*, February 2, 2018.
- H. ALR Engineering & Testing, *Percolation Test Study*, March 25, 2018.
- I. ALR Engineering and Testing, *Water Quality Management Plan*, June 27, 2018.
- J. ALR Engineering and Testing *Storm Water Pollution Prevention Plan*, May 2, 2018.

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

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

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

EXHIBIT G

Comment Letters-Opposing

DEEP CREEK COUNTRY MARKET PROJECT # PR201800369

January 22, 2019

County of San Bernardino Planning Department: Magda Gonzalez, Project Planner

I initiated the original letter. I submitted the letters with the approval of all the people that signed it. I went door to door collecting signatures. This letter was not just from me but from all. At the Chevron Gas Station/Convenience Store located at the corner of Apple Valley Rd and Yucca Loma Rd I found a Petition lying on the counter and they were asking everyone that came up to the register to check out to sign it. I took a photograph of the Petition which was for the Deep Creek Project but refused to sign. I would bet most of the people signing the petition don't even know where Rock Springs Rd and Deep Creek Rd are located. They do not live anywhere close to the area.

1: In regards to the 300 foot radius surrounding this project. I understand this is a county rule. It doesn't mean the notification is adequate for 5 acre properties.

2: There are many other businesses that could be established on this corner that would be more beneficial to the area and people passing through such as a mail store which would decrease the number of mailboxes that are vandalized constantly a dry cleaners or even a car wash.

3: I wasn't addressing ABC violations of which I'm sure there have been many that you are unaware of. It is unavoidable! There was a shooting at the Shell gas station / convenience store located at Bear Valley & I Ave. This is the type of crimes I am referring to.

4: I have seen many homeless people hanging out at different convenience stores throughout the Hesperia and Apple Valley area. I have been approached and asked for money as I'm sure many others have. These sites attract the undesirable people.

In the past 12 years that we have lived on this property we have had people climb over the back fence along the railroad tracks and break the fence down causing us to replace a section of this fence to try and secure our property.

We also had a Polaris Ranger stolen from our property. Crime does happen in the area already. I'm saying the crime rate will rise.

5: The noise level has risen tremendously since Ranchero Road was opened. Traffic starts between 3:00 & 3:30 am. The thru traffic from 2:00 until 6:00 pm is horrendous. The 20ft dirty berm does not stop noise. There is a great need for an upgrade to the traffic signal going North and South bound on Deep Creek to include Left turn pockets and Green Arrows. There have been times I have been stopped at the signal going North bound on Deep Creek Rd. and have waited thru 3 light changes to continue North bound.

6: You can widen 3 of the 4 corners. My question is HOW ARE YOU GOING TO WIDEN SOUTH BOUND TRAFFIC UNDER THE RAILROAD TRACKS? YOUR NOT GOING TO! Steno Designs has already stated they are only responsible for curbs and gutters around their project corner. The last time I saw an actual Traffic Count conducted it was over a weekend not during the week when the traffic is much greater.

7: The 20ft berm you keep referring to only acts as a lift for the wind. When we have wind storms the trash sails over the berm and lands on our property and collects on the chain link fence on the North side of the property. We have to collect the trash and dispose of it.

8: My question is who is going to report all the illegal riders to the Sheriff's Department entering along the river? Yesterday I counted 8 pickup trucks towing side by sides assembling on your project site then heading down Deep Creek (South) going to the river. Go to the river now over a weekend it is over run with off roaders.

There is a school bus stop at this corner and has been for years. Grade school, Middle school and High school. These stops need to be addressed.

In conclusion the only thing I can say is whoever wrote the response to my letter does not live in the immediate area or they would know the issues far better.

Some property owners were satisfied with the proposed project only until they left the Community Meet and Greet.

Sincerely:


Judi Schmidt

760-885-5233

9048 Deep Creek Rd
Apple Valley, CA 92308

RockinChaos1@hotmail.com

September 04, 2018

San Bernardino County
Land Use Services
Planning Project Notice
15990 Smoke Tree Street
Hesperia, Ca 92345

Planner: Magda Gonzalez

Applicant: Munem Maida

Project Number P201800369CF

Assessor parcel Number: 0438-165-33

PROPERTY OWNERS OPPOSING PROJECT: P201800369/CF

In the enclosed packet you will find 54 letters with signatures opposing the above listed project. To my knowledge there were only four (4) properties that received the Project Notice through the mail. The project notice says the property to be divided into four (4) lots. That doesn't mean one (1) business but a possibility of four (4) business's. This is totally unacceptable! This is an Agricultural area and this project would totally impede upon our lifestyle. This is the last of the High Desert Green Belt Area. **We need to keep it this way.**

There was not sufficient time given by the county to reach many property owners. With the past weekend being a holiday many property owners were not at home.

While out canvassing the neighborhood I did not find one (1) person who was in favor of this project. I did find property owners with additional concerns that I had not listed.

Sincerely: Jeeli Schmitt, Date: 9/4/18

Planner, Magda Gonzalez

Applicant: Munem Maida

Project Number: P201800369CF

Assessor Parcel Number: 0438-165-33

PROPERTY OWNERS AGAINST PROJECT CONVENIENCE STORE

P201800369/CF

Giving property owners a Two (2) week notice of an up and coming project action is not enough time for property owners to seek legal advice.

Listed below are our concerns:

- 1: Were all property owners in the area notified of the pending action or only a few?
- 2: This is an Agricultural area. We live in this area because we have large parcels to accommodate livestock of various types: Horses, cattle, goats, donkeys, chickens and others. We like the rural life style not the city.
- 3: Due to the remoteness this will be a late night hangout for drug dealers and gang bangers. Also it will be a place for the homeless to come and panhandle as at any other mini mart.
- 4: This area has a low crime rate at this time. The crime rate will be increased dramatically due to drugs, assaults on persons and theft of various kinds occurring throughout the area.
- 5: The night light from a Convenience Store along with the noise level will be over whelming. Not to mention the additional three (3) businesses that could be built on this acreage.

6: Deep Creek Road and Rock Springs Road are two (2) way streets with one (1) lane in each direction. The residents have a hard enough time trying to gain access onto these streets now without the tremendous increase in traffic this mini mart will create.

7: Our properties will be filled with trash and other debris due to the direction the wind blows.

8: The river bed will see an increase in motorcycles, side by sides, quads and other vehicles. Which is illegal and the Sheriff's Department can't control at this time due to limited man power.

9: The Mojave River is not an unlimited supply of water. On our property alone the water table has dropped from a Winter level of thirty to thirty two feet (30-32) and a Summer level of forty feet (40) to eighty (80) feet as of 2017. This depth was confirmed during well repairs completed last year. This is due partially to the drought and two (2) wells installed Choicenna Ave on the Hesperia side of the river supplying water to other areas.

WHO KNOW WHERE THE WATER TABLE HAS DROPPED TO NOW!

CONCLUSION:

This project would be the first step in losing our Agricultural Zoning and eventually losing our lifestyle.

This project should never be considered until a full impact study is conducted and with the approval of all property owners living in the surrounding area. All the properties in a vast surrounding area are on wells. This means any Gasoline spills or Oil spills go straight down into our drinking water. The ground is the only thing that purifies our water.

The original homeowners moved out to the county covered area of the High Desert because of the agriculture freedom, much needed for the

quiet restitute the animals require. Whenever someone wants to commercialize the area, it directly affects the animals, and the wildlife, because of the noise factor that's embedded upon us. We absolutely do not want a "quick mart" in our natural habitat areas, which in the end only attracts people whom do not respect the land, the ranches and wildlife out here in the county.

It's already a huge problem with off roaders coming up from Rialto, San Bernardino, Riverside, and surrounding areas, illegally camping out and leaving all their trash, destroying the natural flow of our river when the water begins to flow again. Oil from their off road vehicles is soaking deep into the riverbed, delivering that to all the wells within the High Desert. These are serious problems from what we call "city folk" that have no regard for natural beauty and wildlife. A convenience store will inevitably attract only more of that, not to mention one more time, the homeless which will hang around the store for drinks, food, booze and panhandling.

We don't want that here. Every city is ruined by this vagrant behavior, and we don't want it to reach us out here in the County, EVER!

I/We the property owner(s) have read and agree with the content of the above statements.

Property owner's signature:

Print Name: Kerry Schmidt / Judi Schmidt

Sign Name:  Judi Schmidt

Address: 9048 Deep Creek Rd Apple Valley, 92308

Date Signed: 9/4/18

Planner, Magda Gonzalez

Applicant: Munem Maida

Project Number: P201800369CF

Assessor Parcel Number: 0438-165-33

PROPERTY OWNERS AGAINST PROJECT CONVENIENCE STORE

P201800369/CF

Giving property owners a Two (2) week notice of an up and coming project action is not enough time for property owners to seek legal advice.

Listed below are our concerns:

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- 2: This is an Agricultural area. We live in this area because we have large parcels to accommodate livestock of various types: Horses, cattle, goats, donkeys, chickens and others. We like the rural life style not the city.
- 3: Due to the remoteness this will be a late night hangout for drug dealers and gang bangers. Also it will be a place for the homeless to come and panhandle as at any other mini mart.
- 4: This area has a low crime rate at this time. The crime rate will be increased dramatically due to drugs, assaults on persons and theft of various kinds occurring throughout the area.
- 5: The noise level will be over whelming.

6: Deep Creek Road and Rock Springs Road are two (2) way streets with one (1) lane in each direction. The residents have a hard enough time trying to gain access onto these streets now without the tremendous increase in traffic this mini mart will create.

7: Our properties will be filled with trash and other debris due to the direction the wind blows.

8: The river bed will see an increase in motorcycles, side by sides, quads and other vehicles. Which is illegal and the Sheriff's Department can't control at this time due to limited man power.

9: The Mojave River is not an endless supply of water. The water table has dropped all along the river. This is due to the two (2) wells being installed on Choicenna Ave on the Hesperia side of the river supplying water to other areas. We have seen an increase on well repairs in the past Two (2) years.

CONCLUSION:

This project should never be considered until a full impact study is conducted and with the approval of all property owners living in the surrounding area.

The original homeowners moved out to the county covered area of the High Desert because of the agriculture freedom, much needed for the quiet retribute the animals require. Whenever someone wants to commercialize the area, it directly affects the animals, and the wildlife, because of the noise factor that's embedded upon us. We absolutely do not want a "quick mart" in our natural habitat areas, which in the end only attracts people whom do not respect the land, the ranches and wildlife out here in the county.

ENVIRONMENTAL CONCERNS:

Ground water Levels ARE shallow
AND there IS NO SEWER OR STORM
DRAINS IN the AREA, ANY fuel SPILLAGE
will DRAIN to the Mojave River
The main water source for the valley

TRAFFIC CONCERNS:

1. What ROAD improvements ARE
Proposed?

2. What ARE the TRUCK Routes?

3. HAS A TRAFFIC IMPACT Study BEEN
done?

Homeless INVASION:

There ARE multiple Homeless Living in
The Mojave River now AND this
inconvenience store would DRAW MORE
TO the AREA.

It's already a huge problem with off roaders coming up from Rialto, San Bernardino, Riverside, and surrounding areas, illegally camping out and leaving all their trash, destroying the natural flow of our river when the water begins to flow again. Oil from their off road vehicles is soaking deep into the riverbed, delivering that to all the wells within the High Desert. These are serious problems from what we call "city folk" that have no regard for natural beauty and wildlife. A convenience store will inevitably attract only more of that, not to mention one more time, the homeless which will hang around the store for drinks, food, booze and panhandling.

We don't want that here. Every city is ruined by this vagrant behavior, and we don't want it to reach us out here in the County, EVER!

I/We the property owner(s) have read and agree with the content of the above statements.

Property owner's signature:

Print Name: PAUL CORDIA

Sign Name: Paul Cordia

Address: 8960 Glendale Ave. Hesperia CA. 92345

Date Signed: 9-3-2018

John E. Douglass, CBN 93729
Attorney at Law
19951 Ocotillo Way
Apple Valley, CA 92308-8366
email: johndouglass@hotmail.com
Tel/cell: 760.240.5660
Fax: 928.572.7474

Date: 9/3/18

San Bernardino County
Land Use Services
Planning Project Notice
15900 Smoke Tree Street
Hesperia, CA 92345

Re: Applicant: Munem Maida
Assessor Parcel No.: 0438-165-33
Project No.: P201800369/CF

Dear Land Use Services:

Through a neighbor I have been made aware of the proposed project to build a 4,995 square foot convenience store six pump gas station and propane tank filling station on the corner of Deep Creek Road and Rock Springs Road.

Personally, I oppose such a project. I think it would damage the rural character of this neighborhood, it would bring increased risk to our underground water source, it would create more traffic issues at that corner and it would create just that much more unwanted light pollution in the night time.

Your consideration in this matter is most appreciated,

Thanks,

A handwritten signature in black ink, appearing to read 'John E. Douglass', with a stylized flourish at the end.

EXHIBIT H

Comment Letters and Petition-Supporting

From: napasn@aol.com
To: [Gonzalez, Magda](#)
Subject: Deep Creek Country Market
Date: Tuesday, October 02, 2018 10:18:06 AM

Magda,

I am in full support of the Deep Creek Country Market project at Rock Springs Rd. and Deep Creek Rd., I understand that is not in the incorporated Town of Apple Valley, however this project brings much need services to the south end of Apple Valley and East Hesperia. In addition to providing services to local residents, this project would provide a big economic boost to the County, Apple Valley and Hesperia. There are many recreational opportunities in the surrounding area and the Deep Creek Country Market development will help cultivate and expand those opportunities.

Thank You for your consideration,
Scott Nassif
Council Member
Town of Apple Valley

From: [Dennis Echols](#)
To: [Gonzalez, Magda](#)
Subject: Deep Creek Country Market
Date: Tuesday, December 04, 2018 7:09:28 AM

Good Morning Magda, My name is Dennis Echols and I live in the Mariana Estates on Joshua St off of Roundup Way. If the Deep Creek store is approved for construction my neighbors and I would greatly appreciate it. It would put the store less than 1/2 mile from the Marianas and make very access to it. Thank You. Dennis Echols

From: Wayne Hennessy
To: [Gonzalez, Magda](#)
Subject: Deep creek gas station
Date: Tuesday, October 02, 2018 5:20:04 PM

I am in favor of the proposed gas station mini mart on Deep Creek and Rock Springs road

Sent from my iPhone

From: sophie@steenodesign.com
To: [Gonzalez, Magda](#)
Cc: [tom@steenodesign.com](#); "meliëna"
Subject: FW: Proposed Gas Station Project at Deep Creek and Rock Springs Road
Date: Monday, October 01, 2018 3:54:37 PM

Hello Madga, Please see support email below from Michael Arias Jr. and Apple Valley Resident.

Thank you, Sophie Steeno

From: Michael Arias <mikeariasjr@gmail.com>
Sent: Monday, October 1, 2018 3:37 PM
To: sophie@steenodesign.com; PlannerMagda.Gonzalez@lus.sbcounty.gov
Subject: Re: Proposed Gas Station Project at Deep Creek and Rock Springs Road

Sophie,

I am in huge favor of this project located at the corner of Deep Creek Rd and Rock Springs. If there is anything else you need please let me know.

Mike Arias
20297 Gala Rd
Apple Valley, CA 92308

On Mon, Oct 1, 2018 at 2:27 PM <sophie@steenodesign.com> wrote:

Hello, attached please find information about a proposed neighborhood market with gas station project at the intersection of Deep Creek and Rock Springs Road. We are trying to generate support for this development and look forward to your support and comments. If in support, please email your support in an email to our County Project Planner Magda.Gonzalez@lus.sbcounty.gov

Please take time to review the attached letter, project site plan and artistic rendering. Call our office to discuss any comments and questions you may have.

Thank you,
Sophie Steeno, Office Manager
Steen Design Studio, Inc.
760.244.5001

--

To: Magda Gonzales

Re: Proposed Deep Creek Country Market Project

Location: Southwest Corner of Deep Creek Rd and Rock Springs Rd

This project is a great fit for this area. Most of the residence have to either drive into Apple Valley or Hesperia to get gas or grocery items. Having a local convenience store would be beneficial to those residence in that area.

With the addition to the Ranchero corridor access to the freeway there are more residence that travel through that area into Hesperia and access the freeway via Ranchero rd. So being able to gas up locally that would speed up there commute.

The owners of this project have location like this in Apple Valley and are very aware of the community needs. There stores are very well maintained and add that extra convenience the residence need in Apple Valley.

After looking at the style of the project I believe it will be a nice addition to the area for the residence.

Please feel free to contact me anytime if you need any further comments or support of this project.

Larry Cusack

760-559-1204

Business Owner Apple Valley Communications

Mayor Pro Tem for the Town of apple Valley.

From: Bill Bromley
To: [Gonzalez, Magda](#)
Subject: Proposed Gas Station Project at Deep Creek and Rock Springs Road
Date: Wednesday, September 19, 2018 12:50:13 PM

To whom it may concern;

I would like to express my support for the proposed Gas Station and Convenience Store project on Deep Creek and Rock Springs Road in Apple Valley. I am resident of Apple Valley and feel this project would be a nice upgrade to our community. Please contact if you have any questions.

Bill Bromley
(951) 377-3869
bill@brombiz.com

ATTENDANCE

SIGN IN SHEET

OCTOBER 2, 2018

DEEP CREEK COUNTRY MARKET

ATTENDANCE

Please print name and email address

NAME	EMAIL ADDRESS
• Gayle Flinchum	applemicky@charter.net
• Sherry Regner (host)	j2sregner@gmail.com
• Julie McClaine	jghmcclaine@yahoo.com
• BAYER, SEAN	DRAWNBAYER@GMAIL.COM
• BAYER, GEORGE	GREGG BAYER@PEKAW.COM
• Tom Murphy	TomMurphyConstruction.NET
• ZERRY DODDY	ZERRYDODDY@GMAIL.COM
* • GREG/SEAN BAYER	19955 DAWAY, AV.
• Jan Juan Vasquez	jan1959@mac.com
• Lori Hitt	lorihitt@gmail.com
• Chris Hitt	ChrisHittPlumbing.com
• JEROME PERRY	PERRY JEROME 5@GMAIL.COM
• David Tarango	dave.tarango@gmail.com
• SEAN VAN DYKE	SEAN@VANDYKEENTERPRISES.ORG
• Chris Van Dyke	chris@cudeinc.com
• Bernadette Van Dyke	bern@cudeinc.com
• John Dede Regner	John-Dede@yahoo.com
• Bill Bromley	biznissbill@msn.com
• Donna A Bromley	bromisdonna@msn.com
• JAY MCNAB	Jaymenab007@gmail.com
• Nena Doddy	Nena Doddy@gmail.com
• SHARON EDSTROM	edstrompancho@aol.com
• David Brachs	Davidbrachs28@yahoo.com
•	
•	
•	

PETITION

OCTOBER 2, 2018

DEEP CREEK COUNTRY MARKET

PETITION
IN SUPPORT

Please print name and email address IF YOU ARE IN SUPPORT OF (DO NOT OPPOSE) THE DEEP CREEK COUNTRY MARKET

NAME	EMAIL ADDRESS
Jay McNAB	jaymcnab007@gmail.com
CHRIS HITT	chris@hittplumbing.com
Jori Hitt	jorihitt@gmail.com
David Tarango	dave.tarango@gmail.com
Bill Bramley	biznisbill@msn.com
FERRY DADDY	FERRYDADDY@GMAIL.COM
Justice daddy	Justice daddy@icloud.com
Nena DODDY	NenaDODDY@gmail.com
Bernadette Van Dyke	berne@cudeinc.com
CHRIS VAN DYKE	chris@cudeinc.com
SEAN VAN DYKE	sean@vanddykeenterprises.org
JEROME PERRY	PERRYJEROME5@gmail.com
Jolie McClaine	jgbmccaine@yahoo.com
Tom Murphy	Tom@murphyconstruction.net
SHARON Edstrom	edstromranch@aol.com
Janice Vasquez	Jan1959@me.com
Juan Vasquez	skylinerranchhomes@me.com
David Brooks	Desertdaniel78@yahoo.com
Katherine Regner	John-Dede@yahoo.com
Gayle Flinchum	applenicky@charter.net
JOHN J. REGNER	John-Dede@yahoo.com
Sherry Regner	j2sregner@gmail.com
Suzette Kallen	Tempil234@gmail.com

From: sophie@steenodesign.com
To: [Gonzalez, Magda](#)
Cc: ["meliena"](#); tom@steenodesign.com; maida5150@gmail.com; ["Mike Maida"](#); ["bdkallen"](#); murfcon@aol.com; competrol@aol.com
Subject: Oct 2 2018 Public Outreach for Proposed Gas Station Project at Deep Creek and Rock Springs Road
Date: Wednesday, October 03, 2018 12:07:19 PM
Attachments: [List of Supporters Petition Deep Creek.pdf](#)
[List of Attendees Deep Creek.pdf](#)

Hello Magda, our public outreach meeting last night, October 2, 2018 as detailed below was well attended and our team answered many questions and reviewed the project with the attendees: (Sherry Regner was the local neighbor and hostess for the meeting)

Attached please find:

1. List of Meeting Attendees
2. Petition List of Attendees IN SUPPORT of the project who attended the meeting

We were able to dispel many misconceptions. Both the current property owner, and new property owner assured the attendees they are both long term locals (30+ years) interested in making this project first class for the neighbors.

The attendees were in agreement that the:

- Fueling is state of the art and their water wells will not be compromised.
- Lighting will be to county standards to minimize glare and light brightness.
- Traffic will slow down at the intersection due to better lighting and widening of both Rock Springs and Deep Creek Roads as required by County Traffic.
- The grocery items available are the same items as in a grocery store minus fresh meats and limited fresh produce items.

Overall, it was a very successful meeting with 22 attendees plus our team members as follows:

1. Sherry Regner, meeting hostess
2. Mark Maida, new owner
2. Mike Maida, new owner
3. Bruce Kallen, current owner
4. Tom Steeno, architect
5. Tom Murphy, general contractor
6. Rob Orio, Fuel Equipment Contract
7. Sophie Steeno, Administrator

Please confirm receipt, and please make this email and attachments part of the Public Record for the project.

Thank you, Sophie Steeno

P.S. The original email invite for meeting is below:

-----Original Message-----

From: meliena@steenodesign.com <meliena@steenodesign.com>

Hello, attached please find information about a proposed neighborhood market with gas station project at the intersection of Deep Creek and Rock Springs Road. We are trying to generate support for this development and look forward to your support and comments. If in support, please email your support in an email to our County Project Planner
Magda.Gonzalez@lus.sbcounty.gov

Please take time to review the attached letter, project site plan and artistic rendering. Call our office to discuss any comments and questions you may have.

Also, there will be a Community Meet and Greet meeting tonight Tuesday October 2, 2018 at 6:00pm to discuss the proposed gas station project located at Deep Creek and Rock Springs Road. The meeting will be held at the following address below. Please RSVP if you will be able to attend.

9714 Zepher Court
Apple Valley, CA 92308

If you have any questions or comments, please don't hesitate to email or give us a call at the office.

Thank you,
Meliena Price
Steen Design Studio Inc.
11774 Hesperia Road, Suite B1
Hesperia, CA 92345
PH: 760.244.5001
Fax: 760-244-1948
Email: meliena@steenodesign.com