



# Interoffice Memo

**DATE:** September 8, 2016

**PHONE:** 760-995-8140

**FROM:** **MAGDA GONZALEZ, Planner**  
Land Use Services Department

**TO:** **HONORABLE PLANNING COMMISSION**

---

<b>SUBJECT</b>	<b>AGENDA ITEM #2 – SIMONCRE (DOLLAR GENERAL) CUP APN: 3066-121-51, PROJECT NO. P201600051</b>
----------------	--

Due to the Blue Cut Fire which affected the Phelan Community, this item was continued from the August 18, 2016 meeting. There have been no changes since the distribution of the staff report.



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** August 18, 2016

**AGENDA ITEM # 2**

**Project Description**

**Vicinity Map -**

**APN:** 3066-121-51  
**Applicant:** Simon CRE Alpha V, LLC/  
 Simon CRE  
**Community:** Phelan/ 1<sup>ST</sup> Supervisorial District  
**Location:** 4382 Phelan Rd., Phelan, CA 92371  
**Project No:** P201600051/CUP  
**Staff:** Magda Gonzalez  
**Rep:** Janice De Young/MPA Architects  
**Proposal:** Conditional Use Permit to construct and operate a 9,100 square foot general retail use (Dollar General) on 1.87 acres.



13 Hearing Notices Sent On: August 8, 2016

Report Prepared By: Magda Gonzalez

**SITE INFORMATION**

**Parcel Size:** 1.87 Acres  
**Terrain:** Vacant lot of relatively flat desert terrain.  
**Vegetation:** Mixed desert shrub.

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant Land	PH/CG, General Commercial
North	Vacant Land	PH/CG, General Commercial
South	Retail; Vacant Land	PH/CG, General Commercial
East	Medical Office	PH/CG, General Commercial
West	Vacant Land	PH/CG, General Commercial

	<b><u>AGENCY</u></b>	<b><u>COMMENT</u></b>
City Sphere of Influence:	None	N/A
Water Service:	Sheep Creek Water Co.	Will Serve
Sewer Service:	EHS to approve	On-site Septic

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

**THIS PAGE INTENTIONALLY LEFT BLANK**





## OFFICIAL LAND USE DISTRICT MAP





## SITE PHOTOS



Looking at the project site, generally from a southwesterly direction from Phelan Road.



Looking east along Sierra Vista Road from the middle of the project site.



Looking west from the subject property.



Looking north from Phelan Road onto Sierra Vista Road.



## SITE PHOTOS



Looking north from Phelan Road onto the property west of the Project site.



Looking south along Phelan Road.

## **PROJECT DESCRIPTION AND BACKGROUND:**

Project: The proposed Conditional Use Permit (CUP) is to construct and operate a 9,100 square-foot Dollar General store on a portion of 1.87 acres in the community of Phelan (Project). The Project will also include a paved parking lot with 36 spaces, landscaping and signage, as well as construction of a storm water detention basin and off-site improvements. The Project will involve minor grading, the construction of a retail store, and installation of a septic system. Off-site improvements will consist of street improvements, including curb, gutter and sidewalk along the property frontages of Phelan Road and Sierra Vista Road.

Location and Access: The Project site is a vacant lot located on the northwest corner of Phelan Road and Sierra Vista Road. Phelan Road runs east and west, and Sierra Vista Road runs north and south. Access to the site will be provided from both Phelan Road and Sierra Vista Road.

Environmental Setting: The topography of the Project site is relatively flat and ranges in elevation from approximately 4,090 to 4,100 feet above mean sea level with a slight slope to the northeast. Soils consist of sandy loam with small rocks present. The property is bordered on the north and west by residential properties, and on the east by Sierra Vista Road, beyond which is commercial development. Phelan Road borders the site along its southern boundary, beyond which is a commercial development. The site is subject to the Biological Resources (BR) Overlay, Fire Safety 2 (FS2) and Floodplain 1 (FP1) Overlays.

## **PUBLIC COMMENTS**

The Planning Division mailed notices to owners of surrounding properties within a 300-foot radius of the site, in compliance with standard noticing requirements. Notices were mailed upon acceptance of the complete Project application, upon release of the Project Initial Study for public comments, and 10 days prior to the public hearing date. Additionally, legal advertisements were published in the Daily Press and Mountain Progress, both newspapers of general circulation. During the project review, public comments and concerns expressed through social media were brought to staff's attention. These comments included concerns about impacts on property values, other economic impacts to the Phelan Community, proximity of the Project to another Dollar General store in Pinon Hills, and aesthetic impacts. This feedback led staff to refer the Project to the Planning Commission for review, pursuant to section 85.06.040 (b) (3) of the Development Code.

## **ANALYSIS:**

Consistency with Planning and Zoning Regulations: The proposed Project is consistent with the County General Plan, Phelan/Pinon Hills Community Plan, and Development Code, as discussed in the Findings proposed for the Project (Exhibit A). The subject property is located in the PH/CG, Phelan/General Commercial Land Use Zoning District. The CG (General Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, and other commercial land uses, pursuant to Chapter 82.05 (Commercial Land Use Zoning Districts) of the

---

---

Development Code. The proposed retail store is permitted in the CG zone subject to a Minor Use Permit (which may be elevated to a Conditional Use Permit if deemed controversial).

General Plan Policies: The County General Plan establishes goals for commercial development within unincorporated communities. Land Use Goal LU 3 states that unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities. Policies under the Goal include Policy LU 3.1, directs that areas suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure should be developed with commercial uses. The proposed Project would support Goal LU 3 and implement Policy LU 3.1.

Phelan/Pinon Hills Community Plan: The Project is located within the Phelan/Pinon Hills Community Plan. The following Goals and Policies from the Phelan/Pinon Hills Community Plan support approval of the Project:

- Ensure that commercial and industrial development within the plan area is compatible with the rural desert character and meets the needs of local residents. (Goal PH/LU 2).
- The core commercial areas located in the Phelan and Pinon Hills areas should be enhanced to promote more local job opportunities. (Policy PH/LU 2.3).
- Promote economic development that is compatible with the rural desert character of the Phelan/Pinon Hills Community. (Goal PH/ED 1).
- Support commercial and light industrial developments that are of a size and scale that complement the natural setting, are compatible with surrounding development and enhances the rural character. (Policy PH/ED 1.1).

Aesthetics: As described in the Aesthetics section of the Initial Study/Mitigated Negative Declaration (IS/MND) (Exhibit C), the current visual character of the site and surrounding vicinity consists largely of rural residential development, vacant land and a commercial corridor along Phelan Road. Surrounding properties are largely vacant, with scattered single-family residences in the vicinity, a medical office to the east and a shopping center to the south. The Project site itself does not provide a vista of undisturbed natural areas. There are no unique or unusual natural features on the site.

The proposed Project would alter the existing view of the Project site from adjacent properties and roadways with the construction of the building. However, the distant view of mountains viewed from the surrounding properties and roadways will not be affected because of the low profile of the proposed building. The proposed Project will not substantially degrade the existing visual character or quality of the site and its surroundings because the design of the Project is consistent with similar structures and commercial uses in the area. The siting of the building and on-site improvements will conform to Development Code requirements, ensuring consistency with the planned visual character of the area. The Project design will incorporate native landscaping, and the applicant is

required as a condition of approval to submit final architectural elevations for approval prior to the issuance of building permits.

Habitat: Based on a search of the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) data bases, and a search of the California Natural Diversity Database (CBDDDB), it was determined that there are five (5) sensitive wildlife species and two sensitive plant species that have been documented in the surrounding region within approximately five (5) miles of the site. The species include desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), burrowing owl (*Athene cucularia*), coast horned lizard (*Phrynosoma blainvilli*), and Le Conte's thrasher (*Toxostoma lecontei*). Sensitive plant species include white pygmy-poppy (*Canbya candida*), and short-joint beavertail (*Opuntia basilaris* var. *brachyclada*).

General biological surveys were performed on the site on December 18, 2015 by Randall C. Arnold Jr. with RCA Associates, LLC. The Project site and surrounding area were evaluated for the presence of native habitats, which could potentially support populations of sensitive species. No special status plant or animal species were observed on site during the survey. The site supports a disturbed mixed desert shrub community and is not expected to support any special status plant or animal species, given the small size of the site, the level of disturbance, and the fact that the site is surrounded by existing development. Pre-disturbance surveys have been required in the conditions of approval to mitigate/avoid potential impacts to birds and other sensitive species.

Traffic: A Traffic Impact Analysis was conducted for the proposed Project, considering the number and distribution of trips anticipated for the proposed use. The study was reviewed and approved by the County Traffic Engineer, and traffic impact mitigation measures have been identified, agreed to by the applicant, and included as conditions of approval.

Cultural Resources: A Phase I cultural resources analysis dated January 22, 2016 was completed by the consultant Dudek. The Project site is not located on or near any known historical resource, as defined in the California Environmental Quality Act (CEQA) Regulations. No significant impacts to cultural resources are anticipated to occur as a result of development of the Project. The San Manuel Band of Mission Indians, Morongo Band of Mission Indians and Colorado River Indian Tribes have indicated that they are traditionally and culturally affiliated with the geographic area of the proposed Project and have requested notification for potential consultation on projects proposed in the area. A Project notice was sent on February 22, 2016 via certified mail to all Tribes requesting notification. The San Manuel Band of Mission Indians responded to the Project notice. Daniel McCarthy, Director of the Tribe's Cultural Resources Management Department, indicated that the Tribe had no concerns with the Project after reviewing the Phase I Report prepared by Dudek.

**SUMMARY:**

Planning staff and related agencies reviewed the completed application materials upon acceptance of the application. The Project as proposed satisfies the applicable requirements of the General Plan Development Code. The proposed site plan complies with standards defined for parking, setbacks, and landscaping. Potential environmental impacts have been analyzed, and impacts are less than significant with the mitigation measures incorporated in the conditions of approval. Therefore, Staff recommends adoption of the MND and approval of the Project.

**RECOMENDATION:**

That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration.
- 2) **ADOPT** the proposed Findings for approval of the Conditional Use Permit per Development Code Section 85.06.040.
- 3) **APPROVE** a Conditional Use Permit to construct and operate a 9,100 square foot retail store on 1.87 acres, subject to the recommended Conditions of Approval.
- 4) **FILE** a Notice of Determination.

**ATTACHMENTS:**

- Exhibit A: Findings  
Exhibit B: Conditions of Approval  
Exhibit C: Initial Study/Mitigated Negative Declaration



# EXHIBIT A

## Findings

**CONDITIONAL USE PERMIT FINDINGS:**

Per the San Bernardino County Development Code Section 85.06.040, the following are the required findings that the reviewing authority must adopt before approving a Conditional Use Permit. The following are the required findings and supporting facts for the proposed 9,100 square foot Dollar General (hereafter referred to as "Project") on approximately 1.87 acres of land in unincorporated San Bernardino County (P201600051/CUP, APN: 3066-121-51)

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 9,100 square foot retail store meets all development code requirements for the (PH/CG) Phelan/General Commercial zone.
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 Phelan Road and Sierra Vista Road. The Project is conditioned to install a traffic signal and other off-site roadway improvements.
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. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. A Draft 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 traffic, vibration and noise. 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.

Construction traffic was also analyzed in the IS/MND and was determined to have a less than significant impact after mitigation. As detailed in the IS/MND, the Project will not generate excessive noise, traffic, vibration or other disturbances to any abutting properties.

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. The proposed use would not otherwise result in any substantial adverse effects on abutting 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).

The Project is located within the boundary of the Phelan/Pinon Hills Community Plan. Additionally, the Goals and Policies of the Phelan/Pinon Hills Community Plan support approval of the Project.

- Ensure that commercial and industrial development within the plan area is compatible with the rural desert character and meets the needs of local residents. (Goal PH/LU 2).
- The core commercial areas located in the Phelan and Pinon Hills areas should be enhanced to promote more local job opportunities. (Policy PH/LU 2.3).
- Promote economic development that is compatible with the rural desert character of the Phelan/Pinon Hills Community. (Goal PH/ED 1).
- Support commercial and light industrial developments that are of a size and scale that complement the natural setting, are compatible with surrounding development and enhances the rural character. (Policy PH/ED 1.1).

The Project proposes no changes to zoning within Phelan/Pinon Hills Community Plan, nor does it propose 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 583 vehicle trips that would be accommodated by existing local roadways and mitigation will ensure the effects of temporary construction traffic. 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 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.
8. An IS has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project. The IS/MND concludes on the entire record that no substantial evidence has been submitted that the Project will have a significant adverse impact on the environment with implementation of the recommended mitigation measures, all of which have been incorporated into the Conditions of Approval.

# **EXHIBIT B**

## **Conditions of Approval**



## **CONDITIONS OF APPROVAL**

Simon CRE P201600051  
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 construct and operate a 9,100 square foot general retail use on 1.87 acres in Phelan, 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 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: 3066-121-51 Project No. P201600051.

2. Project Location. The Project site is located on 4382 Phelan Rd, Phelan, CA 92371.
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. Continuous Effect/Revocation. All Conditions of Approval applied to this Project shall be effective continuously throughout the operative life of the Project for the approved use. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
5. 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.

6. 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.
7. 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.
8. 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)
9. Project Account. The Job Costing System (JCS) account number is P201600051. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
10. 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:

*Mitigation Measures are italicized*

- 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.
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. 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: N/A;
  - b. STATE: Lahontan RWQCB, Mojave AQMD, California Department of Fish and Wildlife, Caltrans
  - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor/Solid Waste Management Division, and
  - d. LOCAL: Sheep Creek Water
14. 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.

*Mitigation Measures are italicized*

- 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.
15. 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.
16. 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.
17. 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.
18. Grading and Excavation. 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.
19. 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.
20. 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.
21. 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.

**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) 387-8178**

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. Continuous BMP Maintenance. The property owner/“developer” is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
28. BMP Enforcement. In the event the property owner/“developer” (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or “developer”, including administrative costs, attorney’s fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

29. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that 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.



30. 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.
31. Noise. 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

### **COUNTY FIRE DEPARTMENT—Community Safety Division (760)995-8190**

32. Constriction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
33. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

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

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 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 Trash Service. This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
37. Mandatory Organics Recycling. As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics 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 *Mitigation Measures are italicized*

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 though 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.

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

38. **Record of Survey.** The proposed project site has not been surveyed. A Record of Survey will be required per Section 8762 of the Business & Professions Code.
39. **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 a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

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

The Following Shall Be Completed

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

40. **Burrowing Owl Mitigation – Pre-Construction Survey.** *Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:*

- *If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).*
- *If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.*
- *Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.*

*[Mitigation Measure IV a-1]*

*Mitigation Measures are italicized*

41. Burrowing Owl Mitigation – Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure IV a-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.
- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project.  
[Mitigation Measure IV a-2]

42. Nesting Bird Mitigation – Pre-Construction Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

[Mitigation Measure IV a-3]

Mitigation Measures are italicized

43. 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 the 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.
39. 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 [PM<sub>10</sub> and PM<sub>2.5</sub> (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<sub>x</sub> and PM<sub>10</sub> 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:

*Mitigation Measures are italicized*

- (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.

40. 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.

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

41. 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.
42. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
43. 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](http://www.swrcb.ca.gov)
44. Regional Board Permit Letter. CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8178**

45. Drainage Improvements. A Registered Civil Engineer 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 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.
46. FEMA Flood Zone. The project is located within Flood Zone AO according to FEMA Panel Number 6450H dated 08/28/2008 and will require will require the first floor to be elevated a minimum 1 foot above the known shallow flooding depth of 1' in compliance with FEMA/SBC regulations. The requirements may change based on the most current Flood Map prior to issuance of grading permit. An Elevation Certificate will be required.
47. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
48. Grading Plans. Grading plans shall be submitted to the Land Development Division for review and approval. All drainage and water quality improvements shall be shown on the grading plans along with the supporting *Mitigation Measures are italicized*

hydrology, hydraulics and water quality calculations. An \$806 deposit for grading plan 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.

49. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
50. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

51. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code.
52. FS-2. The County General Plan designates this property as being within the Fire Safety Review Area 2 (two) and all future construction shall adhere to all applicable standards and requirements of this overlay district.
53. Fire Safety Area. All construction shall adhere to the applicable standards and requirements of this Fire Safety Review Area (One, Two or Three) [FS-1/FS-2/FS-3] overlay district, as adopted in the San Bernardino County Development Code. In Fire Hazard Areas, the applicant shall contact the San Bernardino County Building and Safety Department for a variances concerning modified one-hour fire resistive construction for the exterior wall(s).
54. Fire Fee. The required fire fees are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices.

### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

55. 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.
56. 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.
57. 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.

*Mitigation Measures are italicized*

58. **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.

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

59. **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.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8178**

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

##### **Phelan Road (Major Arterial – 120')**

- **Street Improvements.** Design curb and gutter with match up paving at 52 feet from centerline.
- **Sidewalks.** Design sidewalks per County Standard 109 Type "C".
- **Curb Returns and Sidewalk Ramps.** Curb returns and sidewalk ramps shall be designed per County Standard 110 at the intersection of Phelan Road and Sierra Vista 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.

##### **Sierra Vista Road (Local Street- 60')**

- **Street Improvements.** Design curb and gutter with match up paving at 18 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.

*Mitigation Measures are italicized*

- CMRS Exclusion. Road improvements required for Sierra Vista Rd. shall not be entered into the County Maintained Road System (CMRS).
61. 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.
  62. 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 poles which would affect construction, and any such utility shall be relocated as necessary without cost to the County. The street improvement plans shall delineate existing right of way on Phelan Road and Sierra Vista Road.
  63. 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.
  64. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment 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.
  65. 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
  66. 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.
  67. 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.

### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

68. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
69. Fire Flow. The application did not include a flow test report to establish whether the public water supply is capable of meeting project fire flow demand. A current flow test report from the water purveyor demonstrating that the fire flow demand is satisfied is required, or an approved fire sprinkler system shall be installed. This requirement shall be completed prior to combination inspection by Building and Safety.
70. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced

*Mitigation Measures are italicized*



no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure.

71. Access. The development shall have a minimum 1 point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1 Single Story Road Access Width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. Multi-Story Road Access Width: Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
72. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
73. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1

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

74. 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 or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at [www.sbcounty.gov/dpw/solidwaste](http://www.sbcounty.gov/dpw/solidwaste). An approved CDWMP Part 1 is required before a demolition permit can be issued.

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

75. Street Improvement Plan Design Mitigation. *Design the street improvement plans to include a no-parking zone on the north side of Phelan Road from 85 feet west of the project driveway to 120 feet east of the project driveway.*  
[Mitigation Measure XVIII d-1]
76. Fair Share Mitigation. *A fair share contribution toward improvements at the intersection of Valley Vista Road and Phelan Road is required for this project, as detailed in the traffic report dated March 14, 2016 from Kunzman Associates, Inc. The total fair share contribution will be based on the fair share percentages listed in the report and the estimated construction costs at the time of application for a building permit, and shall be paid to the Department of Public Works – Traffic Division. At the present time, the estimated total fair share contribution is \$23,853. This amount will be adjusted to reflect actual construction costs, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.*  
[Mitigation Measure XVIII a-1]

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

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

*Mitigation Measures are italicized*

78. Water agency. 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 Assessor's Parcel Number. 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.
79. Sewage disposal. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
80. Wastewater treatment System. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require and alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
81. Existing Septic system. The existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
82. Noise. 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.
83. Food establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

### **PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

84. 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 P201600051.
85. 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).
86. 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.
87. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
88. 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

*Mitigation Measures are italicized*

verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

89. Installation of Improvements. All required on-site improvements shall be installed per approved plans.

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

90. Local Area Transportation Fee Plan. This project falls within the High Desert Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect of the date that the building plans are submitted and prior to the building occupancy/use is issue or granted. The Plan Fee is subject to change periodically. Based on the Traffic Study dated March 14, 2016, the project will generate 583 daily trips. Based on the number of daily trips at \$193.55 per trip and an induced trip percentage of 20% ( $583 \times .2 \times \$193.55 = \$22,567.93$ ), the total amount for the High Desert Local Area Transportation Fee is \$22,567.93. The current Local Area Transportation Fee schedule can be found at the following website:

[Http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx](http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx)

91. 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 – Building and Safety (909) 387-8311**

92. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8178**

93. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer 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.

94. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

95. Elevation Certificate. An Elevation Certificate of the structure(s) shall be completed, approved, and on file with County Building and Safety.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8178**

96. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

97. Phelan Road Improvements. All required on-site and off-site improvements shall be completed by the applicant. Phelan Road improvements shall be inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.

98. Sierra Vista Road Improvements. All required on-site and off-site improvements shall be completed by the applicant. Construction of Sierra Vista Road and related drainage improvements shall be inspected and certified

*Mitigation Measures are italicized*

by a private engineer. The certification shall be submitted to Land Development by the engineer, with all supporting engineering criteria.

99. 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.
100. Structural Section Testing. A thorough evaluation of the structural road section for Phelan Road, including parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works. Structural sections for the improvements to Sierra Vista Road shall be submitted to Land Development.
101. Landscape Maintenance. Any trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and the Planning Division, and shall be maintained by the adjacent property owner or other County-approved entity.

### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

102. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4
103. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4
104. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3
105. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4
106. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
107. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".

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

108. 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

*Mitigation Measures are italicized*

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 50% of total weight or volume of all construction waste. .

END OF CONDITIONS

# **EXHIBIT C**

## **Initial Study/Mitigated Negative Declaration**

# INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

## SAN BERNARDINO COUNTY

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

### PROJECT LABEL:

<b>APN:</b>	3066-121-51	<b>USGS Quad:</b>	PHELAN
<b>Applicant:</b>	Simoncre Alpha V, LLC/SimonCre	<b>T, R, Section:</b>	T4N            R7W            Sec. 13
<b>Community:</b>	Phelan	<b>Planning Area:</b>	Phelan
<b>Project No:</b>	P201600051/MUP	<b>LUZD:</b>	Phelan/General Commerical (PH/CG)
<b>Staff:</b>	TYLER MANN		
<b>Rep:</b>	Same as applicant		
<b>Proposal:</b>	MINOR USE PERMIT TO CONSTRUCT AND OPERATE A 9,100 SQUARE-FOOT DOLLAR GENERAL ON A 1.87-ACRE PARCEL IN THE PHELAN/GENERAL COMMERCIAL (PH/CG) LAND USE ZONING DISTRICT.	<b>Overlays:</b>	BIOLOGICAL RESORUCES (BR) FIRE SAFTEY 2 (FS2) FLOODPLAIN 1 (FP1)

### PROJECT CONTACT INFORMATION:

**Lead agency:** County of San Bernardino  
Land Use Services Department – Planning Division  
15900 Smoke Tree Street, Suite 131  
Hesperia, CA 92345

**Contact person:** Tyler Mann, Planner  
**Phone No:** (760) 995-8172  
**E-mail:** [Tyler.Mann@lus.sbcounty.gov](mailto:Tyler.Mann@lus.sbcounty.gov)

**Fax No:** (760) 995-8167

**Project Sponsor:** Jeff Lee - SimonCRE  
5111 N. Scottsdale Road #200  
Scottsdale, AZ

### PROJECT DESCRIPTION:

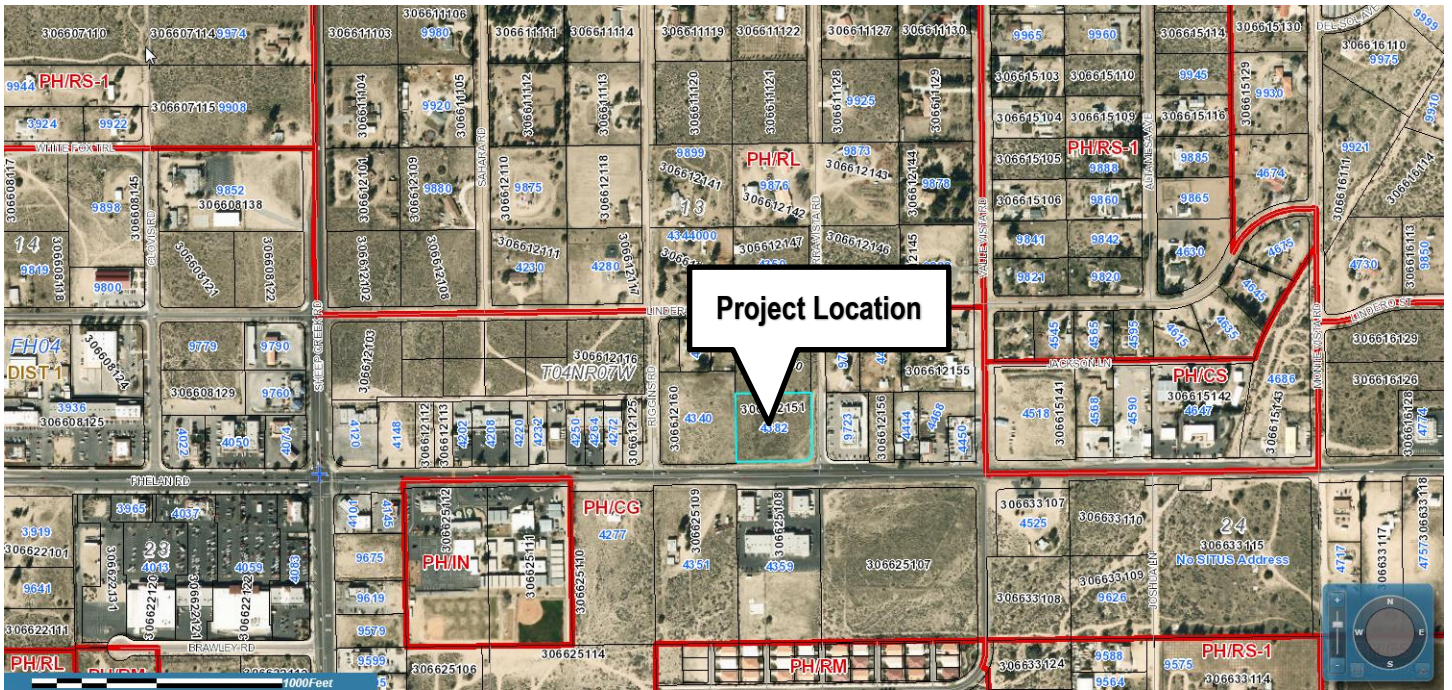
The proposed project is a Minor Use Permit (MUP) to construct and operate a 9,100 square-foot Dollar General on a portion of 1.87-acres in the community of Phelan. The Project will also include a paved parking lot with 36-spaces, the installation of landscaping and signage, the construction of a storm water detention basin and off-site improvements. The project will involve minor grading, the construction of the store, and the installation of a septic system. Off-site improvements will consist of street improvements, including curb, gutter and sidewalk along the property frontages of Phelan Road and Sierra Vista Road. The project site is located on the northwest corner of Phelan and Sierra Vista Road. The County's General Plan designates the project area as Phelan/Commercial General (PH/CG). The site is regulated by the Biological Resources (BR) Overlay, Fire Safety 2 (FS2) and Floodplain 1 (FP1) overlays.

### ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is vacant undeveloped and consists of a mixed desert shrub community. The properties to the west and north are vacant undisturbed. The property to the east is an existing medical office and the property to the south is a strip mall.



### ZONING MAP







AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	OVERLAYS
Site	Vacant	PH/CG	BR, FS2, FP1
North	Vacant	PH/CG	BR, FS2, FP1
South	Shopping Center	PH/CG	BR, FS2, FP1
East	Medical Office	PH/CG	BR, FS2, FP1
West	Vacant	PH/CG	BR, FS2, FP1

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

Federal: Fish & Wildlife

State of California: Lahontan Regional Water Quality Control Board, Fish & Wildlife, Mojave Desert Air Quality Management District

County of San Bernardino: Land Use Services Department – Building and Safety Division, Land Development Division; Department of Public Health – Environmental Health Services Division; Department of Public Works – Surveyor, Traffic; and County Fire

Local: Phelan/Pinon Hills CSD

---

**EVALUATION FORMAT**

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

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

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture & Forestry Resources   | <input type="checkbox"/> Air Quality               |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Paleontological Resources     | <input type="checkbox"/> Geology & Soils                    | <input type="checkbox"/> Greenhouse Gas Emissions  |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality          | <input type="checkbox"/> Land Use & Planning       |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population & Housing      |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic    |
| <input type="checkbox"/> Utilities & Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |  |


**DETERMINATION:** (To be completed by the Lead Agency)

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

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

  
\_\_\_\_\_  
Signature (prepared by Tyler Mann, Planner):

5-10-16  
Date

  
\_\_\_\_\_  
Signature: Heidi Duron, Supervising Planner

5/10/16  
Date

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS - Would the project</b>				
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) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- I a) **Less Than Significant.** General Plan Open Space Element Policy OS 5.1. states that a feature or vista can be considered scenic if it:
- A roadway, vista point, or area that 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 Project site is located in the community of Phelan, which consists largely of rural residential development and vacant land and a commercial corridor along Phelan Road. Surrounding land uses are vacant, with single-family residences in the general vicinity, a medical office to the east and a shopping center to the south. The Project site itself does not provide a vista of undisturbed natural areas.

There are no unique or unusual features on the site that could comprise an important or dominate position in the viewshed because the Project site lacks any unusual or unique feature. There are no unique geologic or natural features present.

Finally, the Project site does not offer distant vistas that provide relief from less attractive nearby features. The proposed project would directly alter the existing view of the Project site from adjacent uses and roadways with the construction of the building; however, the distant view of mountain backdrops will not be affected because of the low building height from the surrounding roadways.

The County's General Plan Open Space Element Policy OS 5.3 includes a list of designated scenic corridors. Development within 200-feet on either side of the ultimate road right-of-way of a designated scenic corridor is required to demonstrate through visual analysis that the proposed improvements are compatible with the scenic qualities present. Phelan Road and Sierra Vista Road are not scenic roadways designated in the County's General Plan Open Space Element Policy OS 5.3.

- I b) **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited to,

---

trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the project site. The nearest state scenic highway is Highway 38, approximately 43-miles to the southeast of the project site.

- I c) **Less Than Significant.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the project type and design is consistent with similar structures and uses in the area. The siting of the building and on-site improvements will meet all setback and Development Code requirements to ensure the building is consistent with the planned visual character of the area and will incorporate native landscaping. The project applicant will be required as a condition of approval to submit final architectural elevations to the Planning Division for review and approval prior to the issuance of building permits.
- I d) **Less Than Significant.** The proposed 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.

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

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

II a-e) **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are currently no agricultural uses on the site. The site is not under a Williamson Act land conservation contract. The project site will not conflict with existing zoning or cause

---

rezoning of forest land because the project site is not zoned forest land and is not timberland as defined by Public Resources Code section 4562, or timberland zoned Timberland Production. The site will not result in the loss of forest land or the conversion of forest land to non-forest use because the subject property is not forest land, the nearest forest is the San Bernardino National Forest located approximately three (3) miles to the south.

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



	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>III. AIR QUALITY</b> - 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

III a) **Less Than Significant.** The project will not conflict with or obstruct implementation of the Mojave Desert Air Quality Management Plan (MDAQMP). The MDAQMP for the Mojave Desert Basin, the identified air basin for the project site, sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. The Mojave Desert Basin is in non-attainment for ozone (O<sub>3</sub>), inhalable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>). 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 MDAQMD 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 induced in the applicable plan). The MDAQMP control measures and related emission reduction estimates are based on emission projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. The *MDAQMD CEQA Guidelines* state, "conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast". The project is located in the County's Phelan/General Commercial (PH/CG) Land Use Zoning District. The PH/CG zone is intended to accommodate sites for retail trade and personal services, lodging services, wholesaling and warehousing, contract/construction services, transportation services, open lot services and similar and compatible uses. The Dollar General will require the approval of a Minor Use Permit (MUP). Since the project involves the establishment of a retail use, the Project is consistent with the County's General Plan, and therefore conforms to the MDAQMP projections for development and population and is not anticipated to conflict with the applicable MDAQMP. As a condition of project approval the construction of the project will be required to adhere to all rules of the MDAQMD. Emissions estimator models have indicated that the project's operational and construction

emissions will be below the threshold set by the MDAQMD.

- III b) **Less Than Significant.** The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The MDAQMD identifies projects that exceed emissions thresholds (listed in Table 1 below) as violating air quality standards and therefore having a significant impact on the environment. According to CalEEMod (Table 2 & Table 3) the construction and operational air quality impact is projected to be well below the daily and annual thresholds set by the MDAQMD listed in Table 1. The MDAQMD is in non-attainment for ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) as listed below in Table 4. Construction, unpaved road travel, open fires and/or agricultural practices affect PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, in order to limit the production of fugitive dust during implementation of the proposed Project, construction activities will be conducted in accordance with MDAQMD Rule 403 – *Fugitive Dust* and 403.2 – *Fugitive Dust Control for the Mojave Desert Planning Area*. This includes using periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions, covering loaded haul vehicles, stabilizing graded sites, preventing project-related Trackout onto paved surfaces, cleanup project-related Trackout or spills within twenty-four (24) hours and reduce non-essential Earth-Moving Activity under High Wind conditions. A condition of approval will require the Project proponent to agree to implement these measures.

The operational and construction estimated emissions for pollutants in which the basin is in non-attainment is well below the annual and daily thresholds of significance set by the MDAQMD according to CalEEMod.

**Table 1. MDAQMD Significance Thresholds**

Criteria Pollutant	Annual Threshold (tons)	Daily Threshold (pounds)
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen	25	137
Volatile Organic Compounds (VOC)	25	137
Oxides of Sulfur (SO <sub>x</sub> )	25	137
Particulate Matter (PM <sub>10</sub> )	15	82
Particulate Matter (PM <sub>2.5</sub> )	15	82
Hydrogen Sulfide (H <sub>2</sub> S)	10	54
Lead (Pb)	0.6	3

**Table 2. Annual Construction Activity Emissions (tons/yr)**

Activity	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Unmitigated	0.18	0.69	0.5	7.1e-003	0.5	0.05
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

**Table 3. Annual Operational Activity Emissions (tons/yr)**

Activity	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Unmitigated	0.5	0.88	4.6	5.18e-003	0.33	0.1
MDAQMD Threshold	25	25	100	25	15	15

<b>Exceed Threshold</b>	No	No	No	No	No	No
-------------------------	----	----	----	----	----	----

**Table 4. Non-attainment Designation and Classification Status**

<b>Ambient Air Quality Standard</b>	<b>MDAQMD</b>
Eight-hour Ozone (Federal 84 ppb)	Non-attainment; classified Severe-17 (portion of MDAQMD outside of Western Mojave Desert Ozone Non-attainment Area is unclassified/attainment)
Eight-hour Ozone (Federal 75 ppb)	Non-attainment (expected)
Ozone (State)	Non-attainment; classified Moderate
PM <sub>10</sub> (Federal)	Non-attainment; classified Moderate (portion of MDAQMD in Riverside County is unclassified, and the portion in the Searles Valley is in attainment)
PM <sub>2.5</sub> (State)	Non-attainment (portion of MDAQMD outside of Western Mojave Desert Ozone Non-attainment Area is unclassified/attainment)
PM <sub>10</sub> (State)	Non-attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is non-attainment)

- III c) **Less Than Significant.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). In evaluating the cumulative effects of the project, Section 21100(e) of CEQA states, “previously approved land use documents including, but not limited to, general plans, specific plans and local coastal plans, may be used in cumulative impacts analysis”. In addressing cumulative effects for air quality, the MDAQMP utilizes approved general plans and therefore, is the most appropriate document to use to evaluate cumulative impacts of the subject project. The MDAQMP evaluated air quality emissions for the entire Mojave Air Basin using a future development scenario based on population projections and set forth a comprehensive attainment program that would lead the basin into compliance with all federal and state air quality standards. Since the project is consistent with the approved Land Use Plan (as discussed in Section III b) used to create the MDAQMP and the project does not exceed any of the quantitative thresholds for ozone precursors, according to CalEEMod. As discussed in Section III b, a condition of approval will require the project proponent to implement MDAQMD Rule 403 to reduce fugitive dust. For these reasons, the project will not have a cumulatively considerable net increase of any criteria pollutant listed in Table 4 above.
- III d) **No Impact.** The project will not expose any sensitive receptors to substantial pollutant concentrations, because there are no known sensitive receptors within 300-feet of the project site. 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 are no planned residences, schools, daycare centers, playgrounds and medical facilities within 300-feet to the proposed project and the Dollar General is not the type of use listed above.

- 
- III e) **No Impact.** The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors. In accordance with the CEQA Air Quality Handbook developed by the South Coast Air Quality Management District, and used as guide for projects in the Mohave Air Basin, land uses associated with odor complaints include agriculture operations, wastewater treatment plants, landfills, and certain industrial operations. The proposed gas station and minimart is not proposing any of the uses listed that may produce objectionable odors.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 information contained in this section is based in part on *General Biological Resources Assessment* prepared by RCA Associates, LLC. Dated December 21, 2015.

IV a) **Less Than Significant with Mitigation Incorporated.** The project will not have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service because mitigation measures have been agreed to by the Project applicant as a condition of approval to reduce any impact to a level below significant.

A literature search was conducted prior to the biological reconnaissance survey, data sources were reviewed to determine if any listed and/or sensitive species have been documented in the area surrounding the site. The Federal Endangered Species Act provides protection for species of fish, wildlife, and the plants that are listed

by the US Government as threatened or endangered in the U.S., and the Act outlines procedures for Federal agencies to follow when evaluating projects which may jeopardize any listed species. The California Endangered Species Act (CESA) provides protection to those species which are deemed to be threatened with a significant decline or extinction within California and the CESA provides CDFW with the responsibility of evaluating projects which may affect sensitive species. Based on a general literature review, a search of USFWS and CDFW data bases, and a search of the California Natural Diversity Database (CBDDDB), it was determined that there are five (5) sensitive wildlife species and two sensitive plant species that have been documented in the surrounding region within approximately five (5) miles of the site. The species include desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), burrowing owl (*Athene cunicularia*), coast horned lizard (*Phrynosoma blainvilli*), and Le Conte's thrasher (*Toxostoma lecontei*). Sensitive plant species include white pygmy-poppy (*Canbya candida*), and short-joint beavertail (*Opuntia basilaris* var. *brachyclada*).

Following the literature review, general biological surveys were performed on the site on December 18, 2015 during which the biological resources on the site and in the surrounding areas were documented by Randall C. Arnold Jr. from 0700 to 0900 hours. The project site and surrounding area were evaluated for the presence of native habitats, which could potentially support populations of sensitive species.

No special status plant or animal species were observed on site during the survey and the site supports a disturbed mixed desert shrub community and is not expected to support any special status plant or animal species given the small size of the site, the level of disturbance, and the fact the site is surrounded by existing developments. The site does not contain suitable habitat for Desert tortoise, Mohave ground squirrel, coast horned lizard and Le Conte's thrashers.

Although burrowing owls or suitably sized burrows were not observed during the survey, it was determined that the Property contained suitable foraging habitat for burrowing owl, thus, the potential for owls is considered moderate. As a result, pre-construction surveys for borrowing owls will be required a maximum of 14-days prior to construction, regardless of time of year, in accordance with the most recent CDFW Protocol (CDFW 2012. Mitigation. **[Mitigation Measure IV a-1 & Mitigation Measure IV a-2]**

The Property is also considered suitable habitat for nesting birds and raptors. If construction is to occur during the nesting bird season (generally February 1 through August 31), then a pre-construction survey for nesting birds will need to be conducted in order to avoid impacts to bird species and their eggs, fledglings, and nestlings that are protected by the federal MBTA. If active nests are found on or immediately adjacent to the Property, then additional mitigation measures may need to be implemented to reduce or eliminate impacts to the active nests. **[Mitigation Measure IV a-3]**

- IV b) **Less Than Significant.** This project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

The General Biological Survey did not indicate the project site is within a riparian habitat or any other sensitive natural community. Therefore any removal of habitat is anticipated to be less than significant.

- IV c) **No Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The Project site does not have any federally protected wetlands as defined by Section 404 of the Clean Water Act present.

- IV d) **Less Than Significant.** This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Given the Project site's small size and the amount of previous disturbances in the vicinity, the Project site would not be considered a major wildlife movement corridor that would need to be preserved in order to allow wildlife to move between important natural habitat areas. The Project site also does not provide a linkage between conserved natural areas. Any impact to the movement of native residents is anticipated to be less than significant.
- IV e) **No Impact.** The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. 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 sq. 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 during the Biological Resource Assessment.
- IV f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site.

**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:**

**[Mitigation Measure IV a-1]**

**The following condition of approval will be required prior to the issuance of Grading and/or Building Permits:**

**Burrowing Owl Mitigation – Pre-Construction Survey.** Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:

- If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
- If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.

- Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.

**[Mitigation Measure IV a-2]**

**Burrowing Owl Mitigation – Management Plan.** Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure IV a-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.
- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project.

**[Mitigation Measure IV a-3]**

**Nesting Bird Mitigation – Pre-Construction Surveys.** Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.



---

**The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Would the project</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 ):

Information contained in this section is based in part on the *Phase I Cultural Resources Inventory for a Proposed 1.87-Acre Commercial Development at 4382 Phelan Road in Phelan, San Bernardino County, California* dated January 22, 2016

V a) **Less Than Significant.** This project will not impact nor cause a substantial adverse change in the significance of an historical resource because the project site is not located on or near any known historical resource, as defined in §15064.5 and verified by the Phase I study completed by Dudek dated January 22, 2016

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

If a resource on the Project site is listed or eligible for listing in the California Register of Historic Resource (CRHR), or if it is included in a local register of historic resources, or identified as significant in a historical resources survey, it is a “historical resource” and is presumed to be historically and culturally significant for purposes of CEQA. Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of a historical resource”. A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired”.

Staff at the South Central Coast Information Center (SCCIC), located on the campus of California State University, Fullerton, conducted a California Historical Resources Information System (CHRIS) records search on January 7, 2016. The CHRIS search included their collection of mapped prehistoric, historical and built-environment resources, Department of Parks and Recreation (DPR) Site Records, technical reports, archival resources, and ethnographic references within the Project site and surrounding half-mile radius. Additional consulted sources included the National Register of Historic Places (NRHP), California Inventory of Historical Resources/CRHR and listed Office of Historic Preservation (OHP) Archaeological Determinations of Eligibility, California Points of Historical Interest, California Historical Landmarks, and Caltrans Bridge Survey information. SCCIC records indicate that no previous cultural resource investigations have been conducted within the

---

proposed Project site. At least three studies have been conducted within a half-mile of the proposed project site. All three investigations were negative for the presence of cultural resources.

Dudek Archaeologist Adriane Dorrier conducted the intensive-level pedestrian survey on January 12, 2016 using standard archaeological procedures and techniques. No new historical resources were identified during the intensive-level pedestrian survey and no mitigation measures are required.

- V b) **Less Than Significant.** This project will not cause a substantial adverse change to any archaeological resource because no resources have been identified on the site or within the vicinity of the project site as verified by the survey conducted by Dudek.

A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information. (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type. (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. Impacts to non-unique archaeological resources are generally not considered a significant environmental impact. However, if a non-unique archaeological resource qualifies as a tribal cultural resource, further consideration of significant impacts is required.

As discussed in Section V a, of this document, the SCCIC records did not indicate the site had been previously surveyed, the surveys within a half-mile radius were all negative for cultural resources. The field survey also yielded negative results of archeological resources and there is a low potential for the inadvertent discovery of cultural resources during groundbreaking activities. A standard condition of approval will state, "In the event that archaeological resources are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archeological treatment plan, testing or data recovery may be warranted". Tribal cultural resources are discussed in Section VI of this document.

- V c) **Less Than Significant.** The project has a low likelihood of disturbing any human remains, including those interred outside of formal cemeteries, because no such burials grounds were identified on the project site. A standard condition of approval in compliance with state law will require the following condition to be met: "If human remains are encountered during any earthmoving activities, all work shall cease until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. State law requires the Native American Heritage Commission (NAHC) be notified in the event the remains are determined to be prehistoric. The NAHC shall determine and notify a Most Likely Descendant (MLD) who may inspect the site of the discovery within 48-hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials".

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. TRIBAL CULTURAL RESOURCES - Would the project</b>				
a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION** (Check if the project is located in the traditional and cultural affiliated geographic area of a California Native American Tribe ): San Manuel Band of Mission Indians, Morongo Band of Mission Indians, Colorado River Indian Tribes

VI a) **Less than Significant.** The Project will not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resource Code §21074 because no tribal resources have been identified on site. AB 52, passed on September 25, 2014 and implemented July 1, 2015, added new requirements regarding cultural tribal resources. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources.

The Public Resource Code establishes that “(a) project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code §21084.2). To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. The consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration or environmental impact report is required for a project.

Public Resource Code §21074, defines Tribal Resources as either, “Sites features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either, (A) included or determined to be eligible for inclusion in the California Register of Historical Resources or, (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 for the purpose of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe”.

In accordance with Public Resource Code §21080.3.1, the San Manuel Band of Mission Indians, Morongo Band of Mission Indians and Colorado River Indian Tribes have indicated that they are traditionally and culturally affiliated with the geographic area of the proposed project and have requested notification for consultation. Notification was sent on February 22, 2016 via certified mail to all Tribes. The Morongo Band of Mission Indians and Colorado River Indian Tribes did not respond during the 30-day consultation request period. The San Manuel Band of Mission Indians responded to the Project on February 23, 2016 during a regular meeting with Daniel McCarthy, Director of the Cultural Resources Management Department. Daniel indicated the project is within the Tribes ancestral territory, but that they do not have any concerns with the Project after reviewing the Phase I Report conducted by Dudek.

---

The results of the Phase I Archeological and Historical Survey determined that there were no resources determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register. All California Native American Tribes contacted indicated that the location did not have Tribal Cultural Resources of significance present and the Project site itself was not considered a Tribal Cultural Resource. Therefore, the Project would not cause a substantial adverse change to the significance of a Tribal Cultural Resource as none were identified.

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

---

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VII. PALEONTOLOGICAL RESOURCES - Would the project</b>				
a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

VII a) **Less Than Significant.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no resources have been identified on the site. A condition of approval will require all activities to cease and a County approved paleontologist to be present if unknown paleontological resources are discovered during land disturbance or building construction.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VIII. GEOLOGY AND SOILS - Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of on-site wastewater treatment 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"/>

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

The information contained in this section is based in part from information obtained from GeoBoden, Inc., *Geotechnical Investigation Report, Proposed Dollar General Building - Phelan*.

VIII a) **Less Than Significant.** The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic related ground failure, including liquefaction or iv) landslides. A Geotechnical Investigation Report conducted by GeoBoden Inc. indicated that the Project site is located in a seismically active area typical of Southern California and likely to be subjected to strong ground shaking due to earthquakes on nearby faults. The design parameters to accommodate effects of ground shaking produced by regional seismic events, seismic design can, at the discretion of the designing Structural Engineer, be performed in accordance with the 2013 edition of the California Building Code (CBC) California Building Code. The standards of the CBC are meant to protect buildings and individuals from loss of life and property related to earthquakes. Therefore, impacts from proximity to fault zones are considered less than significant. For

---

liquefaction to occur, all three key ingredients are required: liquefaction-susceptible soils, groundwater within a depth of 50 feet or less, and strong earthquake shaking. Soils susceptible to liquefaction are generally saturated loose to medium dense sands and non-plastic silt deposits below the water table. Groundwater was not encountered within the borings. The opinion of the Geotechnical Report is that the potential for liquefaction at the site is remote. The County has mapped areas of possible landslides, seismic related ground failure and known faults within the Geologic Hazard Overlay. The Project site is not within the mapped overlay.

- VIII b) **Less Than Significant.** The project will not result in substantial soil erosion or the loss of topsoil because standard enforcement of sediment and erosion control measures will be implemented into the Project. At the time ground disturbance occurs, on-site erosion and sediment control measures will be in place as required by the County Development Code and the Building and Safety Division. As discussed in Section III b) of this document, the MDAQMD requires measures be in place during grading and land disturbance activities to minimize fugitive dust. Grading plans, an approved grading permit, and erosion and sediment control plan is required prior to any land disturbance from the Building and Safety Division. In addition, an erosion and sediment control plan must be approved and implemented during grading activity with regular inspections by the County's Land Development Division. A condition of approval from the Building and Safety Division will state, "An Erosion and Sediment Control plan must be submitted and approved by the Building official prior to any land disturbance". The County's Landscape & Irrigation design element of the Development Code will require at a minimum landscaping on disturbed portions of the Project site and 20% of the total disturbed site.
- VIII c) **No Impact.** The Project is not 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. The County of San Bernardino has mapped Geologic Hazards as part of the adoption of the General Plan and Development Code. The Geologic Hazard Overlay includes any areas of adverse soil conditions, such as those underlain by hydrocollapsible, expansive, and/or corrosive soils. The project site is not within the mapped Geologic Hazard Overlay. In addition, the results of the Geotechnical Report, field investigation and laboratory results of soil samples bored on the Project site concluded the site is not susceptible to landslide, lateral spreading, subsidence or liquefaction.
- VIII d) **No Impact.** The Project is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property. As mention in Section VII c above, the project site is not within the County's mapped Geologic Hazard Overlay, including areas as having expansive soils. The result of the laboratory testing of soil samples from the Project site concluded, "the silty sand surface soils have low expansion potential. The proposed new footings and slab should be designed for low soil expansion conditions."
- VIII e) **Less Than Significant.** 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 subject project and has approved the site for on-site wastewater treatment subject to an approved percolation report.

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



Potentially Significant Impact      Less than Significant with Mitigation Incorporated      Less than Significant      No Impact

**IX. 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**

IX a,b) **Less Than Significant.** On December 6, 2011, the San Bernardino County Board of Supervisors adopted the County Greenhouse Gas (GHG) Emissions Reduction Plan. The GHG Plan establishes a GHG emissions reduction target for the year 2020 that is fifteen (15) percent below 2007 emissions. The plan is consistent with AB 32 and sets the County on a path to achieve more substantial long-term reductions in the post-2020 period. Achieving this level of emissions will ensure that the contribution to greenhouse gas emissions from activities covered by the GHG plan will not be cumulatively considerable.

CEQA Guidelines provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project’s incremental contribution of GHG emissions will not be considered cumulatively significant if the project is consistent with the adopted GHG Plan.

As part of the GHG Plan, sample project sizes that exceed the 3000 MTCO<sub>2e</sub> level were established. Projects that exceed the 3000 MTCO<sub>2e</sub> are considered to have a potentially significant impact on the implementation of the County’s and the States GHG reduction plan. Gas stations with convenience services in excess of 5,700 square-feet are anticipated to exceed the GHG threshold. The Project is projected to create 65 MTCO<sub>2e</sub> during construction and the yearly operational emissions for the Project are anticipated to create 471.6 MTCO<sub>2e</sub>. For this reason, it is unlikely that this project would impede the state’s ability to meet the reduction targets of AB32 or conflict with the County’s adopted GHG reduction plan because the Project is well below the 3,000 MTCO<sub>2e</sub> level.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>X. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION**

X a) **Less Than Significant.** The proposed Project could result in a significant hazard to the public if the Project includes the routine transport, use, or disposal of hazardous materials or places housing near a facility which routinely transports, uses, or disposes of hazardous materials. The Project does not propose any new housing and therefore would not place housing near any hazardous materials facilities. The routine use, transport, or disposal of hazardous materials is primarily associated with industrial uses that require such materials for manufacturing operations or produce hazardous wastes as by-products of production applications. The proposed Project does not propose or facilitate any activity involving significant use or disposal of hazardous

---

substances as part of the commercial use. Furthermore, the proposed Project is not located near any listed facilities that emit toxic air containments, utilize toxic or hazardous substances or produce hazardous waste.

Construction activity would result in minor transport, use and disposal of hazardous materials and waste that are typically associated with construction projects. This includes fuels and lubricants for construction equipment and products used in coating buildings. Existing laws and regulations on the storage of these products, the disposal of waste and the procedures to prevent accidental release and cleanup is sufficient to bring any effect to a level below significant.

The operational activity of the Project would involve products commonly found at a discount store such as, oil and lubricants, cleaning products, and other automotive products, and possibly poisons or pesticides. The existing regulatory framework for the transport and use of any of these products and the small nature will not result in a potentially significant impact.

- X b) **Less Than Significant.** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Construction activities may produce hazardous waste associated with the use of construction materials. The use and handling of hazardous construction material will not be unusually high for the proposed Project. All hazardous material are required to be utilized and transported in accordance with their labeling instructions as required by federal and state law. Existing laws and regulations governing the response to accidental release of hazardous material is sufficient in ensuring that any potential accident is not harmful to people or the environment.

With adherence to existing regulations and laws governing gas stations the proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.

- X c) **No Impact.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are more than 1/4 mile away from the project site.
- X d) **No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.
- X e) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a public airport. The nearest public airport is the Southern California Logistics Airport, which is located approximately 12.5 miles northeast of the project site. The project site was verified to not be within an Airport Noise Overlay.
- X f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The nearest private airstrip is 11 miles northeast of the Project site.
- X g) **No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions via Phelan Road and Sierra Vista Road and has been reviewed for adherence with the San Bernardino County Fire Departments regulations for emergency access.

- 
- X h) **Less Than Significant.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with lands because the Project will be required to meet the standards of the Fire Safety 2 Overlay. 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 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 2 Overlay requirements for combustible materials. Implementation of the Fire Safety 2 standards will result in any potential impact being less than significant.

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

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

**SUBSTANTIATION**

The information contained in this section is based in part from information obtained from TTG Engineers, *Preliminary Drainage Report for Dollar General, Phelan* and the *Preliminary Water Quality Management Plan, Dollar General* by TTG.

- 
- XI a) **Less Than Significant.** A project may have a significant impact on water quality standards or waste water discharge requirements if the project will create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC), or cause regulatory standards to be violated as defined in the applicable National Pollutant Discharge Elimination System (NPDES) storm water permit or Water Quality Control Plan. A project may have a significant impact if the project will discharge water that does not meet the quality standards of the agencies, which regulate surface water quality and water discharge into storm water drainage systems. The Lahontan Regional Water Quality Control Board (LRWQCB) implements and enforces the NPDES and regulates water quality standards for wastewater discharge.

The Project will require an NPDES permit to be obtained from the Lahontan Regional Water Quality Control Board and a regional board permit letter because the Project entails the disturbance of over an acre. The requirement of these permits will ensure that no source point pollution leaves the job site and enters surface or ground water sources. A completed Water Quality Management Plan (WQMP) is required prior to the issuance of any ground disturbance. A preliminary Water Quality Management Plan (WQMP) has been reviewed and approved by the Land Development Division and has shown the proposed storm water detention basins and Best Management Practices (BMPs) will meet the requirements of the Lahontan Water Board.

Nonpoint sources of pollution are generally defined as sources that are diffuse and/or not subjected to regulation under the federal NPDES permit. Nonpoint sources include agriculture, grazing, silviculture, abandoned mines, construction, storm water runoff etc. The Project will require the implementation of erosion and sediment control as a condition of approval by the Building & Safety Division. The erosion and sediment control plan and permit will carry out the policies and objectives of the RWQCB. Best Management Practices (BMPs) during construction are to prevent nonpoint sources of pollution from leaving the Project site, such as sediment and soil erosion.

Surface runoff from developed areas is a leading source of non-point source water pollution in California. As roofs and pavement cover natural landscapes, rain no longer soaks into the ground. Instead, storm drains carry large amounts of runoff directly to streams and other water bodies. Runoff from roofs and pavement also flushes sediment, oil, grease, pesticides, nutrients, bacteria, trash and heavy metals into streams, lakes, estuaries, and the ocean. Projects that replace previously undeveloped land with new impervious surfaces, may contribute to such water quality impacts individually and cumulatively with other development. The operational characteristic of the proposed Project will greatly increase the amount of impervious surface area. 45% of the Project site will be covered with non-impervious surfaces, including building roof area, sidewalks, and paving.

The Preliminary Water Quality Management Plan (WQMP) identified the following anticipated pollutants from one or more land uses proposed within the project: metals, trash and debris, and oil and grease. The site proposes a drainage outfall in one location, the northeast location of the property. This location is the existing low spot and the historic drainage outfall of the site. The project will propose a 60-foot weir in this location to meter and mimic the pre-development drainage flow conditions. Prior to discharge, runoff will be filtered through bio-swale and detention ponds will also serve as a Stormwater quality treatment structure by trapping all sediments and oils generated by the commercial development. The applicant will be required to submit a Water Quality Management Plan for review and approval by the Land Development Division prior to the issuance of a grading permit. The property owner will be required to enter into a maintenance agreement for the BMPs on site.

The Project will include the installation of an on-site wastewater treatment device, permitted by the County's Environmental Health Services Division. The permit from the EHS for the on-site wastewater treatment system is only issued if the system is shown to meet the regulations of the RWQCB. The septic system will be designed and used in compliance with federal state and regional law.

- 
- XI b) **No Impact.** The project will not likely substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Phelan-Pinon Hills Community Services District who has provided a will-serve letter will serve the Project. The Project does not propose using groundwater and the water purveyor has indicated there is sufficient supply to serve the project.
- XI c) **Less Than Significant.** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site.

The impacts of urban development on streams, lakes, estuaries, and the ocean are well documented through years of research and study. As roofs and pavement cover natural landscapes, rain no longer soaks into the ground. Instead, storm drains carry large amounts of runoff directly to streams and other water bodies. Increased flow may cause stream beds and banks to erode, damaging or eliminating stream habitat and carrying sediment downstream.

The Project will result in 45% of the site being covered by an impervious surface. An increase in impervious surface area results in an increase in volume and velocity of flows from the Project site. Increase velocity of off-site flows into existing drainage may result in an increase in off-site streambed erosion and siltation. In order to ensure that the drainage leaving the site is at a concentration that will not result in substantial erosion, the Project's engineer has developed a preliminary drainage study that demonstrates that on-site drainage improvements will maintain off-site flows to pre-development levels.

The Project will include one storm water retention basin. The purpose of the storm water retention basin is to hold the run-off generated from the Project on-site and slowly infiltrate the water into the ground water supply or release it into the existing drainage pattern. According to the drainage study, which has been reviewed and approved by the Land Development Division, the collected on-site runoff will be conveyed to a surface detention pond sized to attenuate increased flows associated with the proposed improvements. The proposed surface detention ponds will be provided a weir design as means of discharge control and as an ultimate Site outfall. The proposed weir will be provided with riprap for scour protection. The Project's detention basin will account for the difference in pre vs. post discharge rates for the 10, 25 and 100-year storm events. No impacts to the offsite properties are anticipated as a result of the proposed improvements and existing drainage patterns will be preserved under pre-development conditions.

- XI d) **Less Than Significant.** The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site. As discussed in Section XI c, the Project will provide a detention basin to account for the difference in pre vs. post discharge rates for the 10, 25, and 100-year storm events. No adverse impacts are anticipated as a result of the proposed improvements and existing drainage patterns will be preserved under pre-development conditions. The drainage improvements are required to be fully installed and certified by a registered civil engineer prior to the Project obtaining occupancy.
- XI e) **Less Than Significant.** The Project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. As discussed in Section XI c, the inclusion of the on-site retention area will ensure the runoff from the site will not exceed the capacity of existing or planned storm water drainage systems because all runoff will be kept on site.

- 
- XI f) **Less Than Significant.** The project will not otherwise substantially degrade water quality, as discussed in Section XI a, of this document. The installation of the retention basin and implementation of the Water Quality Management Plan (WQMP) and Best Management Practices (BMPs) will ensure that the water quality leaving the site will remain at pre-development levels.
- XI g, h) **No Impact.** The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map because the Project does not propose any housing.
- XI i) **Less Than Significant.** The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, because the project site is not within any identified path of a potential inundation flow that might result in the event of a dam or levee failure according to the County's Flood Hazard overlay map. The Project is within Zone "AO" as noted on the FEMA/FIRM #06071C6450H, dated August 28, 2008 and is located in a special flood zone are defined as "Flood depths of 1 to 3 feet; average depths determined. For areas of alluvial fan flooding, velocities also determined". Based on FIRM the Site is within an area expected for flood depth of 1-foot and at a velocity of 4-feet/second. The Land Development Division has required as a condition of approval that the structure's foundation be elevated 1-foot above the determined flood depth.
- XI j) **No Impact.** The project will not be impacted by inundation by seiche, tsunami, or mudflow. The project is not adjacent to any body of water that has the potential of seiche or tsunami or is the project site in the path of any potential mudflow according to the County's Flood Hazard Overlay map.

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



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

**SUBSTANTIATION**

- XII a) **No Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The proposed Project will meet all the development standards of the County Code and meet the goals and policies of the General Plan. The Project is not proposing the relocation or removal of any existing or planned street.
- XII b) **No Impact.** The Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is consistent with all applicable land use policies and regulations of the County Code, General Plan, and the plans, policies, laws and regulations of responsible agencies. The Project complies with all hazard protection, resource preservation and land use modifying Overlay District regulations.
- XII c) **No Impact.** The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan, because there is no habitat conservation plan or natural community conservation plan on the project site or within the area surrounding the project site and no habitat conservation lands are required to be purchased as mitigation for the proposed project.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIII. MINERAL RESOURCES - Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located within the Mineral Resource Zone Overlay): MRZ-3a/MRZ-4

XIII a) **Less Than Significant.** The project will not 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 because the site does not contain minerals of significance and the site does not contain known mineral resources.

The project site is within the MRZ-3a overlay for concrete aggregate resources, identified by the *Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area. San Bernardino County: the Barstow-Victorville Area, California* report. MRZ-3a areas contain known mineral occurrences of undetermined mineral resource significance. Further exploration work within these areas could result in the reclassification of specific localities into MRZ-2a or MRZ-2b categories. Most of the alluvial areas of the high desert are within the MRZ-3a classification area, providing an abundant area for potential concrete aggregate resource mining operations in more suitable locations. Given the small project area, the site is of little importance or value for concrete aggregate mining and would be incompatible with surrounding uses for mining operations; further investigation is not warranted in this case. Any Project within the MRZ-2 area may have a potentially significant impact to the availability of a known mineral resource and further consultation with SMARA is required to determine the impact.

The project site is also located in the MRZ-4 overlay for metallic mineral resources as indicated in the *Mineral Land Classification of a Part of Southwestern San Bernardino County, California: A Part of the Eastern San Gabriel Mountains and the Western San Bernardino Mountains* report. The MRZ-4 overlay is defined as an area that contains unknown mineral resource significance. The *Guidelines for Classification and Designation of Mineral Lands*, classifies any area within the MRZ-2a or MRZ-2b overlay as having the potential for significant mineral resources that are of economic value to the region and the residents of the state, and/or “the site must be actively mined under a valid permit or meet certain criteria of marketability and threshold value”. The project site is not currently mined, is not mapped as an area for a potential future mining operation and has no known mineral resources of significance or value.

XIII b) **No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because the project site is not identified as a recourse recovery site on the general plan, specific plan or other land use plan. Therefore, no impact is anticipated in this area.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIV. NOISE - Would the project:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the General Plan Noise Element ):

The information contained in this section is based in part from information obtained from Dudek, *Proposed Dollar General Store Acoustical Study Results*.

XIV a) **Less Than Significant.** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The noise study included an exterior noise evaluation and rudimentary exterior to interior noise assessment of future noise levels calculated to occur at the southern building façade of the Dollar General Store. Future traffic noise from Phelan Road was modeled in order to determine exterior noise exposure levels for the property. Operational noise including truck deliveries and exterior mechanical equipment (i.e. roof mounted HVAC packages), was evaluated at the closest residential property boundary (north side of Lindero Street) to determine compliance with the San Bernardino County Code.

The operational noise of the project cannot exceed 60 dBA CNEL at the boundary of any existing or potential outdoor use area associated with the residential property. The General Plan, Noise Element states that interior noise levels of the proposed Dollar General cannot exceed 50 dBA CNEL. Based upon a calculated future exterior noise level of 61.5 dBA CNEL, even with the windows open, the proposed retail structure would have interior noise levels not exceeded 44.5 dBA CNEL. This the Dollar General would comply with the County's 50 dBA CNEL interior standard.

---

Based upon analysis of truck deliveries, traffic noise, HVAC operation the noise level at the property line of the nearest residential property is calculated to be 51 dB(A) CNEL, below the 60 dBA CNEL requirement.

- XIV b) **Less Than Significant.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project location is not in the surrounding area of any industries or activities that generate excessive ground borne vibration. Temporary construction activity may result in ground borne vibration through the use of grading and construction equipment. However, construction related vibration activity is exempt from the vibration standards of the County code between 7am-7pm except Sundays and Holidays. The operational characteristics of the Project will not result in excessive ground borne vibration above the standard listed in Chapter 83.01.090 of the Development Code.
- XIV c) **Less Than Significant.** The Project will not generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing or allowed without the Project. The noise standards listed in Section XIV a, are required to be maintained through the duration of the Project's operational life. Any noncompliance will result in Code enforcement action and noise abatement procedures through the use of noise attenuating devices. The Project is not anticipated to result in a substantial increase in ambient noise levels that are in excess of the County's standard.
- XIV d) **Less Than Significant.** The project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. There will be a slight increase in temporary or periodic ambient noise levels in the Project vicinity caused by an increase in truck and automobile traffic. However; the surrounding properties are vacant and undeveloped, at the time future development occurs noise standards are required to be met for interior noise levels. The project noise level caused by the Project's construction and operational activity will not exceed any noise standard of the Development Code.
- XIV e) **No Impact.** As stated in section VIII e), the project is not located within an airport land-use plan area or within two miles of a public/public use airport.
- XIV f) **No Impact.** As stated in section VIII f), the project is not within the vicinity of a private airstrip.

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

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

**SUBSTANTIATION**

- XV a) **Less Than Significant.** The project will not induce substantial population growth in an area either directly or indirectly. The proposed Project is consistent with the County’s General Plan for the underlying zone. The County’s General Plan has anticipated and planned for this level of development on the project site. The proposed project may have an indirect impact on population growth because the Project is required to install street improvements that will widen existing roads and provide curb, gutter and sidewalk. However, the Project will not be installing other public improvements that typically result in an increase in substantial growth such as creation of new roads or the installation or extension of public sewer or water as the water main is already located in Phelan Road and no sewer is available or is proposed.
- XV b) **No Impact.** The proposed use will not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal and the subject site is vacant.
- XV c) **No Impact.** The proposed use will not displace any people necessitating the construction of replacement housing elsewhere, because the project will not displace any existing housing or existing residents because the subject site is vacant.

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

Potentially Significant Impact      Less than Significant with Mitigation Incorporated      Less than Significant      No Impact

**XVI. 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XVI a) **No Impact.** The proposed project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks, or other public facilities. The Fire Department, Police, School District, Public Works and Special Districts Departments were consulted in the review process and indicated that the project would not warrant any new or expanded facilities. Therefore, no impact will result because no new facilities or expanded facilities will be required because of the Project.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XVII. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XVII a) **No Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The County’s General Plan requires new residential development to provide a local park and recreation facilities at a rate of not less than 3 acres per 1,000 residents. The proposed Project is not a residential development, therefore, no impact.

XVII b) **No Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. No development of new parkland is required per the County General Plan because the proposed Project is not a residential development.

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

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

**SUBSTANTIATION**

Information contained in this section is derived from the *Dollar General Phelan Project Traffic Impact Analysis (TIA)* by Kunzman Associates dated March 14, 2016

XVIII a) **Less Than Significant with Mitigation Incorporated.** The proposed Project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit because mitigation measures have been agreed to by the applicant as a condition of approval. A Traffic Impact Analysis was conducted for the proposed Project, factoring the number and distribution of trips caused by the new Dollar General. The study was reviewed and approved by the County's Traffic Division and has been found to be accurate for both existing conditions, existing plus Project conditions and projections on opening year and horizon year (2035) scenarios. 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.

The Project is not anticipated to cause any of the studied intersections to fall below a LOS C as a result of the project into the horizon year (2035). The intersection of Valle Vista Road and Phelan Road is operating at a LOS D without the Project. Additional trips caused by the Project will contribute to further deficiency on this roadway segment and as a result, the Project will be required to contribute a “fair share” contribution for the installation of a traffic signal and other off-site roadway improvements. **[Mitigation Measure XVIII-a 1]**

Improvements that will eliminate all anticipated roadway operational deficiencies throughout the study area have been identified for Existing Plus Project, Opening Year (2017), and Year 2035 traffic conditions. The Project's identified intersection cost is \$23,853. The Project will provide improvement for area intersections, which are impacted by an “other development” project in addition to the proposed project or to the future horizon year improvement, which would be necessary with no development in the study area. The Project will not cause a direct impact to the Level of Service of any roadway segment in the study area.

- XVIII b) **Less Than Significant.** The project will not conflict with an applicable Congestion Management Program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. The Congestion Management Program (CMP) in San Bernardino County was created in June 1990 as a provision of Proposition 111. Under this proposition, urbanized areas with populations of more than 50,000 would be required to undertake a congestion management program that was adopted by a designated Congestion Management Agency (CMA). San Bernardino Association of Governments (SANBAG) was designated as the CMA by the County Board of Supervisors. The CMP's level of service (LOS) standard requires all CMP segments to operate at LOS E or better, with the exception of certain facilities identified in the plan that have been designated as LOS F.

The procedures in the 2000 Highway Capacity Manual (HCM) were adopted as the LOS procedures to be utilized in analyzing CMP facilities. Through the use of Traffic Impact Analysis (TIA) reports and Comprehensive Transportation Plan (CTP) model forecasts, the CMP evaluates proposed land use decisions to ensure adequate transportation network improvements are developed to accommodate future growth in population. If a CMP facility is found to fall below the level of service standard, either under existing or future conditions, a deficiency plan must be prepared, adopted and implemented by local jurisdictions that contribute to such situations. Annual monitoring activities provide a method of accountability for those local jurisdictions required to mitigate a network facility with substandard LOS.

The Traffic Impact Analysis (TIA) analyzed traffic impacts for conformance with the County's CMP. The analysis determined that the proposed Project would not have a significant impact on the LOS of Interstate 15 and would not necessitate any improvements to the Interstate because the Project does not contribute greater than the freeway threshold volume of 100 two-way peak hour trips. In compliance with the County's CMP, the Project will be required to contribute to a transportation fee area. The Project falls within the High Desert Local Area Transportation Facilities Fee Plan and will be required to contribute to the fee plan. The funds in the High Desert Local Area Transportation Facilities Fee Plan are used to construct improvements to County CMP segments and each project is required to contribute its fair share based on the amount of trips in the fee plan formula. The Project will be required to pay \$22,597.93 based on the 583 daily trips projected to be generated.

- XVIII c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed use.
- XVIII d) **Less Than Significant with Mitigation Incorporated.** The project will not substantially increase hazards due to a design feature or incompatible uses because the Project will be required as a condition of approval to incorporate a no-parking zone on the north side of Phelan Road from 85-feet west of the project driveway to 120-feet east of the project driveway. A mitigation measure will be required to ensure that no parking will occur along the street that may impede a driver's ability to see oncoming traffic and have adequate site distance while exiting Sierra Vista Road or the project site. **[Mitigation Measure XVIII d-1]**
- XVIII e) **No Impact.** The project will not result in inadequate emergency access because there are a minimum of two access points and a condition of approval by the County's Land Development Division Road Section has determined that adequate curb radii and adequate road right-of-way has been granted to the County through highway and roadway dedication and improvements
- XVIII f) **No Impact.** The project will not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Street improvements including sidewalks are required as a condition of project approval. The remote nature of the project and its service to the traveling public along Interstate 15 does warrant the need for improvements related to public transit.

**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:**

**[Mitigation Measure XVIII a-1]**

**Prior to the issuance of Building Permits, the following shall be completed:**

**The fair share contribution for this project is required based on the traffic report dated March 14, 2016 from Kunzman Associates, Inc. The fair share breakdown for these improvements is:**

Intersection	Estimated Cost	Fair Share Percentage	Estimated Contribution
<b>Valley Vista Road @ Phelan Road</b>			
-Construct Traffic Signal	\$600,000	3.56%	\$21,360
-Add EB Lt Turn Lane (Striping)	\$10,000	3.56%	\$356
-Add WB Right Turn Lane	\$50,000	3.56%	\$1,781
Lengthen WB Lt Turn Lane (Striping)	\$10,000	3.56%	\$356
<b>Intersection Total</b>	<b>\$670,000</b>	<b>3.56%</b>	<b>\$23,853</b>

**[Mitigation Measure XVIII d-1]**

**Prior to the issuance of Building Permits, the following shall be completed:**

**Design the street improvement plans to include a no-parking zone on the north side of Phelan Road from 85 feet west of the project driveway to 120 feet east of the project driveway.**

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

**SUBSTANTIATION**

- XIX a) **Less Than Significant.** The proposed project will not exceed the treatment requirements of the Lahontan Regional Water Quality Control Board. The regulations of the regional control board are carried out through the septic system permitting process of the County's Environmental Health Services Division.
- XIX b) **No Impact.** The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. There is no wastewater treatment provider serving the project area.
- XIX c) **Less Than Significant.** The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. The County Land Development Division has determined that there is sufficient capacity in the existing storm water system to absorb any additional stormwater drainage caused by the project. The on-site drainage improvements and the drainage improvements included with the street improvements have been evaluated for their potential impacts. The Biological Assessment discussed in Section IV of this document included the potential impacts caused by the Project's off-site construction.
- XIX d) **No Impact.** The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources. As discussed in Section X b, of this document the Project site will not be producing in excess of 10-acre-feet of water per year and therefore has sufficient water supplies available to serve the Project,

---

including the requirement for water storage as required for fire suppression purposes. No new or expanded facilities are required.

- XIX e) **No Impact.** The Project will not 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. A wastewater treatment provider does not serve the Project site.
- XIX f) **Less Than Significant.** The Victorville Sanitary Landfill via the Phelan/Sheep Creek transfer station, which has sufficient permitted capacity to accommodate the proposed project's future solid waste disposal needs. The Solid Waste Management Division has reviewed the Project and has set conditions to ensure compliance with all state laws in regards to recycling, and organic's recycling including construction recycling and waste.
- XIX g) **Less Than Significant.** The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste. The Solid Waste Management Division has reviewed the Project and has required Conditions of Approval be incorporated that will carry out all existing federal, state and local statutes and regulations.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XX. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XX a) **Less Than Significant Impact with Mitigation Incorporated.** The project does not appear to have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or 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.

There are no identified historic or prehistoric resources identified on this site. No archaeological or paleontological resources have been identified in the project area.

The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the Project will be designed and painted to be low profile and blend predominantly with the desert background.

A Biological Survey has been completed for this project. Conclusions of the survey state that desert tortoise does not occupy the project site. The report notes that vegetation known to support the burrowing owl, were found on the property and in the immediate vicinity and that preconstruction surveys should be required. This requirement has been added as a condition of project approval prior to grading or ground disturbance and has been made a mitigation measure. **[Mitigation Measure IV a-1, a-2 & a-3]**

XX b) **Less Than Significant.** The project does not have impacts that are individually limited, but cumulatively considerable. Less than significant cumulative impacts to air quality, traffic, and hydrology have been identified. These impacts have been adequately addressed through conditions of approval required to construct and operate the Project. The project site is consistent with the development standards of the County's Development

---

Code and is consistent with the General Plan, any cumulative impacts have been addressed by the County's General Plan and certified Environmental Impact Report used in evaluating and mitigating the cumulative effects of the adoption of the General Plan.

- XX c) **No Impact.** The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this project or identified by review of other sources or by other agencies.

Only minor increases in traffic, emissions and noise will be created by implementation of the proposed project. These potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

**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.**

## **XX. MITIGATION MEASURES**

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

**SELF MONITORING MITIGATION MEASURES:** (Condition compliance will be verified by existing procedure):

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

The following condition of approval will be required prior to the issuance of Grading and/or Building Permits:

**Burrowing Owl Mitigation – Pre-Construction Survey.** Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:

- If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
- If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and

---

refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.

- Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.

**[Mitigation Measure IV a-2]**

**Burrowing Owl Mitigation – Management Plan.** Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure IV a-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.
- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project.

**[Mitigation Measure IV a-3]**

**Nesting Bird Mitigation – Pre-Construction Surveys.** Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified

biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

**[Mitigation Measure XVIII a-1]**

Prior to the issuance of Building Permits, the following shall be completed:

The fair share contribution for this project is required based on the traffic report dated March 14, 2016 from Kunzman Associates, Inc. The fair share breakdown for these improvements is:

Intersection	Estimated Cost	Fair Share Percentage	Estimated Contribution
Valley Vista Road @ Phelan Road			
-Construct Traffic Signal	\$600,000	3.56%	\$21,360
-Add EB Lt Turn Lane (Striping)	\$10,000	3.56%	\$356
-Add WB Right Turn Lane	\$50,000	3.56%	\$1,781
Lengthen WB Lt Turn Lane (Striping)	\$10,000	3.56%	\$356
<b>Intersection Total</b>	<b>\$670,000</b>	<b>3.56%</b>	<b>\$23,853</b>

**[Mitigation Measure XVIII d-1]**

Prior to the issuance of Building Permits, the following shall be completed:

Design the street improvement plans to include a no-parking zone on the north side of Phelan Road from 85 feet west of the project driveway to 120 feet east of the project driveway.



---

## **GENERAL REFERENCES**

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

Bryant, W. and E. Hart. 2007. *Special Publication 42: Fault-Rupture Hazard Zones in California*. California Geological Survey. Sacramento, California. <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>

California Department of Conservation 2012/2013. *San Bernardino County Important Farmland, Sheet 2 of 2*. [ftp://ftp.consrv.ca.gov/pub/dlrp/wa/sanbernardino\\_no\\_12\\_13\\_WA.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/wa/sanbernardino_no_12_13_WA.pdf)

California Department of Conservation. *California Surface Mining and Reclamation Policies and Procedures*

California Department of Conservation. *Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area. San Bernardino County: The Barstow-Victorville Area, California*

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

California Department of Transportation. *Caltrans Scenic Highway Corridor Map*. [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm)

California Department of Water Resources, California's Ground Water Bulletin #118 Update, 2003

California Environmental Protection Agency – State Resources Control Board. *GeoTracker* <http://geotracker.waterboards.ca.gov/>

California Natural Diversity Database. <http://www.dfg.ca.gov/biogeodata/cnddb/>

California State University, Fullerton, South Central Coastal Information Center.

CEQA Guidelines, Appendix G.

County of San Bernardino, Circulation and Infrastructure Background Report, February 21, 2006

County of San Bernardino, Countywide Integrated Waste Management Plan, 2007 Fire-Year Review Report, December 2007

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 Hazard Overlay Map EI02B. <http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps/HazardMaps.aspx>

---

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*, May 1, 2012.

County of San Bernardino Road Planning and Design Standards, [http://www.co.san-bernardino.ca.us/dpw/transportation/tr\\_standards.asp](http://www.co.san-bernardino.ca.us/dpw/transportation/tr_standards.asp)

Environmental Impact Report, San Bernardino County General Plan, 2007

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, August 2011

Mojave Desert Air Quality Management District, *Mojave Desert Planning Area – Federal Particulate Matter (PM<sub>10</sub>) 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*

### **PROJECT SPECIFIC REFERENCES**

CalEEMod, *Proposed Dollar General Store, Phelan*. April 2016.

Dudek, *Proposed Dollar General Store, 4382 Phelan Road, Phelan, California, Acoustical Study Results*. January 11, 2016

Dudek, *Phase I Cultural Resources Inventory for a Proposed 1.87-Acre Commercial Development at 4382 Phelan Road in Phelan, San Bernardino, California*. January 22, 2016

GeoBoden, Inc., *Geotechnical Investigation Report, Proposed Dollar General Building – Phelan, 4382 Phelan Road*. November 10, 2015

Kunzman Associates, Inc., *Dollar General – Phelan Project Traffic Impact Analysis*. March 14, 2016

RCA Associates, LLC., *General Biological Resources Assessment*. December 21, 2015

TTG Engineers, *Preliminary Drainage Report for Dollar General Phelan, Phelan, CA*. April 2016.

TTG Engineers, *Water Quality Management Plan for Dollar General Phelan*. April 6, 2016