



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** June 6, 2019

**AGENDA ITEM 2**

**Project Description**

**Vicinity Map -**

**APN:** 3066-191-04  
**Applicant:** George Wanis

**Community:** Phelan/1st Supervisorial District  
**Location:** Northwest corner of Beekley Road and State Highway 138 in the Community of Pinon Hills within the Phelan/Pinon Hills Community Plan.

**Project No:** P201700697/CUP  
**Staff:** Anthony De Luca  
**Rep:** Steeno Design Studio, Inc.  
**Proposal:** Conditional Use Permit to construct a 4,998 square foot convenience store and gas station with six (6) fuel pumps, and a Minor Variance to allow the west side street setback to be reduced from 25 feet to 20 feet.



**Hearing Notices Sent on:** May 22, 2019

Report Prepared By: Anthony De Luca, Senior Planner

**SITE INFORMATION:**

Parcel Size: 3.01 Acres  
 Terrain: Flat  
 Vegetation: Natural desert vegetation

**TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:**

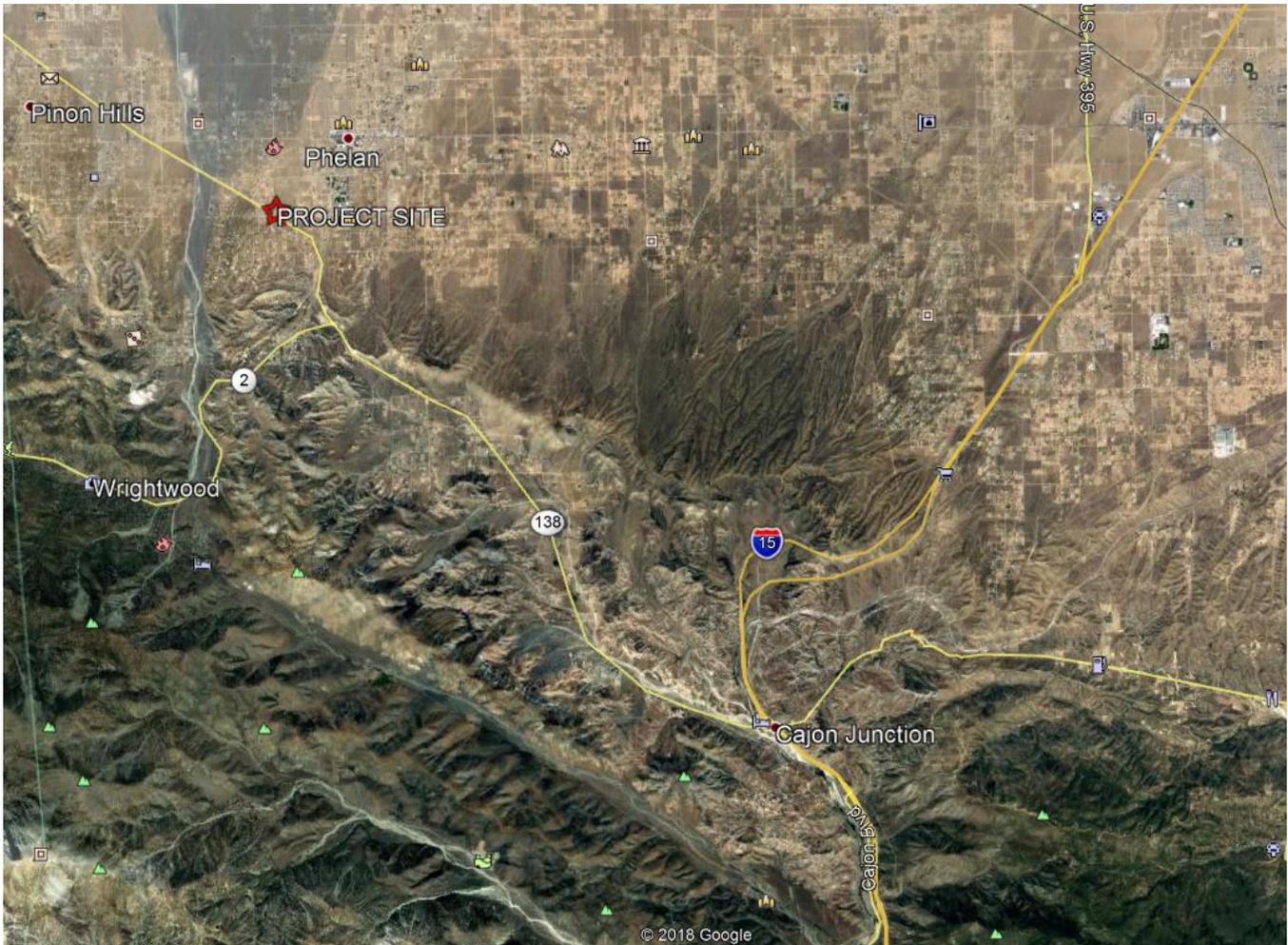
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant Land	Special Development Residential (SD-RES)
North	Vacant Land	Special Development Residential (SD-RES)
South	State Highway 138	Phelan/Rural Living (PH/RL)
East	Vacant Land	Special Development Residential (SD-RES)
West	Single Family Residence	Phelan/Rural Living (PH/RL)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Phelan/Pinon Hills Community Services District	Letter of Intent to Serve Received
Sewer Service:	EHS	Proposed Septic System

**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **APPROVE** the Conditional Use Permit, subject to Conditions of Approval, **APPROVE** the Minor Variance, **ADOPT** the Findings as contained in the Staff Report, **FILE** a Notice of Determination.<sup>1</sup>

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

REGIONAL VICINITY MAP 



**Figure 1 Regional Vicinity Map**

LAND USE DISTRICT MAP 



Figure 2 Land Use Designation Map: Site Outlined in Blue



## SITE PHOTOS



***Figure 4 View North to South at Intersection of Beekley Rd / Beekley Ln***



***Figure 5 View South to North from Highway 138***

## SITE PHOTOS



**Figure 6 View South to North: NW Corner of Intersection of Highway 138 and Beekley Rd**



**Figure 7 Interior of the Site Looking North**

**PROJECT DESCRIPTION:**

The Applicant is requesting the approval of (1) a Conditional Use Permit (CUP) to construct and operate a 4,998 square-foot convenience store and gas station with six island fueling stations on approximately 1.65 acres of a 3.01-acre site and (2) a Minor Variance that allow the street side setback requirement along Beekley Lane to be reduced from Twenty-five (25) feet to twenty (20) feet (collectively “Project”). The Project is located on the northwest corner of State Route 138 (SR-138) and Beekley Road in the unincorporated community of Phelan/Pinon Hills in the County of San Bernardino (APN 3066-191-04). The fueling stations would be composed of six (6) fueling islands to include twelve (12) fueling dispensers, and two underground storage tanks (USTs) including a 20,000-gallon UST for unleaded fuel, and a 20,000-gallon split tank that would store 8,000 gallons of premium, and 12,000 gallons of diesel. The Project would include a 4,600 square-foot canopy at a maximum height of approximately twenty (20) feet to be constructed over the fueling area, and a free-standing pole sign at a maximum height of twenty-five (25) feet. The Project will be developed pursuant to the County Development Code (Development Code).

**PROJECT ANALYSIS:**

**Site Planning:** The Project consists of the development of 1.65 acres on a 3.01 acre parcel, as described above. The Special Development-Residential (SD-RES) land use zoning district provides sites for a combination of residential, commercial, industrial, agricultural, open space and recreation uses, and similar compatible uses.

Access to the site is provided from Beekley Road on the eastern boundary of the parcel which runs in a north/south direction intersecting with SR-138 at the southern end of the Project site. The Applicant is also requesting approval of a minor variance to allow the street-side setback along Beekley Lane to be reduced from from Twenty-five (25) feet to twenty (20) feet. The Project site plan provides adequate area to accommodate all parking, access requirements, and landscaping required to comply with development standards of the Development Code.

**Code Compliance Summary:** With the exception of the proposed minor variance, the Project satisfies all applicable standards of the Development Code for development in the Phelan/Special Development-Residential (PH/SD-RES) land use zoning district, as illustrated in Table 2:

**Table 2: PROJECT CODE COMPLIANCE**

Project Component	Development Code Standard	Project Plans
Proposed Buildings	CUP	CUP
Parking	20 spaces required 1 ADA spaces	27 total spaces which includes 2 ADA spaces
Landscaping	20% minimum required	39%
Building Setbacks	Front: 25' Side Street: 25'  Side Interior: 10' Rear: 10'	25' 25' (Beekley Road) 20' (Beekley Lane) w/variance 10' 10'
Building Height	35' Maximum	20'
Drive Aisles	24'	24'

**Landscaping:** A landscaping plan will be provided and will be required to comply with the Landscaping Standards provided in the Development Code, Section 83.10.060, and Table 83-12 "Minimum Landscaped Area".

**Parking:** Chapter 83.11, section 83.11.040 Table 83-15 requires twenty (20) spaces with one (1) ADA accessible space for the convenience store. Twenty-five (25) spaces with two (2) ADA accessible spaces are provided.

**Hours of Operation:** Operating hours will be 5:00 a.m. to 12:00 a.m. seven (7) days per week.

**Water Service:** Water will be obtained from the Phelan Pinon Hills Community Services District.

**Septic Service:** The Project includes a proposed septic system. Based on discussion with County Environmental Health Services (EHS) staff, the results of the percolation testing for the seepage pits, and seepage pit design would be in compliance with EHS County Code requirements.

**Signs:** The development proposes a free standing Pole Sign up to 25' in height per Development Code Section 83.13.050(c)(13) Table 83-30 *Onsite Signs in Special Development Land Use Zoning Districts*.

**Biological Resources:** Although no nesting birds or burrowing owl presence was identified on the Project site during field surveys conducted for the Biological Resource Assessment, mitigation measures are described in the Initial Study/Mitigated Negative Declaration (IS/MND) that will reduce the level of impact to less than significant, which includes method of treatment of any unexpected discoveries of wildlife and protected plant species including Joshua Trees.

**Cultural/Tribal Cultural Resources:** No cultural or tribal cultural resources were identified on the Project site. However, mitigation measures as described in the IS/MND for this Project are designed to reduce impacts to less than significant to any inadvertent discoveries of cultural or tribal cultural resources including human remains.

In accordance with AB 52, the County sent out notices of opportunity to consult to the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and the Colorado River Indian Tribes.

The Morongo Band of Mission Indians requested a representative be on-site during ground-disturbing activities. Due to the high number of Joshua Trees, the San Manuel Band of Mission Indians did not find archaeological testing feasible and recommended an archaeologist be on-site for any ground disturbing activities. The County consulted further with Ms. Jessica Mauck, a representative with the San Manuel Band of Mission Indians, and Travis Armstrong a representative with the Morongo Band of Mission Indians. Both Ms. Mauck and Mr. Armstrong provided the County with mitigation and monitoring language which is incorporated into the IS/MND and Conditions of Approval for the Project.

**Traffic:** A Traffic Impact Study was prepared by David Evans and Associates to evaluate potential Project-related traffic impacts. Based on the Project trip generation, traffic distribution, and assignment patterns, intersection capacity analyses were conducted to assess the estimated Project impacts. Traffic mitigation measures as outlined in the IS/MND prepared for this project include street improvements such as curb and gutter along the project frontage on Beekley Road.

**Driveway A and Beekley Road:**

- Provide right-in right-out access; and
- Install raised median along Beekley Road to restrict northbound left turn movements into Project Driveway A.

**Driveway B and Beekley Road:**

- Provide a northbound left turn lane to enter the full access driveway; and
- Stripe a two way left turn lane.

**SR-138 and Beekley Road:**

- Stripe an additional southbound left turn lane; and
- Optimize the existing 8-phase signal timing.

**Noise:** Mitigation measures outlined in the IS/MND prepared for this Project will reduce temporary construction noise as well as ongoing operational noise to a less than significant level.

**Minor Variance:** The Applicant is requesting a minor variance to reduce the street-side setback requirements along Beekley Lane from twenty-five (25) feet to twenty (20) feet. The five (5) foot reduction qualifies for a minor variance under Development Code Section 85.17.040, Table 85-5, and is requested in this case due to the unique size, shape, and location of the parcel; with drive aisle requirements, existing easements, and the necessity to maneuver trucks within the site it was necessary to utilize the extra five (5) feet along Beekley Lane on the west side of the property in order to accommodate the proposed building, and other design features including required parking, while respecting the requirements of drive aisle width and easement avoidance.

**California Environmental Quality Act:** An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the Project and staff determined that the proposal will not have any adverse impacts that will remain potentially significant, with implementation of the proposed mitigation measures. The Initial Study was sent to the State Clearinghouse with the review period ending on May 15, 2019. No State agencies submitted comments by the closing date and no public comments were received challenging the determination as outlined in the IS/MND. A letter from the State Clearinghouse was received on May 21, 2019, acknowledging that fact and that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. The letter is attached to the end of the IS/MND in Appendix D provided in the submittal package for this Project.

In addition to the items discussed above, the mitigation measures will ensure construction impacts will not have a significant impact on the environment. The County exercised its independent judgment in making this determination. Therefore, a MND is recommended along with approval of the Project.

**Public Comments:**

Project notices were sent to surrounding property owners within 300 feet of the Project site's exterior boundaries, as required by Development Code Section 85.03.080. One surrounding property owner visited the County Land Use Services Department to ask questions, gain information and voice his opposition to the Project. He was concerned about visual impacts from his property in the direction of the proposed development. The homeowners property is west of the proposed development across Beekley Lane, which includes an existing home that is approximately 115 feet from the property line of the proposed development. The homeowner suggested a taller screen wall on that side of the property, to reduce the visual impact. He was informed that there is a retaining wall proposed on the west side of the property for which the height will be determined on the grading plans for the Project. The property owner was informed of the public hearing process and that he would receive a notice in the mail with details of the Planning Commission hearing.

**RECOMMENDATION:**

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **APPROVE** the Conditional Use Permit (CUP) to construct and operate a 4,998 square-foot convenience store and gas station with six-island fueling stations on approximately 1.65 acres of a 3.01-acre site, subject to the recommended Conditions of Approval;
3. **APPROVE** the Minor Variance to allow the street-side setback requirement along Beekley Lane to be reduced from Twenty-five (25) feet to twenty (20) feet;
4. **ADOPT** the Findings as contained in the Staff Report; and
5. **FILE** the Notice of Determination.

**ATTACHMENTS:**

- EXHIBIT A: Findings  
EXHIBIT B: Conditions of Approval  
EXHIBIT C: Site Plan  
EXHIBIT D: Initial Study/Mitigated Negative Declaration

# EXHIBIT A

## Findings

**FINDINGS:** A Conditional Use Permit (CUP) to construct and operate a 4,998 square-foot convenience store and gas station with six-island fueling stations on approximately 1.65 acres of a 3.01-acre site (Project).

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application.** However, it is narrow in shape and will require a Minor Variance to reduce the west street-side setback along Beekley Lane from 25 feet to 20 feet in order to accommodate the proposed convenience store, and associated design features. With the Variance, the 3.01-acre site will accommodate the proposed building and other required features associated with the Project.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The site for the proposed use has adequate access because the design and proposed conditions of approval provide for the streets surrounding the site to be fully improved and to provide legal and physical access to the site. This includes road dedication as well as street improvements including, curb and gutter which will be provided along Beekley Road
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The proposed use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The proposed use is required to comply with all requirements of the County Development Code (Development Code) with respect to noise, vibration, lighting and glare. In addition, the use will not interfere with the present or future ability to use solar energy systems.
4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan.** The proposed CUP site plan, together with the provisions for its design and improvement are consistent with the County General Plan and Phelan/Pinon Hills Community Plan. The Project specifically implements the following goals:

Phelan/Pinon Hills Community Plan Goal PH/ED 1: *Promote economic development that is compatible with the rural desert character of the Phelan/Pinon Hills community:*

- Goal/Policy Implementation: The proposed Project is located in a well-traveled area along Highway 138 between Interstate 15 and State Highway 18 that would provide economic benefit to the community as well as to travelers. The Project is appropriately sited and compatible with the surrounding area.

General Plan Goal LU 4: *The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.*

- Goal/Policy Implementation: The Project is located within a sparsely developed area in the unincorporated community of Phelan within a Special Development Residential zoning district which allows a mix of residential and commercial development. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct road improvements

along Beekley Road. Water service is provided by the Phelan/Pinon Hills Community Services District (PPHCSD) and sewer will be a County Environmental Health Services approved septic system.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare**, because the conditions of approval include measures that require the developer to comply with the performance measures outlined in the Development Code.
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**, through the orientation and design of the building to take advantage of passive solar heating capabilities.

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**FINDINGS:** A Minor Variance to reduce the street-side setback requirements along Beekley Lane from twenty-five (25) feet to twenty (20) feet.

The following findings have been made in accordance with Chapter 85.17 of the Development Code:

1. **The granting of the variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.** The proposal of the reduced setback along Beekley Lane will not cause unusually long or prohibitive shadows or generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The proposed Project will not deprive the neighborhood properties from the use of solar energy nor will the proposed changes significantly impact the surrounding properties in the area or conflict with future development.
2. **There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district.** Due to the unique size, shape, and location of the parcel, with drive aisle requirements, existing easements, and the necessity to maneuver trucks within the site it is necessary to utilize the extra five (5) feet along Beekley Lane on the west side of the property. A twenty-five (25) foot street-side setback along Beekley Lane is required per the Development Code. A minor variance has been requested to reduce the setback to twenty (20) feet in order to accommodate the proposed building, and other design features including required parking, while respecting the requirements of drive aisle width and easement avoidance.
3. **The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district** because the strict application of the twenty-five (25) foot setback along Beekley Lane would cause a hardship to the property owner due to the unique size, shape, and location of the parcel, drive aisle requirements, existing easements, and the necessity of truck maneuver requirements within the site. Additionally, there are similar projects in the area and region with similar lot coverage as that being proposed, but may be located in a different land use district, with less restrictive setback requirements.
4. **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan** because the Project specifically conforms with the development regulations applicable to services stations in the SD Zoning District and specifically implements County General Plan and Phelan/Pinon Hills Community Plan policies discussed above, including County General Plan Policy LU 1.2, that the design and siting of new development will meet locational and development standards ensure compatibility of the new development with adjacent land uses and community character.

## **ENVIRONMENTAL FINDINGS**

### **CUP/ Minor Variance**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, County staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) that identify and evaluate the environmental impacts of the Project. The Project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. The IS/MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

## **EXHIBIT B**

### **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

### Wanis Gas Station and Convenience Store Conditional Use Permit

## **GENERAL REQUIREMENTS**

### Ongoing and Operational Conditions

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

1. Project Approval Description. Conditional Use Permit (CUP) to construct and operate a 4,998 square-foot convenience store and gas station with six island fueling stations on approximately 1.65 acres of a 3.01-acre site located on the northwest corner of State Route 138 (SR-138) and Beekley Road in the unincorporated community of Phelan/Pinon Hills in the County of San Bernardino (APN 3066-191-04). The fueling station would be composed of six (6) fueling islands to include twelve (12) fueling dispensers, and two underground storage tanks (USTs) including a 20,000-gallon UST for unleaded fuel, and a 20,000-gallon split tank that would store 8,000 gallons of premium, and 12,000 gallons of diesel. The Project would include a 4,600 square-foot canopy at a maximum height of approximately twenty (20) feet to be constructed over the fueling area, and a free-standing pole sign at a maximum height of twenty-five (25) feet. The Applicant is also requesting approval of a Minor Variance to allow for the reduction of the street side setback (Beekley Lane) from Twenty-five (25) feet to twenty (20) feet. This CUP is approved in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 3066-191-04, Project No. P201700697.

2. Project Location. The project is located at the NWC of Beekley Road and Highway 138 in the community of Pinon Hills, within the Phelan/Pinon Hills Community Plan area.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees.

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

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

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project account number is P201700697. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division

in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:

- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
  - Building Permits: a copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- a) FEDERAL: N/A;
  - b) STATE: Lahontan RWQCB, Mojave Desert AQMD, California Department of Fish and Wildlife, Caltrans
  - c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
  - d) LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.

- j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
- All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:

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

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

21. 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.
22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

23. 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.
24. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
25. 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.
26. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

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

27. 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.
28. The Onsite Wastewater Treatment System (OWTS) shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper or qualified service provider. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
29. 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 one (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 two (2) times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste

*Mitigation Measures are in Italics*

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.

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

30. Construction 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.
31. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein (“Fire Department”). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.[F01]
32. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite 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. [F01A]
33. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.
34. Overlay District- FS. The County General Plan designates this property as being within the Fire Safety Overlay. All future construction shall adhere to all applicable standards and requirements of this overlay district. [F04A]

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

35. Prior to sign off by this agency, the operator must update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

36. 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.
37. 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.
38. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction’s franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction’s franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property

*Mitigation Measures are in Italics*

to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

39. Project vehicles shall not back out into the public roadway.

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

The Following Shall Be Completed

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

Tribal Cultural Resources Discovery Protocol and Treatment:

40. *A monitor from the Morongo Band of Mission Indians and an archaeologist will be present for any and all ground-disturbing activity. If a pre-contact cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 60 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. Representatives from the San Manuel Band of Mission Indians (SMBMI), the Morongo Band of Mission Indians (MBMI), the Archaeological Monitor/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource, as detailed within the monitoring and treatment plan. A research design shall be developed and will include a plan to evaluate the resource for significance under CEQA criteria. The research design shall also acknowledge that, regardless of significance under CEQA, all pre-contact discoveries shall be subject, if feasible, to avoidance and preservation in place as treatment.*

*Should the resource not be a candidate for avoidance or preservation in place, and full data recovery is necessary, the research design shall include a comprehensive discussion of resource processing, analysis, curation, and reporting protocols and obligations. All analysis shall be conducted in conference with the SMBMI and the MBMI. All removed material shall be temporarily curated on-site and a fully executed reburial agreement shall be developed with the SMBMI and the MBMI. This agreement shall include measures and provisions to protect the future reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, deed riders, etc.). Reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, SMBMI, and MBMI.*

*Should it occur that avoidance, preservation in place, or on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI and MBMI to identify an American Association of Museums (AAM)-accredited facility within San Bernardino County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.*

41. *All draft reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency, SMBMI, and MBMI for their review and comment. After approval from all parties, the final reports are to be submitted to the local CHRIS Information Center, the Lead Agency, and Consulting Tribes.*

*Mitigation Measures are in Italics*

42. *The Lead Agency and the applicant/developer shall immediately contact the County Coroner, the San Manuel Band of Mission Indians (SMBMI), and the Morongo Band of Mission Indians (MBMI) in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of being granted access to the site, as required by California Public Resources Code § 5097.98.*

43. *Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.*

*It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).*

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

45. 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 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.”
- d) 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.

- e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- f) 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.

46. 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 [ $PM_{10}$  and  $PM_{2.5}$  (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  - 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
  - 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
  - 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed twenty-five (25) miles per hour.
- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase  $NO_x$  and  $PM_{10}$  levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
  - 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
  - 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

47. 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.

48. *The Project Proponent shall install a minimum six (6)-foot high temporary construction noise barrier at the Project's western site boundary for the duration of mobile equipment construction activities for Project Site preparation and grading stages of construction activities.*

- *The temporary noise barriers shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g. vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;*
- *The noise barrier must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired;*

- *The noise control barrier and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.*
49. *During all Project Site construction, the contractor shall equip all construction equipment (fixed or mobile) with properly operating and maintained mufflers, consistent with manufacturers' standards and shall locate equipment staging in areas that shall create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project Site.*
50. *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project site (i.e., to the center) during all Project construction.*
51. *Initial site preparation such as grading, or any other project-related activity that increase noise and human activity on the Project Site shall occur outside the bird breeding season of February through August. If ground disturbing activities and removal of vegetation or other potential nesting habitat must occur during the nesting period, a qualified biologist shall conduct a breeding bird survey no more than three days prior to the start of construction to determine if nesting is occurring.*
- *If occupied nests are found, they shall not be disturbed unless the qualified biologist determined through non-invasive methods that either (a) the adult birds have not begun egg-laying or incubation; or (b) the juveniles from the occupied nests are capable of independent survival.*
  - *If the biologist is not able to verify one of the above conditions, then no disturbance for each nest or nesting site shall occur within a distance specified by the qualified biologist in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.*
52. *Prior to ground disturbing activities, such as grading and vegetation removal, a burrowing owl presence/absence survey shall be conducted following the protocols established by the CDFW. The burrowing owl pre-construction survey shall be conducted no more than three days prior to construction to confirm the absence of the species from the site.*
- *Occupied sites shall not be disturbed during the nesting season (February 1 – August 31) unless a qualified biologist verifies through non-invasive methods that either 1) the birds have not begun egg-laying or incubation or 2) that juveniles from the occupied burrows are foraging independently and are capable of an independent survival flight.*
  - *If the biologist is not able to verify one of the above conditions, then no disturbance shall occur during the breeding season within a distance determined by the qualified biologist for each nest or nesting site. For the burrowing owl, the recommended distance is a minimum of 160 feet.*
53. *A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the County's Development Code. Removal of all plants protected or regulated by the Desert Native Plants Act would be required to comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.*
54. *Joshua trees deemed suitable for transplanting shall be utilized as part of the proposed landscaping on-site where possible or shall be transplanted to an area of the Project Site where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting may be removed from the Project Site.*
55. *Prior to excavation, a qualified arborist shall construct earthen berms around each Joshua tree. The Joshua trees shall be watered approximately one week before transplanting. Watering the Joshua trees prior to transplanting will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.*
56. *Each Joshua tree deemed suitable for transplanting shall be moved to a pre-selected location and shall be placed and oriented in the same direction as its original direction. Once transplanted, the area around the tree shall be backfilled with native soil, and the transplanted Joshua tree shall be watered immediately.*

57. *The qualified arborist shall develop a watering regiment to ensure the survival of the transplanted Joshua trees. The watering regiment shall be based upon the needs of the trees and the local precipitation.*

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

58. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
59. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls
60. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
61. 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)
62. Erosion & Sediment Control Plan. An erosion and sediment control plan shall be submitted to and approved by the Building Official.
63. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
64. Regional Board Permit Letter. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

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

65. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
66. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C6450H dated 08/28/2008.
67. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
68. Grading Plans. Grading plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

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

69. Water System. Prior to any land disturbance, the water system 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. [F05]

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

70. 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).

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:

- a) Monuments set to mark property lines or corners;
- b) Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c) Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey

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

71. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at 1-800-442-2283.

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**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

72. 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.

73. 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.

74. 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.

75. Noise. *The Project Proponent shall construct a minimum three (3)-foot high parapet wall on the roof of the convenience store building to reduce noise levels due to roof-top air conditioning units at nearby noise-sensitive receiver locations.*

*All windows shall be well fitted, well weather-stripped assemblies and shall have a minimum, standard sound transmission class (STC) ratings of 27 for the Project building.*

*All exterior doors shall be well weather-stripped and have minimum STC ratings of 25. Well-sealed perimeter gaps around the doors are essential to achieve the optimal STC rating.*

*At any penetrations of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar to form an airtight seal.*

76. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended

*Mitigation Measures are in Italics*

to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended):
- Incorporate dual paned or other energy efficient windows,
  - Incorporate energy efficient space heating and cooling equipment,
  - Incorporate energy efficient light fixtures, photocells, and motion detectors,
  - Incorporate energy efficient appliances,
  - Incorporate energy efficient domestic hot water systems,
  - Incorporate solar panels into the electrical system,
  - Incorporate cool roofs/light colored roofing,
  - Incorporate other measures that will increase energy efficiency.
  - Increase insulation to reduce heat transfer and thermal bridging.
  - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
  - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
  - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
  - Natural day lighting through site orientation and the use of reflected light.
  - Skylight/roof window systems.
  - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
  - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
  - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
  - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
  - Roofing materials shall have a solar reflectance index of 78 or greater.

- All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
  - Energy Star or equivalent appliances shall be installed.
  - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
77. 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**

78. 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.

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

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

80. 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.

**Beekley Road (Secondary Highway – 88')**

- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

81. 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.

82. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

83. 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.

84. 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.

85. 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.

86. 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.

87. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.

88. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.

*Mitigation Measures are in Italics*

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

89. **Building Plans.** No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
90. **Fire Flow.** Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.[F05B]
91. **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 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. (F54]
92. **Access.** The development shall have a minimum of two (2) points 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. [F41]

93. **Combustible Protection.** 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. [F44]
94. **Combustible Vegetation.** Combustible vegetation shall be removed as follows:

"Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.

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

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

95. **Construction and Demolition Waste Management Plan (CWMP) Part 1 –** The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

96. Water purveyor shall be **Phelan/Pinon Hills Community Services District** or EHS approved.  
*Mitigation Measures are in Italics*

97. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address will suffice. For information, contact the Water Section at 1-800-442-2283.
98. Method of sewage disposal shall be an EHS approved onsite wastewater treatment system(s) (OWTS) and conform to the Local Agency Management Program May 2017.
99. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) (OWTS) may then be allowed under the following conditions:
- a) A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
  - b) An Alternative Treatment Permit, if applicable, shall be required.
100. Existing onsite wastewater treatment system (OWTS) can be used if applicant provides OWTS 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. For information on the OWTS Certification form, contact DEHS at 1-800-442-2283.
101. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 800-442-2283.
102. 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.
103. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 1-800-442-2283. The recycling center must maintain an amount of less than 10% residual amount of solid waste from the separated waste for reuse; a less than 1% putrescible wastes from the separated waste for reuse material received by weight. As long as the above conditions are met, the facility will not be subject to the Transfer/Processing Regulatory Requirements, pursuant to 14 CCR §17402.5. If the facility exceeds the above stated limitations, a Full Solid Waste Facility Permit will be required.

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

104. Sight distance for the north driveway shall be evaluated and approved prior to issuance of building permits.
105. Improvements: The applicant shall design their street improvement plans to include the following:
- Construct curb and gutter along the Project frontage on Beekley Road.*
  - Construct approaches on Beekley Road as such:*
    - o *Driveway A and Beekley Road*
      - *Provide right-in right-out access*
      - *Install raised median along Beekley Road to restrict northbound left turn movements into Project Driveway A*

*Mitigation Measures are in Italics*

- *Driveway B and Beekley Road*
  - *Provide a northbound left turn lane to enter the full access driveway; and stripe a two way left turn lane*
- *SR-138 and Beekley Road:*

*Stripe an additional southbound left turn lane; and optimize the existing 8-phase signal timing.*

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

The Following Shall Be Completed

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

106. 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 P201700697.
107. 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).
108. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
109. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
110. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
111. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

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

112. 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. These fees are subject to change. [http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)
113. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

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

114. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and signoffs shall be completed.

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

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

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

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

*Mitigation Measures are in Italics*

117. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
118. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.
119. 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.
120. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
121. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

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

122. Commercial Addressing. Commercial - Large facility Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 1/2) 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 [F83]
123. 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. [F80]
124. 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. [F93]
125. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.[F94]
126. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan. Standard 704. [F95]
127. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
128. 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".[F03]

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

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

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

130. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Material Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

131. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8464.

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

132. Alternative Treatment System Permit, if applicable, shall be required. For information, contact DEHS at: 1-800-442-2283.

133. A Retail Food Facility Permit shall be required. For information, contact DEHS at: 1-800-442-2283.

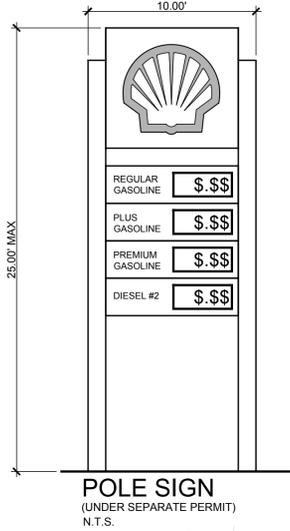
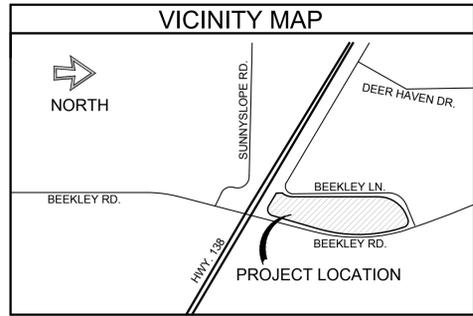
**END OF CONDITIONS**

# EXHIBIT C

## Site Plan

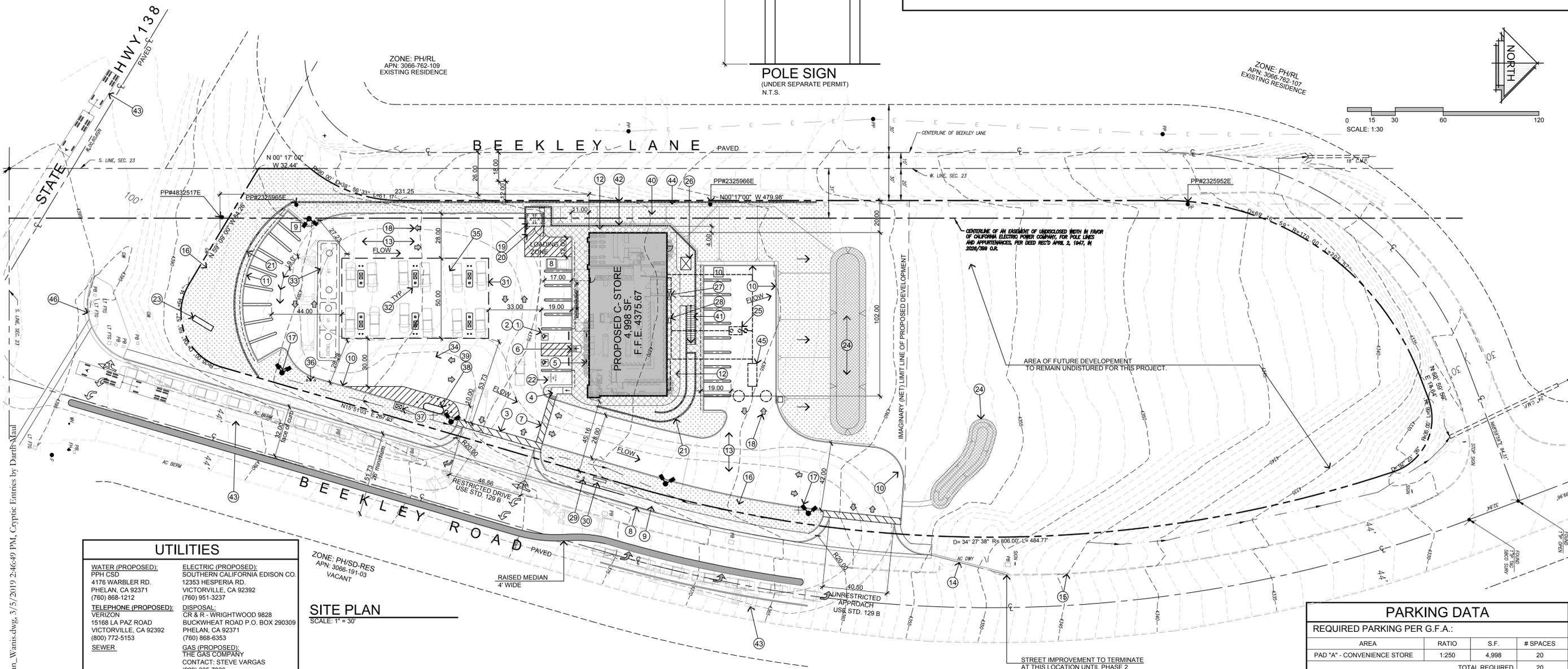
PROPOSED DRAINAGE FIXTURE UNITS - SEWER			
FIXTURE UNITS	QUANTITY	FIXTURE UNITS (EA)	TOTAL UNITS
<b>STORE</b>			
WATER CLOSETS	2	6	12
LAVATORIES	2	1	2
HAND WASH SINKS	1	1	1
MOP SINKS	1	3	3
FLOOR SINK (3 COMPT SINK)	1	3	3
PREP SINK (SINGLE COMPT)	1	3	3
FLOOR SINK (BEVERAGE DISP)	1	1	1
		<b>TOTAL (STORE)</b>	<b>25</b>
<b>LEASE SUITE</b>			
WATER CLOSETS	1	6	6
LAVATORIES	1	1	1
HAND WASH SINKS	1	1	1
MOP SINKS	1	3	3
FLOOR SINK (3 COMPT SINK)	1	3	3
PREP SINK (SINGLE COMPT)	1	3	3
FLOOR SINK (BEVERAGE DISP)	1	1	1
		<b>TOTAL (LEASE SUITE)</b>	<b>18</b>
		<b>GRAND TOTAL</b>	<b>43</b>

MINIMUM SEPTIC TANK CAPACITY PER CPC TABLE H 201.1  
 25 DFU'S = 1,200 GALLONS  
 33 DFU'S = 1,500 GALLONS  
 45 DFU'S = 2,000 GALLONS



OFFICIAL USE ONLY

**STEENO**  
 DESIGN STUDIO, INC.  
 ARCHITECTURE DESIGN PLANNING  
 11774 HESPERIA ROAD, SUITE B-1  
 PINON HILLS, CA 92374  
 PHONE (760) 244-5001 FAX (760) 244-1948  
 WWW.STEENODESIGN.COM



UTILITIES	
<b>WATER (PROPOSED):</b> PPH CSD 4176 WARBLER RD. PHELAN, CA 92371 (760) 868-1212	<b>ELECTRIC (PROPOSED):</b> SOUTHERN CALIFORNIA EDISON CO. 12353 HESPERIA RD. VICTORVILLE, CA 92392 (760) 951-3237
<b>TELEPHONE (PROPOSED):</b> VERIZON 15168 LA PAZ ROAD VICTORVILLE, CA 92392 (800) 772-5153	<b>DISPOSAL:</b> CR & R - WRIGHTWOOD 9828 BUCKWHEAT ROAD P.O. BOX 290309 PHELAN, CA 92371 (760) 868-6353
<b>SEWER:</b>	<b>GAS (PROPOSED):</b> THE GAS COMPANY CONTACT: STEVE VARGAS (909) 335-7836

ZONE: PH/SD-RES  
 APN: 3066-191-03  
 VACANT

**SITE PLAN**  
 SCALE: 1" = 30'

PARKING DATA			
REQUIRED PARKING PER G.F.A.:			
AREA	RATIO	S.F.	# SPACES
PAD "A" - CONVENIENCE STORE	1:250	4,998	20
TOTAL REQUIRED			20
PROVIDED PARKING:			
9'x19' ACCESSIBLE PARKING STALLS			= 2 SPACES
9'x19' STANDARD PARKING STALLS			= 25 SPACES

- | KEYED NOTES  |   |  |
|--|---|--|
| 1) VAN ACCESSIBLE PARKING SPACE  | 17) 20' HI SITE LIGHT STANDARD, SEE PLAN FOR NUMBER OF HEADS  | 31) LINE OF FUEL 92"x50" FUEL CANOPY, UNDER SEPARATE PERMIT  |
| 2) ACCESSIBILITY STALL EMBLEM PAINTED AS SHOWN                                   | 18) TRAFFIC FLOW DIRECTIONAL ARROWS PAINTED ON PAVING AS SHOWN ON PLAN  | 32) PROPOSED FUEL DISPENSER, 6 @ (3+0) & 6 @ (3+1)   |
| 3) 48" WIDE ACCESSIBILITY ACCESS W/ BLUE STRIPES                                 | 19) 8' HI. ACCESSIBLE TRASH ENCLOSURE, PER COUNTY STANDARDS, PROVIDE REFUSE AND RECYCLE MATERIAL STORAGE OF 12 SQ. FT. EACH ONE, 24 SQ. FT. TOTAL (CDC 84.24.040)   | 33) LINES OF UNDER GROUND FUEL STORAGE TANKS, 87 & 91 OCTANE + DIESEL                                      |
| 4) A.D.A. RAMP NOT TO EXCEED 5% SLOPE IN DIRECTION OF RUN AND 2% MAX CROSS SLOPE | 20) 8" THK. REINFORCED CONCRETE PAD W/ 2% MAXIMUM SLOPE AWAY FROM T/E   | 34) 8" CONCRETE PAVING OVER FUEL TANKS   |
| 5) WARNING SIGNAGE REGARDING UNAUTHORIZED USE OF DISABLED PARKING SPACES         | 21) PROPOSED 6" W.D. CONC. SIDEWALK PER CITY/COUNTY STANDARDS   | 35) PROPOSED 6" THK. CONCRETE PAVING UNDER FUEL CANOPY   |
| 6) TRUNCATED DOMES, 36" DEPT X WIDTH OF RAMP                                     | 22) PROPOSED X' HIGH RETAINING WALL, SEE CIVIL DRAWINGS   | 36) VAPOR RECOVERY SYSTEM (TANKLESS)   |
| 7) A.D.A. PATH OF TRAVEL   | 23) PROVIDE (1) DESIGNATED PARKING STALL FOR FUEL EFFICIENT VEHICLES WITH THE WORDS "CLEAN AIR VEHICLE" PAINTED IN THE SAME STALL STRIPING PAINT & SUCH THAT THE LAST WORD ALIGNS WITH THE END OF THE STALL STRIPING AND IS VISIBLE BENEATH A PARKED VEHICLE. | 37) AIR & WATER FOR CUSTOMER USAGE   |
| 8) PROPOSED CONC. CURB & GUTTER PER CITY/COUNTY STANDARDS                        | 24) 25' MAX FUEL PRICING POLE SIGN, UNDER SEPARATE PERMIT   | 38) PROPANE DISPENSER & FILLING AREA   |
| 9) PROPOSED 6" W.D. CONC. SIDEWALK PER CITY/COUNTY STANDARDS                     | 25) LOCATION OF RETENTION BASIN SEE CALCULATIONS  | 39) 499 GALLON PROPANE TANKS WITH CONC. FILLED BOLLARDS  |
| 10) 6" WIDE CONCRETE CURB.   | 26) 750 GALLON GREASE INTERCEPTOR W/ SAMPLE BOX   | 40) 2:1 LANDSCAPED SLOPE   |
| 11) 6" WIDE CONCRETE CURB. W/ 2' PARKING NOSE OVER                               | 27) PROPOSED LOCATION OF ELECTRICAL TRANSFORMER W/ CONC. BOLLARDS   | 41) CONC. STAIRS DOWN 6" RISE, 16" RUN TOTAL HEIGHT 9'   |
| 12) 4" NOMINAL THICK CONCRETE WALKWAYS   | 28) EXTERIOR MOUNT WEATHER-PROOF ELECTRICAL SWITCHGEAR  | 42) MASONRY RETAINING WALL (SEE PRELIMINARY GRADING FOR HEIGHT)  |
| 13) PROPOSED 6" THK. A.C. PAVING   | 29) PROPOSED LOCATION OF GAS METER  | 43) FUEL TANKER TRUCK PATH PULLING A TANKER TRAILER OFF-TRACKING PATH SHOWN                                |
| 14) PROPOSED A.C. CURB   | 30) DOUBLE DETECTOR CHECK VALVE, SEE UTILITY PLANS  | 44) CONC. DRAINAGE SWALE   |
| 15) EXISTING A.C. CURB   |   | 45) 2,000 GALLON SEPTIC TANK W/ 2'-0" x 26" DP. SEE PAGES PITS W/ 100% OVERFILL PROTECTION FOR SEPTIC TANK |
| 16) LANDSCAPED AREA SEE LANDSCAPE PLANS  |   | 46) EX. CONC. APRON  |

SHEET INDEX	
A-0	SITE PLAN
L-1	LANDSCAPE - PLANTING PLAN
A-1	FLOOR PLAN
A-2	EXTERIOR ELEVATIONS

AREA TABULATIONS	
GROSS LAND AREA (5.09 ACRES)	221,976 S.F.
NET LAND AREA (3.01 ACRES)	131,454 S.F.
FUTURE DEVELOPMENT AREA (UNDISTURBED AREA)	59,542 S.F.
NET AREA PROPOSED DEVELOPMENT (1.65 ACRES)	71,912 S.F. 100%
IMPERVIOUS AREA (OF NET) BLDG., PAVING, FLATWORK	44,152 S.F. 61%
LANDSCAPED AREA (OF NET) INCLUDES RET. BASIN	27,760 S.F. 39%
THE CALCULATIONS FOR THE AMOUNT OF STORMWATER RUNOFF IS USING THE COUNTY'S HYDROLOGY METHOD OF PRE & POST IMPERVIOUS AREA ONSITE	
PROPOSED RETENTION BASIN = (40' x 80' x 2') = 6,400 CF	SEE HYDROLOGY STUDY FOR MORE INFORMATION

DATE FINISHED  
 AUGUST 2017

REVISIONS  
 JAN. 2019

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

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

PROJECT: COMMERCIAL DEVELOPMENT  
**PINON HILLS GAS STATION**  
 COUNTY: SAN DIEGO  
 PROJECT ADDRESS: HWY 138 & HWY 158  
 PINON HILLS, CA 92374  
 APN: 3066-191-01  
 CONTACT: GEORGE WANIS  
 C: 661-866-0226  
 E: wanis@steeno.com

JOB NO.  
 C16-306

SHEET NAME:  
 SITE PLAN

PAGE  
 A-0

# **EXHIBIT D**

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

**SAN BERNARDINO COUNTY  
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

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

**PROJECT LABEL:**

<b>APNs:</b> 3066-191-04
<b>Applicant:</b> George & Moutis Wanis 9128 Green Road Pinon Hills, CA 92372
<b>Project No:</b> P201700697
<b>Staff:</b> Anthony DeLuca <b>Rep</b> Thomas Steeno, Steeno Design Studio, Inc.
<b>Proposal:</b> A Conditional Use Permit to establish a 6-island fueling station and convenience store on a 3.01-acre site.

**USGS Quad:** Phelan 7.5-minute USGS  
Topographic Quadrangle

**Lat/Long:** 34° 24' 48.01" N  
117° 35' 22.47" W

**T, R, Section:** T4N R7W Section 23

**Community Action Guide:** Phelan/Pinon Hills

**LUZD:** Special Development-Residential

**Overlays:** **Fire Safety  
Overlay (FS), FEMA Flood  
Zone X, High Desert Local  
Transportation Fee**

**PROJECT CONTACT INFORMATION:**

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

**Contact person:** Anthony DeLuca  
**Phone No:** (909) 387-3067    **Fax No:** (909) 387-3223  
**E-mail:** [Anthony.DeLuca@lus.sbcounty.gov](mailto:Anthony.DeLuca@lus.sbcounty.gov)

**PROJECT DESCRIPTION:**

***Project Summary***

The Applicant is requesting the approval of a Conditional Use Permit (CUP) to construct and operate a six-island fueling station and a 4,998 square-foot convenience store on approximately 1.65 acres of an approximate 3.01-acre site located on the northwest corner of State Route 138 (SR-138) and Beekley Road in the unincorporated community of Phelan/Pinon Hills in the County of San Bernardino (APN 3066-191-04) (see Figure 1 Regional Map and Figure 2 Vicinity Map). The fueling station would be composed of six (6) fueling islands to include 12 fueling dispensers, and two underground storage tanks (USTs) including a 20,000-gallon UST for unleaded fuel, and a 20,000-gallon split tank that would store 10,000 gallons of premium, and 10,000 gallons of diesel (see Figure 3 Site Plan). The Project would include a 4,600 square-foot canopy at a maximum height of approximately 20 feet to be constructed over the fueling area, and a free-standing pole sign at a maximum height of 25 feet. The Applicant is also requesting approval of a Variance to allow for a decrease in the street side setback from 25 feet to 20 feet on Beekley Lane.

The Project Site occurs within the Special Development (SD-RES) land use district. Surrounding land uses include a commercial development (Rick’s Roadside Café) to the south, single-family residential to the west, and vacant land to the north and east. The Proposed Project includes a storm water retention basin with a capacity of 6,400 cubic-feet (CF) to be located centrally within the 3.01-acre Project Site.

Additionally, the Project Site includes a 2,000-gallon septic tank to be approved by the San Bernardino County Department of Environmental Health Services to comply with the California State Water Resources Control Board’s Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) for wastewater treatment systems.

**Surrounding Land Uses and Setting**

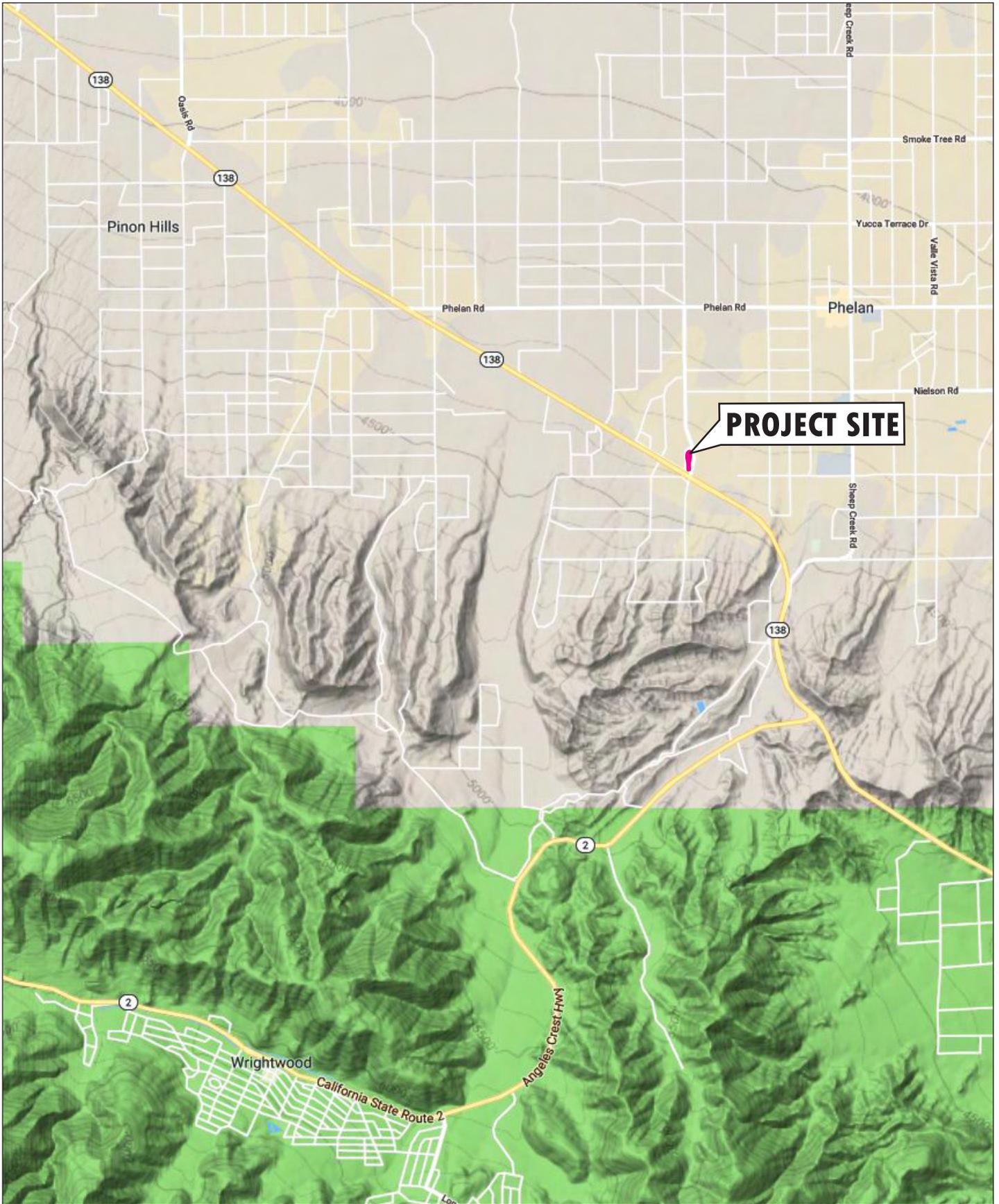
Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant Land	SD-RES, Special Development-Residential
North	Vacant Land	SD-RES, Special Development-Residential
South	Rick’s Roadside Cafe, Single-family Residential	CN, Neighborhood Commercial / RL, Rural Living
East	Vacant Land, Beekley Road	SD-RES, Special Development
West	Single-family Residential	RL, Rural Living

**Project Location**

The 3.01-acre Project Site is located on the northwest corner of SR-138 and Beekley Road in the unincorporated community of Phelan/Pinon Hills (refer to Figure 1, Regional Map and Figure 2, Vicinity Map). Regional access to the Project Site is provided by SR-138. The Project Site is bounded by Beekley Road on the east, Beekley Lane along the west and north, and SR-138 on the south. Access to the Project Site would be provided by two driveway approaches along the eastern edge via Beekley Road.

**Existing Site Conditions**

The Community of Phelan/Pinon Hills consists of a natural desert environment and rural open space. Currently, access to the Project Site will be via Beekley Road on the west side of the property. The approximate 3.01-acre Project Site consists of undisturbed desert habitat including a mixture of Joshua tree woodland vegetation and co-dominant desert sage habitat. The Project Site generally slopes to the north at a gradient ranging from approximately six percent to eight percent with an elevation change of about 55 feet (4,334 feet to 4,389 feet) over 900 feet. Existing land uses in the vicinity include: residential to the west, vacant land to the north and east, and commercial development (Rick’s Roadside Cafe) to the south across SR-138.



## REGIONAL LOCATION

Pinon Hills Gas Station

Community of Pinon Hills, California



**LILBURN**  
CORPORATION



**PROJECT SITE**

Beekley Ln

Beekley Rd

Hermosa Rd

Beekley Rd

Sunnyslope Rd

California State Route 138

Sunnyslope Rd

Beekley Rd

0  160  
Feet  
Source: Lilburn Corp., March, 2019.  
**LILBURN**  
CORPORATION

**PROJECT VICINITY**  
Pinon Hills Gas Station  
Community of Pinon Hills, California

ITEM	QUANTITY	UNIT PRICE (\$)	TOTAL (\$)
1. 2" DIA. 10' LONG	2	120.00	240.00
2. 4" DIA. 10' LONG	2	180.00	360.00
3. 6" DIA. 10' LONG	2	240.00	480.00
4. 8" DIA. 10' LONG	2	300.00	600.00
5. 10" DIA. 10' LONG	2	360.00	720.00
6. 12" DIA. 10' LONG	2	420.00	840.00
7. 14" DIA. 10' LONG	2	480.00	960.00
8. 16" DIA. 10' LONG	2	540.00	1080.00
9. 18" DIA. 10' LONG	2	600.00	1200.00
10. 20" DIA. 10' LONG	2	660.00	1320.00
11. 22" DIA. 10' LONG	2	720.00	1440.00
12. 24" DIA. 10' LONG	2	780.00	1560.00
13. 26" DIA. 10' LONG	2	840.00	1680.00
14. 28" DIA. 10' LONG	2	900.00	1800.00
15. 30" DIA. 10' LONG	2	960.00	1920.00
16. 32" DIA. 10' LONG	2	1020.00	2040.00
17. 34" DIA. 10' LONG	2	1080.00	2160.00
18. 36" DIA. 10' LONG	2	1140.00	2280.00
19. 38" DIA. 10' LONG	2	1200.00	2400.00
20. 40" DIA. 10' LONG	2	1260.00	2520.00
21. 42" DIA. 10' LONG	2	1320.00	2640.00
22. 44" DIA. 10' LONG	2	1380.00	2760.00
23. 46" DIA. 10' LONG	2	1440.00	2880.00
24. 48" DIA. 10' LONG	2	1500.00	3000.00
25. 50" DIA. 10' LONG	2	1560.00	3120.00
26. 52" DIA. 10' LONG	2	1620.00	3240.00
27. 54" DIA. 10' LONG	2	1680.00	3360.00
28. 56" DIA. 10' LONG	2	1740.00	3480.00
29. 58" DIA. 10' LONG	2	1800.00	3600.00
30. 60" DIA. 10' LONG	2	1860.00	3720.00
31. 62" DIA. 10' LONG	2	1920.00	3840.00
32. 64" DIA. 10' LONG	2	1980.00	3960.00
33. 66" DIA. 10' LONG	2	2040.00	4080.00
34. 68" DIA. 10' LONG	2	2100.00	4200.00
35. 70" DIA. 10' LONG	2	2160.00	4320.00
36. 72" DIA. 10' LONG	2	2220.00	4440.00
37. 74" DIA. 10' LONG	2	2280.00	4560.00
38. 76" DIA. 10' LONG	2	2340.00	4680.00
39. 78" DIA. 10' LONG	2	2400.00	4800.00
40. 80" DIA. 10' LONG	2	2460.00	4920.00
41. 82" DIA. 10' LONG	2	2520.00	5040.00
42. 84" DIA. 10' LONG	2	2580.00	5160.00
43. 86" DIA. 10' LONG	2	2640.00	5280.00
44. 88" DIA. 10' LONG	2	2700.00	5400.00
45. 90" DIA. 10' LONG	2	2760.00	5520.00
46. 92" DIA. 10' LONG	2	2820.00	5640.00
47. 94" DIA. 10' LONG	2	2880.00	5760.00
48. 96" DIA. 10' LONG	2	2940.00	5880.00
49. 98" DIA. 10' LONG	2	3000.00	6000.00
50. 100" DIA. 10' LONG	2	3060.00	6120.00
51. 102" DIA. 10' LONG	2	3120.00	6240.00
52. 104" DIA. 10' LONG	2	3180.00	6360.00
53. 106" DIA. 10' LONG	2	3240.00	6480.00
54. 108" DIA. 10' LONG	2	3300.00	6600.00
55. 110" DIA. 10' LONG	2	3360.00	6720.00
56. 112" DIA. 10' LONG	2	3420.00	6840.00
57. 114" DIA. 10' LONG	2	3480.00	6960.00
58. 116" DIA. 10' LONG	2	3540.00	7080.00
59. 118" DIA. 10' LONG	2	3600.00	7200.00
60. 120" DIA. 10' LONG	2	3660.00	7320.00
61. 122" DIA. 10' LONG	2	3720.00	7440.00
62. 124" DIA. 10' LONG	2	3780.00	7560.00
63. 126" DIA. 10' LONG	2	3840.00	7680.00
64. 128" DIA. 10' LONG	2	3900.00	7800.00
65. 130" DIA. 10' LONG	2	3960.00	7920.00
66. 132" DIA. 10' LONG	2	4020.00	8040.00
67. 134" DIA. 10' LONG	2	4080.00	8160.00
68. 136" DIA. 10' LONG	2	4140.00	8280.00
69. 138" DIA. 10' LONG	2	4200.00	8400.00
70. 140" DIA. 10' LONG	2	4260.00	8520.00
71. 142" DIA. 10' LONG	2	4320.00	8640.00
72. 144" DIA. 10' LONG	2	4380.00	8760.00
73. 146" DIA. 10' LONG	2	4440.00	8880.00
74. 148" DIA. 10' LONG	2	4500.00	9000.00
75. 150" DIA. 10' LONG	2	4560.00	9120.00
76. 152" DIA. 10' LONG	2	4620.00	9240.00
77. 154" DIA. 10' LONG	2	4680.00	9360.00
78. 156" DIA. 10' LONG	2	4740.00	9480.00
79. 158" DIA. 10' LONG	2	4800.00	9600.00
80. 160" DIA. 10' LONG	2	4860.00	9720.00
81. 162" DIA. 10' LONG	2	4920.00	9840.00
82. 164" DIA. 10' LONG	2	4980.00	9960.00
83. 166" DIA. 10' LONG	2	5040.00	10080.00
84. 168" DIA. 10' LONG	2	5100.00	10200.00
85. 170" DIA. 10' LONG	2	5160.00	10320.00
86. 172" DIA. 10' LONG	2	5220.00	10440.00
87. 174" DIA. 10' LONG	2	5280.00	10560.00
88. 176" DIA. 10' LONG	2	5340.00	10680.00
89. 178" DIA. 10' LONG	2	5400.00	10800.00
90. 180" DIA. 10' LONG	2	5460.00	10920.00
91. 182" DIA. 10' LONG	2	5520.00	11040.00
92. 184" DIA. 10' LONG	2	5580.00	11160.00
93. 186" DIA. 10' LONG	2	5640.00	11280.00
94. 188" DIA. 10' LONG	2	5700.00	11400.00
95. 190" DIA. 10' LONG	2	5760.00	11520.00
96. 192" DIA. 10' LONG	2	5820.00	11640.00
97. 194" DIA. 10' LONG	2	5880.00	11760.00
98. 196" DIA. 10' LONG	2	5940.00	11880.00
99. 198" DIA. 10' LONG	2	6000.00	12000.00
100. 200" DIA. 10' LONG	2	6060.00	12120.00
101. 202" DIA. 10' LONG	2	6120.00	12240.00
102. 204" DIA. 10' LONG	2	6180.00	12360.00
103. 206" DIA. 10' LONG	2	6240.00	12480.00
104. 208" DIA. 10' LONG	2	6300.00	12600.00
105. 210" DIA. 10' LONG	2	6360.00	12720.00
106. 212" DIA. 10' LONG	2	6420.00	12840.00
107. 214" DIA. 10' LONG	2	6480.00	12960.00
108. 216" DIA. 10' LONG	2	6540.00	13080.00
109. 218" DIA. 10' LONG	2	6600.00	13200.00
110. 220" DIA. 10' LONG	2	6660.00	13320.00
111. 222" DIA. 10' LONG	2	6720.00	13440.00
112. 224" DIA. 10' LONG	2	6780.00	13560.00
113. 226" DIA. 10' LONG	2	6840.00	13680.00
114. 228" DIA. 10' LONG	2	6900.00	13800.00
115. 230" DIA. 10' LONG	2	6960.00	13920.00
116. 232" DIA. 10' LONG	2	7020.00	14040.00
117. 234" DIA. 10' LONG	2	7080.00	14160.00
118. 236" DIA. 10' LONG	2	7140.00	14280.00
119. 238" DIA. 10' LONG	2	7200.00	14400.00
120. 240" DIA. 10' LONG	2	7260.00	14520.00
121. 242" DIA. 10' LONG	2	7320.00	14640.00
122. 244" DIA. 10' LONG	2	7380.00	14760.00
123. 246" DIA. 10' LONG	2	7440.00	14880.00
124. 248" DIA. 10' LONG	2	7500.00	15000.00
125. 250" DIA. 10' LONG	2	7560.00	15120.00
126. 252" DIA. 10' LONG	2	7620.00	15240.00
127. 254" DIA. 10' LONG	2	7680.00	15360.00
128. 256" DIA. 10' LONG	2	7740.00	15480.00
129. 258" DIA. 10' LONG	2	7800.00	15600.00
130. 260" DIA. 10' LONG	2	7860.00	15720.00
131. 262" DIA. 10' LONG	2	7920.00	15840.00
132. 264" DIA. 10' LONG	2	7980.00	15960.00
133. 266" DIA. 10' LONG	2	8040.00	16080.00
134. 268" DIA. 10' LONG	2	8100.00	16200.00
135. 270" DIA. 10' LONG	2	8160.00	16320.00
136. 272" DIA. 10' LONG	2	8220.00	16440.00
137. 274" DIA. 10' LONG	2	8280.00	16560.00
138. 276" DIA. 10' LONG	2	8340.00	16680.00
139. 278" DIA. 10' LONG	2	8400.00	16800.00
140. 280" DIA. 10' LONG	2	8460.00	16920.00
141. 282" DIA. 10' LONG	2	8520.00	17040.00
142. 284" DIA. 10' LONG	2	8580.00	17160.00
143. 286" DIA. 10' LONG	2	8640.00	17280.00
144. 288" DIA. 10' LONG	2	8700.00	17400.00
145. 290" DIA. 10' LONG	2	8760.00	17520.00
146. 292" DIA. 10' LONG	2	8820.00	17640.00
147. 294" DIA. 10' LONG	2	8880.00	17760.00
148. 296" DIA. 10' LONG	2	8940.00	17880.00
149. 298" DIA. 10' LONG	2	9000.00	18000.00
150. 300" DIA. 10' LONG	2	9060.00	18120.00
151. 302" DIA. 10' LONG	2	9120.00	18240.00
152. 304" DIA. 10' LONG	2	9180.00	18360.00
153. 306" DIA. 10' LONG	2	9240.00	18480.00
154. 308" DIA. 10' LONG	2	9300.00	18600.00
155. 310" DIA. 10' LONG	2	9360.00	18720.00
156. 312" DIA. 10' LONG	2	9420.00	18840.00
157. 314" DIA. 10' LONG	2	9480.00	18960.00
158. 316" DIA. 10' LONG	2	9540.00	19080.00
159. 318" DIA. 10' LONG	2	9600.00	19200.00
160. 320" DIA. 10' LONG	2	9660.00	19320.00
161. 322" DIA. 10' LONG	2	9720.00	19440.00
162. 324" DIA. 10' LONG	2	9780.00	19560.00
163. 326" DIA. 10' LONG	2	9840.00	19680.00
164. 328" DIA. 10' LONG	2	9900.00	19800.00
165. 330" DIA. 10' LONG	2	9960.00	19920.00
166. 332" DIA. 10' LONG	2	10020.00	20040.00
167. 334" DIA. 10' LONG	2	10080.00	20160.00
168. 336" DIA. 10' LONG	2	10140.00	20280.00
169. 338" DIA. 10' LONG	2	10200.00	20400.00
170. 340" DIA. 10' LONG	2	10260.00	20520.00
171. 342" DIA. 10' LONG	2	10320.00	20640.00
172. 344" DIA. 10' LONG	2	10380.00	20760.00
173. 346" DIA. 10' LONG	2	10440.00	20880.00
174. 348" DIA. 10' LONG	2	10500.00	21000.00
175. 350" DIA. 10' LONG	2	10560.00	21120.00
176. 352" DIA. 10' LONG	2	10620.00	21240.00
177. 354" DIA. 10' LONG	2	10680.00	21360.00
178. 356" DIA. 10' LONG	2	10740.00	21480.00
179. 358" DIA. 10' LONG	2	10800.00	21600.00
180. 360" DIA. 10' LONG	2	10860.00	21720.00
181. 362" DIA. 10' LONG	2	10920.00	21840.00
182. 364" DIA. 10' LONG	2	10980.00	21960.00
183. 366" DIA. 10' LONG	2	11040.00	22080.00
184. 368" DIA. 10' LONG	2	11100.00	22200.00
185. 370" DIA. 10' LONG	2	11160.00	22320.00
186. 372" DIA. 10' LONG	2	11220.00	22440.00
187. 374" DIA. 10' LONG	2	11280.00	22560.00
188. 376" DIA. 10' LONG	2	11340.00	22680.00
189. 378" DIA. 10' LONG	2	11400.00	22800.00
190. 380" DIA. 10' LONG	2	11460.00	22920.00
191. 382" DIA. 10' LONG	2	11520.00	23040.00
192. 384" DIA. 10' LONG	2	11580.00	23160.00
193. 386" DIA. 10' LONG	2	11640.00	23280.00
194. 388" DIA. 10' LONG	2	11700.00	23400.00
195. 390" DIA. 10' LONG	2	11760.00	23520.00
196. 392" DIA. 10' LONG	2	11820.00	23640.00
197. 394" DIA. 10' LONG	2	11880.00	23760.00
198. 396" DIA. 10' LONG	2	11940.00	23880.00
199. 398" DIA. 10' LONG	2	12000.00	24000.00</

**ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

(Example: permits, financing approvals, or participation agreements.)

**Federal:** None

**State**

- California Regional Water Quality Control Board, Santa Ana Region (RWQCB – Santa Ana Region, General Construction Permit, Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES)
- Desert Plant Protection Act, Food, and Agricultural Code

**County**

- Land Use Services - Building and Safety, Planning, and Code Enforcement; Public Works; Environmental Health, and; County Fire
- Municipal Code – Plant Protection and Management Code (Chapter 88.01.060)

**Local:** None

**SUMMARY OF CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

See Tribal Cultural Resources Section later in this document.

**EVALUATION FORMAT**

This Initial Study was prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

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

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Agriculture and Forestry Resources   | <input type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Geology / Soils             |
| <input type="checkbox"/> Greenhouse Gas Emissions            | <input type="checkbox"/> Hazards & Hazardous Materials        | <input type="checkbox"/> Hydrology / Water Quality   |
| <input type="checkbox"/> Land Use/ Planning                  | <input type="checkbox"/> Mineral Resources                    | <input checked="" type="checkbox"/> Noise            |
| <input type="checkbox"/> Population / Housing                | <input type="checkbox"/> Public Services                      | <input type="checkbox"/> Recreation                  |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources | <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:

<input type="checkbox"/>	The proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> shall be prepared.
<input type="checkbox"/>	The proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	The proposed project <b>MAY</b> 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 <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 Signature (prepared by Anthony De Luca, Senior Planner)

4-11-19  
 Date

  
 Signature: (Chris Warrick, Supervising Planner)  
 Land Use Services Department/Planning Division

4-11-2019  
 Date

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS - Will the project</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

a) **No Impact.** The Project Site occurs in the unincorporated community of Phelan/Pinon Hills. Surrounding views include the San Gabriel Mountains and the San Bernardino Mountains to the south and the Mojave Desert to the northeast. The Phelan/Pinon Hills Community Plan area is abutted on the south by both the Angeles National Forest and the San Bernardino National Forest and is approximately four (4) miles east of the San Bernardino/Los Angeles County boundary.

The Proposed Project includes a six-island fueling station, 4,998 square-foot convenience store, a 4,600 square-foot canopy with a maximum height of approximately 20 feet and a 25-foot high freestanding pole sign. The Project Site is designated Special Development (SD). According to *Section 83.13.080(d)(2)* of the *County of San Bernardino 2007 Development Code (Development Code)*, the height for an on-site freestanding sign shall not exceed 25 feet. However, the fuel pricing sign for the proposed gas station is under a separate permit and would be reviewed accordingly. The Development Code establishes a maximum height limit of 35 feet for structures within the SD zoning. The proposed maximum elevation of the convenience store would be approximately 23 feet, the canopy at 20 feet, and the freestanding sign at 25 feet. Therefore, all elements of the Proposed Project would be consistent with the Development Code and are not anticipated to obscure any scenic views in the vicinity. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

b) **No Impact.** The Project Site is located along SR-138, a paved two-lane undivided highway which generally runs northwest to southeast relative to the Project Site. The highway is identified within the County General Plan as a Major Arterial Highway and is not considered a designated scenic route in the County's General Plan nor in the California Scenic Highway Mapping System. The nearest State Scenic Highway to the Project Site is Route 38, located approximately 40 miles southeast. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

c) **No Impact.** The existing visual character of the Project Site and vicinity consists mainly of natural desert environment and rural open space. Under proposed conditions, the vacant Project Site would be developed with a fueling station and convenience store. The Project Application includes a CUP

for the construction and operation of a six-island fueling station and a 4,998 square-foot convenience store on approximately 1.65-acres of an approximate 3.01 net acre-site. The Applicant is also requesting approval of a Variance to allow for a decrease in the street side setback from 25 feet to 20 feet along Beekley Lane. The Proposed Project will include landscaping and exterior elevations with appropriate materials and a color palette that would blend with the natural surroundings. No degradation to the existing visual character or quality of the Project Site and its surroundings is anticipated. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) **Less than Significant.** The nearest sensitive receptor to the Project Site is the single-family residence to the west. The impact of nighttime lighting depends on the proximity of sensitive receptors, intensity of the new light source, and existing ambient light conditions combined. The Proposed Project design includes custom metal light shades with bent metal plates around the perimeter of the Project Site to shield and reduce light and glare which could potentially affect daytime or nighttime views to sensitive receptors in the area, specifically west of the Project Site. Additionally, according to policy PH/CO 1.8 in the Phelan/Pinon Hills Community Plan, the Proposed Project's lighting plan is required to be designed in accordance with the Night Sky Protection Ordinance. The Proposed Project would be subject to design review in the final stages of development to ensure the use of proper lighting on the Project Site which would reduce impacts to substantial light and glare in the area. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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:** *Farmland Mapping and Monitoring Program of the California Department of Conservation; San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) **No Impact.** The Farmland Mapping and Monitoring Program of the California Department of Conservation (CDC) is charged with mapping Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance across the state. As shown in the CDC's Important Farmland Finder, the Project Site is categorized as Grazing Land. Grazing Land is characterized as land on which the existing vegetation is suited to the grazing of livestock. The Project Site consists of natural desert environment and rural open space and does not actively support livestock or other agricultural uses. No farmland would be converted to a non-agricultural use. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- b) **No Impact.** The Proposed Project would not conflict with existing agricultural zoning or with any Williamson Act contract. According to the San Bernardino County Williamson Act FY 2015/2016 Sheet 2 of 2, the Project Site is identified as "Non-Enrolled Land." Therefore, no impact is identified or anticipated, and no mitigation measures are required.
- c) **No Impact.** The Project Site is currently vacant and is not designated as forest land or timberland. Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- d) **No Impact.** The Project Site is currently vacant and consists mainly of natural desert environment and rural open space. Therefore, implementation of the Proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts are identified or anticipated, and no mitigation measures are required.
- e) **No Impact.** Implementation of the Proposed Project would not involve changes to the existing environment which would result in the conversion of Farmland to non-agricultural uses. The Project

Site is currently vacant and based on aerial photographs has not been previously disturbed or used for agricultural purposes. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Will 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Pinon Hills Gas Station Air Quality Impact Analysis, Urban Crossroads, Inc. April, 2017; Pinon Hills Gas Station Greenhouse Gas Analysis, Urban Crossroads, Inc. April, 2017*

- a) **Less than Significant.** Urban Crossroads prepared an Air Quality Impact Analysis for the Proposed Project in April 2017 (updated March 2019). The report is summarized herein.

The Project Site occurs within the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mohave Desert Air Quality Management District (MDAQMD). Certain air districts, such as the MDAQMD, have created guidelines and requirements to conduct air quality analyses. The MDAQMD's current guidelines, included in its *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines* (August 2016), were adhered to in the assessment of the air quality analysis for the Proposed Project.

The MDAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly to effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. The AQMP's control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use,

population, and employment characteristics defined in consultation with local governments. Accordingly, if a project demonstrates compliance with local land use plans and/or population projections, then the AQMP would have taken into account such uses when it was developed. Estimated air emissions from the Project are subject to federal, State and local rules and regulations implemented through provisions of the federal Clean Air Act, California Clean Air Act and the rules and regulations of the California Air Resources Board (CARB) and MDAQMD.

For purposes of the Air Quality Impact Analysis (updated), it was assumed that the Proposed Project would be developed in one phase with an anticipated Opening Year of 2018. Although the Opening Year has passed, the construction schedule utilized in the model represents a “worst-case” scenario since emission factors for construction activities decrease as regulations become more stringent over time. According to the County’s General Plan, the Proposed Project is conditionally permitted within the SD-RES District. Therefore, emissions associated with the Proposed Project were accounted for in the AQMP and approval of the Proposed Project would not conflict with the AQMP. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) **Less than Significant.** On October 14, 2016, the South Coast Air Quality Management District (SCAQMD) in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air districts, released the latest version of the California Emissions Estimator Model™ (CalEEMod™) v2016.3.1. The Proposed Project’s construction and operational emissions were screened using CalEEMod and the screening results are available for review at the County of San Bernardino Land Use Services Department. The emissions modeling incorporated Rule 402 and 403 by default as required during construction. The criteria pollutants screened include reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). In addition, reactive organic gas (ROG) emissions were analyzed. Two of the analyzed pollutants, ROG and NO<sub>x</sub>, are ozone precursors. Both summer and winter season emission levels were estimated.

#### Construction Emissions

Construction activities associated with the Project would result in emissions of CO, VOCs, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site preparation, grading, building construction, paving, and architectural coating, and construction workers commuting. Construction was analyzed as expected to occur November 2017 through November 2018, however, the construction schedule utilized in the analysis represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent.

The associated construction equipment was based on CalEEMod 2016.3.1 defaults. Construction emissions associated with off-site utility and infrastructure improvements may occur, however at this time, a specific schedule of off-site utility and infrastructure improvements is unknown. A detailed summary of construction emission assumptions by phase is provided in Table 1 below. Emissions associated with the construction activities are not expected to exceed the MDAQMD Regional Threshold identified for project-related construction activities.

**Table 1  
 Emissions Summary of Construction**

Year	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2017	5.07	52.35	24.34	0.06	10.07	6.56
2018	3.76	28.05	21.69	0.04	2.22	1.69
<b>Maximum Daily Emissions</b>	<b>5.07</b>	<b>52.35</b>	<b>24.34</b>	<b>0.06</b>	<b>10.07</b>	<b>6.56</b>
MDAQMD Regional Threshold	137	137	548	137	82	82
<b>Threshold Exceeded</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Compliance with MDAQMD Rules 402 and 403

Although the Proposed Project does not exceed MDAQMD thresholds for construction emissions, the Project Applicant would be required to comply with all applicable MDAQMD rules and regulations as the MDAB is in non-attainment status for ozone and suspended particulates. The Project Applicant would be required to comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Proposed Project does not exceed MDAQMD thresholds during construction, the Project Applicant would be required to implement the following conditions as required by MDAQMD:

1. The Project Applicant shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  - (a) The Project Applicant 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 activity on the site. Portions of the site that are actively being graded shall be watered regularly (2x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
  - (b) The Project Applicant shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
  - (c) The Project Applicant shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
  - (d) The Project Applicant shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.
2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The Project Applicant shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.
4. The Project Applicant shall ensure that construction personnel are informed of ride

sharing and transit opportunities.

5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
6. The Project Applicant shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
7. The Project Applicant shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (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.

### Operational Emissions

Operational activities associated with the Proposed Project would result in emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Operational emissions would be expected from the following primary sources: area source emissions, energy source emissions, and mobile source emissions. Project-related operational air quality impacts derive primarily from vehicle trips generated by the Proposed Project. Trip characteristics available from the *Pinon Hills Gas Station Traffic Impact Study* (David Evans and Associates, Inc.) 2017 were utilized in this analysis. Vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of tire wear particulates.

Operational-source emissions are summarized below in Table 2 and Table 3. Project operational-source emissions would not exceed the applicable MDAQMD thresholds for any criteria pollutant. Thus, a less than significant impact would occur for Project operational-source emissions and no mitigation is required.

**Table 2  
 Summary of Peak Summer Operational Emissions**

Operational Activities	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source	0.10	1.00E-05	1.55E-03	0.00	1.00E-05	1.00E-05
Energy Source	7.00E-05	6.60E-04	5.60E-04	0.00	5.00E-05	5.00E-05
Mobile	3.95	18.63	20.48	0.05	2.28	0.64
<b>Total Maximum Daily Emissions</b>	<b>4.05</b>	<b>18.63</b>	<b>20.48</b>	<b>0.05</b>	<b>2.28</b>	<b>0.64</b>
MDAQMD Regional Threshold	137	137	548	137	82	82
<b>Threshold Exceeded</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.1 Summer Emissions.

**Table 3  
 Summary of Peak Winter Operational Emissions**

Operational Activities	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source	0.10	1.00E-05	1.55E-03	0.00	1.00E-05	1.00E-05
Energy Source	9.00E-05	7.80E-04	6.50E-04	0.00	6.00E-05	6.00E-05
Mobile	3.92	21.22	24.57	0.05	2.67	0.75
<b>Total Maximum Daily Emissions</b>	<b>4.02</b>	<b>21.22</b>	<b>24.57</b>	<b>0.05</b>	<b>2.67</b>	<b>0.75</b>
MDAQMD Regional Threshold	137	137	548	137	82	82
<b>Threshold Exceeded</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Winter Emissions.

The analysis assumed that individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the MDAB is in nonattainment to. Alternatively, individual project-related construction and operational emissions that exceed MDAQMD thresholds for project specific impacts would be considered cumulatively considerable. The Project Site was found not to exceed the applicable MDAQMD regional thresholds for construction and operational-source emissions. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **Less than Significant.** The Proposed Project was reviewed for potentially adverse CO concentrations, or "hot spots." An adverse CO concentration, known as a "hot spot," would occur if an exceedance of the state one-hour standards of 20 parts per minute (ppm) or the eight-hour standard of 9 ppm were to occur. For regional emissions, the Proposed Project was found not to exceed thresholds of significance established by the MDAQMD for any criteria pollutant (refer to Table 1).

Additionally, the Proposed Project would not result in a significant CO "hotspot" as a result of project-related traffic during ongoing operations, nor would the Proposed Project result in a significant adverse health impact, nor would the Project operational-source emissions conflict with the applicable AQMP.

The Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant (refer to Tables 2 and 3) and would not exceed MDAQMD thresholds during construction or operational phases. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- d) **Less than Significant.** The MDAQMD, CEQA and Federal Conformity Guidelines (August 2016) describes sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities. The potential impact of project-generated air pollutant emissions at sensitive receptors was reviewed in the Air Quality Impact Analysis.

Because of the proposed fueling station, emissions resulting from the Proposed Project have the potential to result in toxic air contaminants (TACs) (e.g., benzene, hexane, MTBE, toluene, xylene) and have the potential to contribute to health risk in the project vicinity. It should be noted that standard regulatory controls would apply to the Proposed Project in addition to any permits required that demonstrate appropriate operational controls. Based on discussion with the Applicant it is

assumed that the fueling station would have an annual throughput of approximately 1,000,000 gallons. The MDAQMD currently does not have a procedure for determining screening-level health risk estimates for fuel dispensing operations and therefore relies on SCAQMD methodology.

The Project Site is located within Source Receptor Area (SRA) 38 and is located approximately 30 meters from a residential site. Based on this screening procedure it is anticipated that no sensitive receptors in the Project vicinity would be exposed to a cancer risk of greater than 4.06 in one million which is less than the applicable threshold of ten in one million. It should be noted that this screening level risk estimate is very conservative (i.e. it would overstate rather than understate potential impacts).

Therefore, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations nor would the Project result in a significant adverse health impact. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- e) **Less than Significant.** Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills or various heavy industrial uses. The Proposed Project does not propose any such uses or activities that would result in potentially significant operational source odors. Potential sources of operational odors generated by the Proposed Project include disposal of miscellaneous commercial refuse. Consistent with County requirements, all Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse on-site. Moreover, adherence to MDAQMD Rule 402 would prevent occurrences of odor nuisances. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**IV. BIOLOGICAL RESOURCES - Will the project:**

- |  |                          |                                     |                                     |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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

**SUBSTANTIATION:** *General Biological Resources Assessment, RCA Associates, Inc. October, 2017; Protected Plant Preservation Plan, RCA Associates, Inc. May, 2017; San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) **Less Than Significant with Mitigation Incorporated.** In March 2017, a General Biological Resource Assessment (BRA) was prepared for the Project by RCA Associates and updated in October 2018. The purpose of the BRA was to identify and document any biological resources that might be adversely affected by the construction and/or operation of the Proposed Project. The BRA was conducted on the entire 3.01 acre-site and identified the presence of Joshua tree woodlands (*Yucca brevifolia*), a lush chaparral community dominated by desert sage (*Salvia dorrii*), Mojave rabbitbrush (*Ericameria nauseosa var. mohavensis*), and California buckwheat (*Eriogonum fasciculatum*). During the field investigations, the Project Site was also evaluated for the presence of sensitive habitats and wildlife corridors. Findings of the BRA are summarized herein and the report is available for review at the County of San Bernardino Land Use Services Department.

During the general surveys, data was collected on the plant species present on the Project Site and in the immediate area. The plants present on-site were typical of the area and readily identifiable. The development of approximately 1.65 acres of the 3.01-acre Project Site would result in the removal of approximately half of the current population of Joshua trees. Therefore, a Desert Vegetation Preservation Plan was prepared to evaluate each Joshua tree on-site to determine which are suitable for future transplanting (refer to response “e” for a detailed discussion).

Based on a literature review, a search through United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) data bases, and the California Natural Diversity Database (CNDDDB) seven sensitive species were found to have been previously documented within five to seven miles of the Project Site. However, only a few wildlife species were identified on the Project Site during the field investigations. The birds observed were limited to: mourning doves (*Zenaida macroura*), ravens (*Corvus corax*), song sparrows (*Melospiza melodia*), and house finches (*Carpodacus mexicanus*). No reptiles were observed. Jackrabbits (*Lepus californicus*) and desert cottontail rabbits (*Sylvilagus auduboni*), which are common to the area, were also observed. No special status wildlife species were observed during the field investigation.

The BRA concluded that although unlikely, nesting bird species protected under the Migratory Bird Treaty Act may occur at the Project Site. Although, the Project Site did not support suitable habitat for the burrowing owl, nearby vacant properties could potentially provide suitable habitat for the species. The BRA concluded that if the Project Site were to remain fallow it may provide habitat for the burrowing owl species in the future. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project

approval to reduce impacts to a level below significant. The required mitigation measures are:

**Mitigation Measure BIO-1:**

- Initial site preparation such as grading, or any other project-related activity that increase noise and human activity on the Project Site shall occur outside the bird breeding season of February through August. If ground disturbing activities and removal of vegetation or other potential nesting habitat must occur during the nesting period, a qualified biologist shall conduct a breeding bird survey no more than three days prior to the start of construction to determine if nesting is occurring.
  - If occupied nests are found, they shall not be disturbed unless the qualified biologist determined through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are capable or independent survival.
  - If the biologist is not able to verify one of the above conditions, then no disturbance for each nest or nesting site shall occur within a distance specified by the qualified biologist in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

**Mitigation Measure BIO-2:**

- Prior to ground disturbing activities, such as grading and vegetation removal, a burrowing owl presence/absence survey shall be conducted following the protocols established by the CDFW. The burrowing owl pre-construction survey shall be conducted no more than three days prior to construction to confirm the absence of the species from the site.
  - Occupied sites shall not be disturbed during the nesting season (February 1 – August 31) unless a qualified biologist verifies through non-invasive methods that either 1) the birds have not begun egg-laying or incubation or 2) that juveniles from the occupied burrows are foraging independently and are capable of an independent survival flight.
  - If the biologist is not able to verify one of the above conditions, then no disturbance shall occur during the breeding season within a distance determined by the qualified biologist for each nest or nesting site. For the burrowing owl, the recommended distance is a minimum of 160 feet.

b) **Less Than Significant.** According to the October 2018 BRA, the Project Site was found not to support riparian habitat. Therefore, development of the Project Site would not result in impacts to riparian vegetation or to a sensitive natural community because these resources do not occur on the Project Site. No significant adverse impact is identified or anticipated, and no mitigation measures are required.

c) **Less Than Significant.** The BRA did not identify any wetlands on-site that could potentially be under the jurisdiction of the federal government, through the U.S. Army Corps of Engineers (USACE). An ephemeral desert wash was found approximately 200 feet west of the Project Site; however, the wash was not found to cross the property at any point. Therefore, the Proposed Project would 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. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.

- d) **Less Than Significant.** While some native wildlife species, especially those particularly tolerant of human disturbances, may occasionally occur on the Project Site, no native wildlife have established nursery or breeding colonies within the area. No naturally occurring native fish populations are present within the Project Site as there is no standing water or significant hydrological drainages where water would be present for an extended time.

The Project Site offers limited utility as a wildlife corridor. Within the vicinity of the Project Site there are residential and commercial development and infrastructure (i.e., roadways, telephone/electric poles) that prevents substantial wildlife movement. The BRA concluded that there were no wildlife corridors present on-site or in the immediate surrounding area. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measure is required.

- e) **Less Than Significant with Mitigation Incorporated.** In May 2017, a Protected Plant Preservation Plan was prepared by RCA Associates, Inc. and included a survey of the 3.01-acre Project Site to determine which Joshua trees would need to be transplanted to allow for the proposed development.

Joshua trees typically occur throughout the Mojave Desert at elevations between 1,200 feet and 5,400 feet. The CDFW identifies Joshua tree woodland as areas that support relatively high species diversity and as such are considered a sensitive desert community. The *County of San Bernardino 2007 Development Code* (Chapter 88.01.060) in coordination with the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act to preserve and protect the plants and to provide for the conservation and appropriate use of desert resources.

RCA Associates, Inc. conducted a survey on the Project Site to determine the presence of plants protected under the County's Plant Protection and Management Code. As part of the field investigation, Joshua trees were evaluated based on seven general health criteria. A total of 59 Joshua trees were documented within the boundaries of the Project Site. The density of Joshua trees is approximately 20 trees per acre. Of the 59 Joshua trees, a total of 10 Joshua trees (approximately 17 percent) were determined to be suitable for transplanting based on the seven general health factors.

Chapter 88.01.060, Desert Native Plant Protection of the *County of San Bernardino 2007 Development Code* requires tree removal permits for all Joshua trees. Therefore, additional possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce impacts to a level below significant. The required mitigation measures are as follows:

**Mitigation Measure BIO-3:**

- A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the County's Development Code. Removal of all plants protected or regulated by the Desert Native Plants Act would be required to comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

**Mitigation Measure BIO-4:**

- Joshua trees deemed suitable for transplanting shall be utilized as part of the proposed landscaping on-site where possible or shall be transplanted to an area of the Project Site where they can remain in perpetuity. Joshua trees which are deemed not suitable for

transplanting may be removed from the Project Site.

**Mitigation Measure BIO-5:**

- Prior to excavation, a qualified arborist shall construct earthen berms around each Joshua tree. The Joshua trees shall be watered approximately one week before transplanting. Watering the Joshua trees prior to transplanting will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

**Mitigation Measure BIO-6:**

- Each Joshua tree deemed suitable for transplanting shall be moved to a pre-selected location and shall be placed and oriented in the same direction as its original direction. Once transplanted, the area around the tree shall be backfilled with native soil, and the transplanted Joshua tree shall be watered immediately.

**Mitigation Measure BIO-7:**

- The qualified arborist shall develop a watering regiment to ensure the survival of the transplanted Joshua trees. The watering regiment shall be based upon the needs of the trees and the local precipitation.

f) **No Impact.** The Project Site does not occur within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The Project Site occurs within the boundary of the Bureau of Land Management’s (BLM) Western Mojave Plan (WMP) boundary; however, that plan currently applies to federal BLM lands only and the Project Site is considered private land. The Project Site also occurs within the planning area of the Renewable Energy Action Team’s (REAT) Desert Renewable Energy Conservation Plan (DRECP)<sup>1</sup>; however, this habitat conservation plan/natural community conservation plan is currently being developed. The Proposed Project is not anticipated to have a significant impact relating to habitat conservation plans, natural community conservation plans, and/or recovery plans. Therefore, no impact is identified or anticipated, and no mitigation measure is required.

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

<sup>1</sup> The DRECP was developed by the BLM, the U.S. Fish and Wildlife Service, the California Energy Commission and the California Department of Fish and Wildlife, collectively known as the Renewable Energy Action Team (REAT).

**SUBSTANTIATION:** *Phase I Cultural Resources Assessment, RCA Associates, Inc. March, 2017; Cultural Records Search South Central Coastal Information Center (SCCIC) at California State University, Fullerton; San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a/b) **Less than Significant with Mitigation Incorporated.** In March 2017, RCA Associates, Inc. (RCA) prepared a Cultural Resource Assessment for the 3.01-acre Project Site. The purpose of the assessment was to identify and document any cultural resources that may potentially occur within the Project Site and to evaluate resources pursuant to National Historic Preservation Act (NHPA) Section 106, CEQA, and the County's General Plan. The CRA searched for historic or archaeological properties by means of a record search, field survey, and Native American consultation. Findings of the Cultural Resource Assessment are summarized herein and the report is available for review at the County of San Bernardino Land Use Services Department.

RCA conducted a cultural resources records search and literature review at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. The results of the search found no cultural resources recorded within the Project Site or within a ½-mile radius. The Cultural Resource Assessment determined that the project area had been surveyed 13 times. A review of the historic maps for the area, showed improved roads around 1903, and one paved road, four buildings and several undeveloped roads by 1942.

At the time of the field survey, the Project Site was identified to be vacant and consist of natural desert environment and rural open space. The field survey did not identify any cultural resources within the boundaries of the Project Site and based on the recent historical research, field investigations, and documentation, the cultural resources investigation concluded that the Project Site, did not yield any evidence of significant historical resources. Additionally, the records search and field surveys did not identify any archaeological resources present on the Project Site. However, a possible significant adverse impact has been identified or anticipated and the following mitigation measure is required as a condition of Project approval to reduce the impacts to a level below significant. The required mitigation measure is:

**Mitigation Measure CR-1:**

- In the event that previously unidentified resources are uncovered as a result of the on-site earthwork, a qualified archaeologist shall be on-call and available to inspect and assess the find in accordance with CEQA criteria. If deemed appropriate, archaeological monitoring shall be incorporated into a mitigation program to be approved by the County.

- c) **Less than Significant with Mitigation Incorporated.** Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Paleontological sites generally occur as small outcroppings visible on the surface of sites encountered during grading. Generally, it is geologic formations that contain fossils. The Project Site was determined to be underlain by young alluvial fan deposits of Holocene to Late Pleistocene age. These deposits typically consist of silty sands, coarse-grained sands, and boulder sands.

Although it is unlikely that paleontological resources would occur within younger alluvial deposits, the potential of unearthing vertebrate fossils is unknown. Therefore, appropriate measures should be taken to ensure impacts are minimized to the extent feasible. Therefore, a possible significant adverse impact has been identified or anticipated and the following mitigation measure is required

as a condition of project approval to reduce the impact to a level below significant. The required mitigation measure is:

**Mitigation Measure CR-2:**

In the event paleontological resources are discovered on-site, the Construction Contractor shall halt all earthwork until a qualified vertebrate paleontologist is contacted to perform a field survey to determine and record any non-renewable paleontological resources found on-site. The paleontological monitoring program shall be conducted in a manner consistent with the protocols of the San Bernardino County Museum.

- d) **Less than Significant Impact with Mitigation Incorporated.** Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Field surveys conducted as part of the Cultural Resource Assessment did not encounter any evidence of human remains. The Project Site is not located on or near a known cemetery, and no human remains are anticipated to be disturbed during the construction stage. However, a possible significant adverse impact has been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce the impact to a level below significant. The required mitigation measure is:

**Mitigation Measure CR-3:**

- If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within 60-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VI. GEOLOGY AND SOILS - Will 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?

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Preliminary Geotechnical Investigation Seismic Design Parameters Structural Section Limited Surface Fault Rupture Evaluation and Geology Report, ALR Engineering & Testing, May 2018*

a) i) **Less than Significant.** In May 2018, ALR Engineering & Testing prepared a Preliminary Geotechnical Investigation, Seismic Design Parameters, Structural Section Limited Surface Fault Rupture Evaluation and Geology Report (herein Geotechnical Investigation) for the Proposed Project. Findings of the Geotechnical Investigation are summarized herein and the report is available for review at the County of San Bernardino Land Use Services Department. According to the Geotechnical Investigation and the Department of Conservation Fault Activity Map of California, the Project Site is not located within an Alquist Priolo Earthquake Fault Zone. The nearest faults in the vicinity are located south of the Project Site including, the Cajon Valley fault located about two miles south and the San Andreas fault located about six miles south of the Project Site. The Proposed Project would not include any habitable structures and the potential for rupture is considered low due to the absence of known faults within the vicinity. Nonetheless, the design of the Proposed Project, and the installation of the USTs and fueling station would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Additionally, the Geotechnical Investigation concluded that appropriate site preparation, proper fill composition and compaction, and foundation design would reduce potential impacts from a seismic event. Compliance with the California Building Codes and Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department would address potential impacts resulting from an earthquake event. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

ii) **Less than Significant.** The Project Site is within a seismically active region and is potentially subject to strong ground acceleration from earthquake events along major regional faults. The nearest identified faults to the Project Site include the Cajon Valley fault located about two miles south of the Project Site and the San Andreas fault located about six miles south of the Project Site, which are capable of generating significant seismic activity. According to the Geotechnical Investigation, the potential for surface fault rupture at the Project Site was determined to be extremely low to non-existent.

The Proposed Project would not include any habitable structures. Nonetheless, the design of any structures on-site would incorporate measures to accommodate projected seismic loading pursuant to existing California Building Code and local building regulations. Based on the incorporation of

applicable measures into the project design and construction, seismic ground shaking would be reduced to the extent possible. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

iii) **Less than Significant.** Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior occurring primarily in saturated, loose, and fine to medium grained soils. Shaking may cause soils that meet these conditions to lose strength and move as a liquid. Liquefaction-related effects may include loss of bearing strength, ground oscillations, lateral spreading, and flow failures or slumping.

According to the Geotechnical Investigation, surface soils consist predominantly of silty sands and well graded sands with silts and gravel and are not subject to liquefaction. Furthermore, review of the San Bernardino County's Geologic Hazard Overlay Map EHFH C, illustrates that the Project Site does not occur within a liquefaction zone. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

iv) **Less than Significant.** The Project Site is not located within a landslide susceptibility zone as identified in the San Bernardino County's Geologic Hazards Overlay Map EHFH C. The Proposed Project occurs on relatively flat terrain and does not present risks associated with landslides (i.e., slopes greater than 15 percent). Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) **Less than Significant.** Development of 1.65 acres of the 3.01-acre Project Site would disturb more than one-acre of soil and henceforth, the Project is subject to the requirements of the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). The Construction General Permits requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP is required for construction of the Proposed Project and will include a list of Best Management Practices (BMPs) to avoid and minimize soil erosion. Implementation of the BMPs as provided in the SWPPP, would ensure potential impacts are reduced to a less than significant level. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- c) **Less than Significant.** According to the Geotechnical Investigation, on-site soils were determined to be suitable for the proposed commercial development. The upper four feet of soils consist of loose to medium dense and relatively dry soils. Additionally, the depth of groundwater at the Project Site is estimated to be approximately 500 feet below the ground surface. Based on soils present and the gradient of the Project Site, a risk of unstable soils is not anticipated. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- d) **Less than Significant.** As part of the Geotechnical Investigation, on-site soils were tested and found to exhibit very low to low expansion potential. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- e) **Less than Significant.** The Proposed Project will utilize an on-site septic system including a 2,000-gallon septic tank with seepage pits and 100 percent overflow protection. The on-site septic system will require approval from the County of Environmental Health Regional Board. Once approved it will be submitted to the Regional Water Quality Control Board (RWQCB) for review and approval. The Proposed Project's design incorporates measures to diminish impacts to water

quality to an acceptable level as required by State and federal regulations and is not expected to violate any water quality standards or waste discharge requirements. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII GREENHOUSE GAS EMISSIONS - Will the project:</b>				
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:** *San Bernardino County General Plan 2007, Geologic Hazard Overlay Map (EHFH C); Phelan/Pinon Hills Community Plan 2007; Pinon Hills Gas Station Air Quality Impact Analysis, Urban Crossroads, Inc. April, 2017; Pinon Hills Gas Station Greenhouse Gas Analysis, Urban Crossroads, Inc. April, 2017; California Department of Conservation, Fault Activity Map of California*

According to CEQA Guidelines Section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” Moreover, CEQA Guidelines Section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

a) **Less than Significant.** In March 2019, Urban Crossroads prepared a Greenhouse Gas (GHG) Analysis for the Proposed Project. The purpose of the analysis was to evaluate project-related construction and operational emissions and determine the level of impacts as a result of construction and operation the Proposed Project. The Proposed Project was determined to not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Findings of the GHG Analysis are summarized herein and the report is available for review at the County of San Bernardino Land Use Services Department.

In September 2006, the State enacted the Global Warming Solutions Act (Assemble Bill 32), which was created to address greenhouse gases emitted by human activity and implicated in global climate change. The Act requires that by the year 2020, the GHG emissions generated in California be reduced to the levels of 1990. This is part of a larger plan in which the goal for California is to reduce emissions to 80 percent below 1990 levels by 2050.

Additionally, through the California Climate Action Registry (now the Climate Action Reserve), general and industry-specific protocols for assessing and reporting GHG emissions have been developed. GHG sources are categorized into direct sources (i.e., from the Project Site itself and from activities directly associated with operations) and indirect sources (i.e., not directly associated

with the Project, but impacted by its operations). Direct sources include combustion emissions from on- and off-road mobile sources, and fugitive emissions. Indirect sources include off-site electricity generation and non-company owned mobile sources.

As discussed in Section III (Air Quality) of this document, the Proposed Project's primary contribution to air emissions is attributable to construction activities. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel.

The primary emissions that would result from the Proposed Project would occur as carbon dioxide (CO<sub>2</sub>) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (N<sub>2</sub>O) and methane (CH<sub>4</sub>), as well as other GHG emissions related to vehicle cooling systems. To account for variations in the effectiveness of these gases on climate change, a measure called CO<sub>2</sub>-equivalent (CO<sub>2</sub>e) is used.

Pursuant to Section 15064.4 of the State CEQA Guidelines, the treatment of GHG emissions follows a process of quantification of project-related GHG emissions, determination of significance and specification of any appropriate mitigation if impacts are found to be potentially significant. The Air Quality Impact Assessment used the CalEEMod computer models to quantify construction-period and operational GHG emissions. Modeling predicts construction activities would generate 976.04 metric tons (MT) CO<sub>2</sub>e emissions. The screening level operational threshold is 3,000 MT CO<sub>2</sub>e per year. Construction activities generating a total of 976.04 MT CO<sub>2</sub>e are well below this threshold.

The modeled emissions anticipated from the Proposed Project compared to the GHG emissions threshold are shown below in Table 4.

**Table 4**  
**Total Project Greenhouse Gas Emissions (Annual)**

Emission Source	Emissions (metric tons per year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> E
Annual construction-related emissions amortized over 30 years	12.53	0.0	-	12.59
Area	3.00E-04	0.0	0.0	3.20E-04
Energy	5.6	3.20E-04	7.00E-05	5.63
Mobile Sources	954.39	0.11	0.0	957.08
Waste	0.00	0.0	1.00E-04	0.00
Water Usage	0.60	4.12E-03		0.74
<b>Total CO<sub>2</sub>E (All Sources)</b>	<b>976.04</b>			
Screening Threshold	3,000			
<b>Significant</b>	<b>No</b>			

Source: CalEEMod™ model output, See Appendix 3.1 for detailed model outputs.  
 Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.  
 Table results include scientific notation. e is used to represent *times ten raised to the power of* (which would be written as x 10<sup>b</sup>) and is followed by the value of the exponent

As shown in Table 4, the Project will result in approximately 976.04 MT CO<sub>2</sub>e per year; the Proposed Project would not exceed the screening threshold of 3,000 MT CO<sub>2</sub>e per year. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measure is required.

**Less than Significant.** The Proposed Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHG. In December 2011, the County Board of Supervisors adopted a GHG Emissions Reduction Plan (GHG Reduction Plan). The GHG Reduction Plan states that “with the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MT CO<sub>2</sub>e per year

will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions.” Applicable performance standards are identified in Appendix F of the GHG Reduction Plan. These performance standards apply to all projects and would be implemented and adhered to, and would be no conflict with any applicable plan, policy, or regulation.

- b) The Proposed Project would be required to comply with all applicable performance standards identified in the GHG Reduction Plan, and based on CalEEMod model outputs, project-related GHG emissions would not exceed the 3,000 MT CO<sub>2</sub>e per year screening threshold (refer to Table 4). Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures would be required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII</b>	<b>HAZARDS AND HAZARDOUS MATERIALS - Will 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will 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, will 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, will 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 checked="" type="checkbox"/>	<input type="checkbox"/>

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; California Department of Toxic Substance Control, Hazardous Waste and Substance List (Cortese)*

- a) **Less than Significant.** The Project Proponent would be required to prepare a Spill Contingency Plan with the County of San Bernardino Hazardous Materials Department and all operations of the fueling station and related USTs would be required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. Therefore, impacts associated with long-term operation would not result in significant impacts.

The fueling station would be directly connected to a fuel spill holding tank which would discharge to an underground basin for water quality purposes. An underground basin is proposed to provide water quality treatment of site runoff. Runoff from the Project Site would enter the basin before being released off-site.

Polluted stormwater runoff is commonly transported through municipal separate storm sewer systems (MS4s), and then often discharged, untreated, into local water bodies. An MS4 is a conveyance or system of conveyances that is: 1) owned by a state, city or other public entity that discharges to waters of the United States; 2) designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches); 3) not a combined sewer; and 4) not part of a sewage treatment plant, or publicly owned treatment works. Beekley Road is the western boundary of the MS4 Phase II boundary and the Project Site is located outside the boundary. Therefore, the Project Site is located outside of the NPDES MS4 Phase II area and a WQMP is not required.

However, development of the Proposed Project would disturb approximately 1.65 acres, and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. Requirements of the permit would include development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Proposed Project's SWPPP will be required to include BMPs to control and abate pollutants; the plan will be reviewed by the County for approval. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) **Less than Significant.** The Proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because any use or construction activity that might use hazardous materials will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. In addition as noted in the response to Section VIII a) above, since hazardous materials are proposed on-site for operational purposes, the Proposed Project will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department, as required by Health and Safety Code Section 25507, which requires a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Health and Safety Code Section 25503.

Safety procedures associated with such hazards shall be clearly posted and personnel shall be properly trained in these procedures. Adequate fire alarms, fire-fighting and fire suppression

equipment and devices must be provided on-site in accordance with the requirements of the California Building Code and the Uniform Fire Code requirements, and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would ensure no substantial impacts would occur. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **No Impact.** The Project Site is approximately one-mile west of Serrano High School located on Sheep Creek Road. Therefore, no schools exist or are proposed within one-quarter mile of the Project Site. All operations of the Proposed Project would be required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. Therefore, no impact is identified or anticipated, and no mitigation measure is required.
- d) **No Impact.** Pursuant to California Government Code Section 65962.5 the California Department of Toxic Substances Control (DTSC) compiles the Cortese List which includes hazardous waste facilities subject to corrective action. The list includes land designated as hazardous waste property or border zone property, sites included in the abandoned site assessment program, and qualifying sites pursuant to Section 25356 of the Health and Safety Code. The Project Site was not identified on the most recent Cortese List retrieved from the DTSC EnviroStor online Database on March 25, 2019. The Proposed Project would not create a significant hazard to the public or the environment. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- e) **No Impact.** The Project Site is not located in the vicinity of any airport land use plan. The nearest public use airport is Southern California Logistics Airport, located approximately 18 miles northeast in the City of Victorville. The City of Victorville Safety Element contains the Comprehensive Land Use Plan (CLAP) for the airport. The CLAP identifies six safety zones related to the airport runways, aircraft approach and departure, turning areas, and airport traffic maneuvering areas. The Project Site is not within these zones and the mapped zones are a significant distance from the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- f) **No Impact.** The Proposed Project is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working within the Project area. The nearest private airstrip is Gray Butte Field, located approximately 11 miles northwest of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- g) **Less than Significant.** The Proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Pinon Hills/Phelan Community Plan designates SR-138 as an evacuation route. However, the Proposed Project will not result in any substantial change to road design or capacity that could affect implementation of evacuation procedures, nor result in any substantial increase in natural or man-made hazards that would increase the potential for evacuation. Specific evacuation routes will be designated during an emergency in order to respond to the specific needs of the situation and circumstances surrounding the disaster and will be handled in accordance with the evacuation procedures contained within the County Emergency Management Plan. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- h) **Less than Significant.** The Project Site is not within an area of high or very high fire hazard, as determined by the San Bernardino County Hazard Overlays map FH04 B nor within the *San Bernardino County's 2007 Development Code*, Fire Safety Overlay FS2. All new construction shall

comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department, specifically Chapter 82.13.050 of the Development Code for General Development Standards. Implementation of the Proposed Project, which includes the construction and operation of a six-island fueling station and a 4,998 square-foot convenience store and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX</b>	<b>HYDROLOGY AND WATER QUALITY - Will 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 will 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 will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation on- or offsite?	<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 will result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Place within a 100-year flood hazard area structure which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- j) Inundation by seiche, tsunami, or mudflow?

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Federal Emergency Management Agency, Flood Map 06071C6450H; Mojave Water Agency, 2015 Urban Water Management Plan; Phelan/Pinon Hills Community Services District, 2010 Urban Water Management Plan; Drainage Study, Cubit Engineering, December, 2018*

- a) **Less Than Significant.** The Phelan/Pinon Hills Community is located in the Mojave Basin Watershed Planning Area and draws its water supplies from the Alto and Estes portions of the Mojave groundwater basin. The Project Site discharges storm water into a watershed managed by the Lahontan Regional Water Quality Control Board.

The Proposed Project is subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit required recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

The RWQCB has issued an area-wide NPDES Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District, and the unincorporated cities of San Bernardino County. The implementation of NPDES permits ensure that the State's mandatory standards for the maintenance of clean water and the federal minimums are met. Soil erosion and sedimentation impacts would be reduced to less than significant through implementation of the Best Management Practices (BMPs) detained in a SWPP and periodic inspections by the RWQCB.

As discussed in Section VIII of the Initial Study, the Project Site is located outside of the NPDES MS4 Phase II area and therefore a WQMP is not required.

The Proposed Project would utilize an on-site septic system. The on-site septic system will require approval from the County of Environmental Health Regional Board. Once approved it will be submitted to the RWQCB for review and approval. The Proposed Project's design incorporates measures to diminish impacts to water quality to an acceptable level as required by state and federal regulations and is not expected to violate any water quality standards or waste discharge requirements. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) **Less Than Significant.** Water supply to the Project Site will be supplied by the Phelan Pinon Hills Community Service District (PPHCSD), which recently took over operation of the Sheep Creek Water Company. The PPHCSD service area includes approximately 118 square miles of unincorporated land located at the transition between the foothills of the San Gabriel Mountains and the southwestern portion of the Mojave Desert. The Proposed Project has attained a Notice of Intent to Serve Letter from the PPHCSD. Domestic water services would be provided by the PPHCSD for one year from the date the letter was issued (September 19, 2018) without subsequent review. The

PPHCSD obtains its water from the Mojave Groundwater Basin.

The PPHCSD is under jurisdiction of the Mojave Water Agency (MWA), which was appointed Watermaster in 1993 as a result of a Court Order related to adjudication of the groundwater basin. As the Watermaster, the MWA serves as the wholesaler of imported water received from the State Water Project (SWP) and manages the groundwater basins. An Urban Water Management Plan (UWMP) was prepared by the PPHCSD in June 2012, to ensure an adequate and reliable level of water services and supply would be available to meet the needs of its customers during average, single-dry, and multiple-dry years.

The MWA manages the local groundwater supply to ensure its reliability during droughts and shortages. MWA is contracted with the California Department of Water Resources (DWR) for delivery of SWP water, but the variability in SWP supplies affects the ability of MWA to meet the overall recharge water supply needs for their service area. According to the MWA it is assumed that local supply sources will remain constant during dry weather years. Since annual fluctuations in natural surface flows do not impact the long-term sustainability of the groundwater basins, MWA assumes that the natural supply is 100 percent available in single-dry year and multiple-dry year conditions.

The MWA Reliability Projections for a Normal Year in 2035 indicates a surplus of supply over demand at 9,309 acre-feet per year (AFY). The MWA Reliability Projection for a Single Dry Year in 2035 indicates no surplus but supplies meet projected demands. The MWA Reliability Projections for Multiple Dry Years in 2035 also show supplies meet demands with no surplus. MWA estimates that the demands will increase by 10 percent during single-dry year and multi-year periods. The UWMP finds that MWA can meet 100 percent of their service area demands through 2035 in single-dry years and multiple-dry year periods with consistent local sources, SWP banking, and supply enhancement projects.

Additionally, the PPHCSD UWMP shows both the Projected Water Supply and the Demand for Single Dry Water Year (AFY) is projected at 5,864 AFY in 2035 and remains consistently at 5,864 AFY for Dry Years and every multiple-dry year supply thereafter. Both for supply and demand.

Development of the Proposed Project would result in new impervious surfaces on-site. However, the Proposed Project includes a storm water retention basin with a capacity of 6,400 cubic-feet (CF), located centrally within the 3.01-acre Project Site. As such, direct infiltration of runoff from impervious surfaces would be captured and allow for groundwater recharge.

The Proposed Project is not expected to 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 Proposed Project would be served by an existing water purveyor (PPHCSD) that has indicated that there is sufficient capacity in the existing water system to serve the anticipated needs of this Proposed Project for multiple dry year scenarios. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **Less than Significant.** The Project Site generally slopes to the north at a gradient ranging from approximately six percent to eight percent with an elevation change of about 55 feet (4,334 feet to 4,389 feet) over 900 feet. Implementation of the Proposed Project would consist of new impervious areas that would drain into an on-site storm water retention basin. The basin is proposed to be located centrally within the 3.01-acre site. There would be no significant alteration of the Project Site's existing drainage pattern which would be directed towards the basin area and, as a result,

there would not be any significant increases in the rates of erosion or siltation on or off site due to the design of the basin area. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- d) **Less than Significant.** The Proposed Project would not substantially alter the existing drainage pattern of the Project 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-site or off-site. No increase in runoff flow rates due to the existing impervious surface areas and volumes are anticipated from the Proposed Project. An infiltration basin is proposed centrally within the Project Site and is designed to accept peak runoff flows from a 100-year one-hour storm. The Proposed Project includes retention by above ground retention ponds and a storm water retention basin with a capacity of 6,400 cubic-feet (CF). The final drainage plan will be reviewed and approved by the County Public Works Department prior to construction of the Proposed Project. No significant alteration of the Project Site's existing drainage pattern is anticipated, and there would not be any significant increases in flooding on or off-site. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- e) **Less than Significant.** The Proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; there are no existing storm drainage systems in the area. All necessary drainage improvements both on- and off-site will be required as conditions of approval for the construction of the Proposed Project so that downstream properties are not negatively impacted by any increases or changes in volume, velocity, or direction of storm water flows originating from or altered by the Proposed Project. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- f) **Less than Significant.** The Proposed Project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection. Appropriate BMPs will be reviewed and approved by the County and RWQCB has discussed above. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- g) **Less than Significant.** According to the Federal Emergency Management Agency (FEMA), the Project Site lies in Zone X. Zone X is characterized as an area of minimum flood hazard with a 0.2% Annual Chance Flood Hazard. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- h) **Less than Significant.** The Project Site occurs within Zone X as illustrated in FEMA map number 06071C6450H and occurs outside of a one percent annual chance (100-year) flood hazard area. The nearest FEMA-delineated 100-year floodplain is located approximately 0.6 miles east of the Project Site. The Proposed Project is not anticipated to impede or redirect flood flows within that 100-year flood zone. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.
- i) **No Impact.** According to County of San Bernardino Hazards Overlay Map FH04 B, the Project Site and its surrounding area is not located within a designated Flood Plain Safety (FP) Overlay District. The Proposed Project would 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 a 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 or from a river, stream, lake, or sheet flow situation. Therefore, no

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

- j) **No Impact.** The Project Site would not be subject to inundation by seiche, tsunami, or mudflow. The Project Site lies inland within the Mojave Desert and is not adjacent to any marine or inland water bodies. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. LAND USE AND PLANNING - Will 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Western Mojave Plan, January, 2005*

- a) **No Impact.** Surrounding land uses include vacant properties to the north and east, sparse residential to the west, and Rick’s Roadside Cafe with residential development to the south across SR-138. The Proposed Project would not require the abandonment or relocation of any public right-of-way, nor would it divide the existing community within the Project area. The Proposed Project would be conditionally permitted within the SD-RES Land Use District, and therefore no impacts are identified or anticipated, and no mitigation measures are required.
- b) **No Impact.** The Project Site is designated as SD-RES in the Phelan/Pinon Hills Community Plan and County of San Bernardino General Plan. The Proposed Project would comply with the Desert Region Goals and Policies of the Land Use Element in the San Bernardino County General Plan, specifically Policy D/LU 1.4, which promotes the conversion of the Special Development Land Use Zoning District in remote outlying desert areas to appropriate community-centered land use designations. The Applicant is requesting the approval of a CUP to construct and operate a six-island fueling station and a 4,998 square-foot convenience store. Approval of the CUP would allow the Proposed Project to be consistent with its land use zoning designation and correlate with the County’s goals and vision. There are no other applicable plans adopted for the purpose of avoiding or mitigating an environmental effect that govern land use at the Project Site. Therefore, no impact is identified or anticipated, and no mitigation measures are required.
- c) **Less than Significant.** The Phelan/Pinon Hills Community Plan contains approximately 113 acres of BLM lands. Although the Project Site does not lie within BLM lands it is within the boundaries of the Western Mojave Plan (WMP). The WMP is a federal land use plan amendment to the BLM’s California Desert Conservation Area (CDCA) Plan that presents a comprehensive strategy to conserve and protect sensitive plants and animals and the natural communities of which they are a part. However, the WMP is applicable only to BLM-administered public lands within the plan area. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures

are required.

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

***SUBSTANTIATION:*** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Mineral Land Classification Map, Mineral Resource Zones*

- a) **No Impact.** The Proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the resident of the state. According to the Mineral Land Classification Map of a part of southwestern San Bernardino County, California the Project Site is located within Mineral Resource Zone 4 (MRZ-4). An MRZ-4 zone is an area of no known mineral occurrences where geologic information does not rule out either the presence or absence of significant mineral resources. Within the vicinity of the Project Site, areas are zoned: neighborhood commercial, rural living, and special development/residential. Mineral Resource mining is not a compatible use with the existing surrounding land uses and the Site is not designated for mineral resource extraction. Therefore, development of the Proposed Project would not result in the loss of significant mineral resources. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- b) **No Impact.** The Proposed Project would 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. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. NOISE - Will the project result in:</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

levels in the project vicinity above levels existing without the project?

- 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, will the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Pinon Hills Gas Station Noise Impact Analysis, Urban Crossroads, Inc. May, 2017*

- a) **Less than Significant with Mitigation Incorporated.** Noise can be measured in the form of a decibel (dB), which is a unit for describing the amplitude of sound. The predominant rating scales for noise in the State of California are the Equivalent-Continuous Sound Level (Leq), and the Community Noise Equivalent Level (CNEL), which are both based on the A-weighted decibel (dBA). Leq is defined as the total sound energy of time-varying noise over a sample period. CNEL is defined as the time-varying noise over a 24-hour period, with a weighting factor of 5 dBA applied to the hourly Leq for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA applied to events occurring between 10:00 p.m. and 7:00 a.m. defined as sleeping hours). The State of California's Office of Noise Control has established standards and guidelines for acceptable community noise levels based on the CNEL and Ldn rating scales. The purpose of these standards and guidelines is to provide a framework for setting local standards for human exposure to noise. Residential development, schools, churches, hospitals, and libraries have a normally acceptable community noise exposure range of 60 dBA CNEL to 70-25 dBA CNEL.

A Noise Impact Analysis was prepared by Urban Crossroads, Inc. on May 18, 2017 to determine the noise exposure for the Proposed Project. The study was based on County of San Bernardino noise standards and CEQA standards. Findings of the study are presented herein.

The primary source of exterior noise comes mainly from SR-138 and Beekley Road and background traffic noise that would be generated by the Proposed Project's internal parking lot. However, due to the low traffic volume/speeds, traffic noise from these roads do not significantly contributed to the noise environment beyond the right-of-way of the roadways. For interior noise level standards, the County of San Bernardino allows 50 DBA CNEL for commercial land use. The unmitigated noise levels at the building façade are expected to approach 64.1 dBA CNEL. With recommended interior noise abatement measures, the construction and operational uses of the Proposed Project would provide a noise reduction of 25 dBA CNEL and the interior noise levels would approach 39.1 dBA CNEL, satisfying the 50 dBA CNEL interior noise level criteria identified in Chapter 83.01.080 in the *County of San Bernardino's 2007 Development Code*. The following mitigation measures are required as a condition of project approval to ensure interior noise levels are at a level below significant. The required mitigation measure is:

**Mitigation Measure N-1:**

- All windows shall be well fitted, well weather-stripped assemblies and shall have a minimum, standard sound transmission class (STC) ratings of 27 for the Project building.

- All exterior doors shall be well weather-stripped and have minimum STC ratings of 25. Well-sealed perimeter gaps around the doors are essential to achieve the optimal STC rating.
- At any penetrations of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar to form an airtight seal.

- b) **Less than Significant with Mitigations Incorporated.** Ground-borne vibration and ground borne noise could originate from earth movement during the construction phase of the Proposed Project as well as from the operation and maintenance of the facilities. Construction-related noise impacts are expected to create temporary and intermittent high-level noise conditions at receivers surrounding the Project Site. There are five receivers located around the Project Site (described in the Noise Impact Analysis as R1 through R5). Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. The closest sensitive receiver to the Project Site is R2 at approximately 108 feet west of the Project Site boundary on Beekley Lane. Therefore, temporary construction noise mitigation barriers are required at the construction boundary near the impacted receiver location (R2) where Project construction noise levels could potentially exceed the noise level thresholds. Additionally, the County of San Bernardino Development Code (Section 83.01.080(g)(3)) permits construction activities between the hours of 7 a.m. to 7 p.m.; with no activities on Sundays and federal holidays. Although construction noise is temporary, intermittent and of short duration, and would not present any long-term impact, 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 N-2:**

- The Project Proponent shall install a minimum six (6)-foot high temporary construction noise barrier at the Project's western site boundary for the duration of mobile equipment construction activities for Project Site preparation and grading stages of construction activities.
  - The temporary noise barriers shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g. vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;
  - The noise barrier must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired;
  - The noise control barrier and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.

**Mitigation Measure N-3:**

- During all Project Site construction, the contractor shall equip all construction equipment (fixed or mobile) with properly operating and maintained mufflers, consistent with manufacturers' standards and shall locate equipment staging in areas that shall create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project Site.

**Mitigation Measure N-4:**

- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project site (i.e., to the center) during all Project construction.

c/d) **Less than Significant with Mitigations Incorporated.** As concluded in the Noise Impact Analysis, the Proposed Project would not create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. The construction of the Proposed Project would result in temporary noise increases but would not create any substantial permanent increase in the ambient noise levels.

Project-related operational noise sources would include roof-top air conditioning units, fueling station activity, and parking lot vehicle movement. Reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the Proposed Project. To demonstrate compliance with local noise regulations, the Project-only operational noise levels are further evaluated against exterior noise level threshold based on the County of San Bernardino Development Code, Section 83.01.080(c) for exterior noise level standards.

The hourly noise levels associated with the roof-top air conditioning units, fueling station activity, and parking lot vehicle movement are expected to range from 32.8 to 46.7 dBA Leq at the off-site sensitive receiver locations. Of the five receiver locations measured (R1-R5); R2, a residential property adjacent to the western boundary of the Project Site, has the lowest threshold and shall not exceed 55 dBA Leq during daytime hours (7 a.m. to 10 p.m.) or 45 dBA Leq during nighttime hours (10 a.m. to 7 a.m.). The residential exterior noise level standards are more conservative noise limits than those identified for professional services, other commercial, and industrial uses by the County of San Bernardino Development Code, and therefore, this analysis relies on the lower residential exterior noise level limits for analyzing Project-related operational noise at the nearby sensitive receiver locations. Of the reference noise levels taken for the R1-R5 receiver locations, R2 is anticipated to exceed the nighttime noise level standards, largely due to the roof-top air conditioning unit. After proper mitigation measures the operational noise levels would range from 31.0 to 42.9 dBA Leq and no nighttime exterior noise levels would be exceeded. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measure is:

**Mitigation Measure N-4:**

- The Project Proponent shall construct a minimum three (3)-foot high parapet wall on the roof of the convenience store building to reduce noise levels due to roof-top air conditioning units at nearby noise-sensitive receiver locations.
- e) **No Impact.** The Proposed Project is not located within the boundaries of an airport land use plan and is not in the vicinity of an airport. The nearest airport is the Southern California Logistics Airport, approximately 18 miles northeast. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- f) **No Impact.** The Proposed Project area is not located within the vicinity of a private airstrip. The nearest private airstrip is Gray Butte Field, located approximately 15 miles to the northwest of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. POPULATION AND HOUSING - Will 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:*** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) **Less than Significant.** The Proposed Project would not induce substantial population growth in the area either directly or indirectly. Construction activities would be short-term and would not attract new employees to the area. The facility, at build-out would require three (3) shifts a day with two (2) employees per shift; a total of six employees. Accordingly, the Proposed Project would not result in any impacts to housing or related infrastructure, nor would it require construction of additional housing since the labor pool of six employees would come from the local area. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- b) **No Impact.** The Project Site is currently vacant and therefore, would not displace existing housing units, necessitating the construction of replacement housing. No impact is identified or anticipated, and no mitigation measures are required.
- c) **No Impact.** The Proposed Project would not displace local residents nor necessitate the construction of replacement housing elsewhere. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. PUBLIC SERVICES</b>				

- a) Will 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:

i.	Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii.	Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii.	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv.	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v.	Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) i. **Less than Significant.** The San Bernardino County Fire Department (SBCFD) provides services to the Phelan/Pinon Hills Community through the South Desert Division of their department. The Project Site is served by Phelan San Bernardino County (SBC) Fire Station 110 which occurs one-mile north of the Project Site and the Phelan California Department of Forestry Station which is located approximately four (4) miles east. According to CAL FIRE, the Project Site lies in a Moderate Fire Hazard Severity Zone. Any development along with the associated human activity, in previously undeveloped areas increases the potential of the occurrence of wildfires. Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented to minimize the potential for fires to occur during construction or operations. The Proposed Project would be required to comply with County fire suppression standards and adequate fire access and pay required development fees. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- ii. **Less than Significant.** The Phelon/Pinon Hills Community area and other unincorporated portions of the County are served by the San Bernardino Sheriff's Department (SBSD) for police protection. The station is located at 4050 Phelan Road approximately one-mile northeast of the Project Site. The Proposed Project would require an estimated six employees working three shifts per day. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Additionally, developer impact fees are collected at the time of building permits issuance to offset project impacts. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- iii. **No Impact.** The Project Site is served by the Snowline Joint Unified School District. Most of the schools in the Pinon Hills/Phelan Project area occur on Sheep Creek Road, a north-south oriented street, located approximately two miles east of the Project Site. The Proposed Project would not require a substantial number of new employees and therefore would not result in an increase in population growth or generation of a new students within the area as the new employees would likely come from within the local area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- iv. **No Impact.** The Proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the Proposed Project would place no demands on parks because it would not involve the

construction of housing and would not involve the introduction of a temporary or permanent human population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- v. **No Impact.** The Proposed Project would not result in an increased residential population or a significant increase in the work force. Therefore, no impact is identified or anticipated, and no mitigation measure is required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. RECREATION</b>				
a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<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:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) **No Impact.** The Proposed Project would not increase the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. No new residences or recreational facilities would be constructed as part of the Proposed Project and no population growth is anticipated. Therefore, no impact is identified or anticipated, and no mitigation measure is required.
- b) **No Impact.** The Proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. No new recreational facilities in surrounding neighborhoods or adjacent areas would be constructed. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. TRANSPORTATION/TRAFFIC – Will 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

and greenways, pedestrian and bicycle paths, and mass transit.

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 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:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Pinon Hills Gas Station Traffic Impact Study, David Evans and Associates, Inc. March, 2019*

- a) **Less than Significant.** In March 2019, David Evans and Associates, Inc. conducted a Traffic Impact Study for the Proposed Project defined as the construction and operation of a six-island fueling station and a 4,998 square-foot convenience store on approximately 1.65-acres of an approximate 3.01 net acre-site located at the northwest corner of Beekley Road and SR-138. The Traffic Impact Study is available for review at the County of San Bernardino Land Use Services Department and findings are included herein.

The Traffic Impact Study examined the traffic impacts with and without the addition of the Proposed Project and presents recommended traffic improvements. The report also addressed the impacts of overall growth within the area to assure that cumulative traffic mitigations were addressed. The Traffic Impact Study concluded that the Proposed Project would not result in any decline in the performance of the area's circulation system nor its current Level of Service (LOS).

The two main roadways studied included:

**Beekley Road:** A north-south two-lane roadway that serves as a primary access road to the Pinon Hills community and provides direct access to residential driveways.

**State Route 138:** A primarily east-west two-lane highway that provides regional access to the Pinon Hills community, with an additional lane for major left and right turn movements.

Based on the potential traffic impacts to the area roadways, one (1) existing intersection and one (1) future intersection in the study area were identified for analysis:

1. Beekley Road and SR-138 (existing signalized intersection)
2. Beekley Road and Project Driveway "A" (future intersection)

3. Beekley Road and Project Driveway “B” (future intersection)

Existing traffic volumes were collected during the morning (7:00 a.m. to 9:00 a.m.) and evening (4:00 p.m. to 6:00 p.m.) peak hours at the above-mentioned existing intersections. The study intersection currently operates at an acceptable LOS C or better during the morning and evening peak hours for Existing traffic conditions. The Proposed Project is forecast to generate approximately 46 daily trips during the morning peak hour and 71 daily trips during the evening peak hour using the 9<sup>th</sup> Edition of the Institute of Transportation Engineers trip generation rate for a Gas Station with Convenience Store.

The study intersections were forecast to operate at their current LOS, remaining at C or better during the morning and evening peak hours for Existing Plus Project traffic conditions. No off-site mitigation measures were identified since the Proposed Project is forecast to result in no significant traffic impacts at the study intersections. The Proposed Project would not cause an increase in traffic, that would be substantial in relation to the existing traffic load and capacity of the street system. Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- b) **Less than Significant.** In conformance with County of San Bernardino and San Bernardino Congestion Management Program (CMP) requirements, existing morning and evening peak hour operating conditions for the signalized and unsignalized key study intersections were evaluated using the *Highway Capacity Manual* (HCM) methodology. The HCM traffic analysis methodology is a method developed by the Transportation Research Board (TRB). Under the HCM methodology the LOS of an intersection is determined based on the delay of vehicles at the intersection. Using this method, the intersection capacity for Existing Conditions at Beekley Road and SR-138 currently operate at a LOS C during morning peak periods, and a LOS B during evening peak periods. According to the County of San Bernardino, both measurements are considered acceptable. The minimum acceptable condition allowed under County criteria during peak commute hours is LOS D.

The current LOS of Existing Conditions for the intersection of Beekley Road and SR-138 is “C” for morning peak hours and “B” for evening peak hours. Based on the Proposed Project trip generation the proposed Existing plus Project conditions would result in a LOS C for Beekley Road and SR-138. Beekley Road and Project Driveway “A” and “B” (refer to Figure 3) are anticipated to operate at a LOS B during peak periods.

The Traffic Impact Study concluded that the Proposed Project would not result in a decline in the performance of the area’s circulation system during either the construction or operational periods and it would not conflict with an applicable congestion management program. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **No Impact.** The Project Site is not within the vicinity of an airport. The nearest airport is the Southern California Logistics Airport located approximately 18 miles northeast of the Project Site. The Proposed Project would include a 4,600 square-foot canopy at a maximum height of approximately 20 feet to be constructed over the fueling area, and a free-standing pole sign at a maximum height of 25 feet. Based on these maximum heights, elements of the Proposed Project would not affect air traffic patterns. The proposed heights are similar to existing commercial developments to the south and would not interfere with the Southern California Logistics Airport flight patterns. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

- d) **Less than Significant with Mitigation Incorporated.** The Proposed Project would not include design features that would increase hazards to existing intersections or impose incompatible uses within the Project area. Design features would be in accordance with County design standards to prevent vehicle stacking onto public roads. No new roads are proposed and no significant increase in traffic is projected during project construction or operations. However, 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 T/T-1:**

- Construct curb and gutter along the Project frontage on Beekley Road.

**Mitigation Measure T/T-2:**

- Construct approaches on Beekley Road as such:
  - Driveway A and Beekley Road
    - Provide right-in right-out access
    - Install raised median along Beekley Road to restrict northbound left turn movements into Project Driveway A
  - Driveway B and Beekley Road
    - Provide a northbound left turn lane to enter the full access driveway; and stripe a two way left turn lane
  - SR-138 and Beekley Road:
    - Stripe an additional southbound left turn lane; and optimize the existing 8-phase signal timing.

- e) **No Impact.** The Proposed Project would not result in inadequate emergency access to the Project area and would provide emergency access paths as approved by the SBCFD. During Project construction, public roads would remain open and available for use by emergency vehicles and other traffic. The Proposed Project would not result in any roadway closures to Beekley Road or to SR-138. Access to the Project Site is proposed via Driveway “A” near the lower eastern edge of the Project Site as a right in/right out driveway and through Driveway “B” located near the uppermost eastern edge off of Beekley Road. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

- f) **No Impact.** Due to the rural nature of the Pinon Hills/ Phelan community, no public transit, bicycle, or pedestrian facilities presently exist or are planned for implementation in the vicinity of the Project Site. Additionally, no alternative transportation policies, plans, or programs have been designated for the Proposed Project area and therefore the Proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of safety of such facilities. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XVII. TRIBAL CULTURAL RESOURCES - Will the project:</b>				

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

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

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

**SUBSTANTIATION:** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007; Tribal Consultation May 2018; Phase I Cultural Resources Assessment, RCA Associates, Inc. March, 2017; Cultural Records Search South Central Coastal Information Center (SCCIC) at California State University, Fullerton;*

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

a) **Less than Significant with Mitigation Incorporated.** California Assembly Bill 52 (AB 52) was approved by Governor Brown on September 25, 2014. AB 52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill requires lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a Proposed Project, if the tribe requested to the lead agency, in writing, to be informed of Proposed Project in that geographic area. The legislation further requires that the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The bill applies to CEQA projects that have a notice of preparation or a notice of negative declaration filed or mitigated negative declaration on or after July 1, 2015.

In accordance with AB 52, the County sent out notices of opportunity to consult to the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and the Colorado River Indian Tribes.

The Morongo Band of Mission Indians and San Manuel Band of Mission Indians provided correspondence and interest in receiving notification of new projects. Due to the high volume of Joshua Trees the San Manuel Band of Mission Indians did not find archaeological testing feasible and recommended an archaeologist be on-site for any ground disturbing activities. Additionally, the Morongo Band of Mission Indians requested a representative be on-site during ground-disturbing activities. The County consulted further with Ms. Jessica Mauck, a representative with the San Manuel Band of Mission Indians and Ms. Mauck provided the County with monitoring language, provided herein as mitigation and incorporated as Conditions of Approval for the Project.

To ensure potential impacts to Tribes Cultural Resources are reduced to a less than significant level the following mitigation measures shall be implemented.

**Mitigation/Monitoring Measure TCR-1:**

**Inadvertent Discovery and Treatment of Cultural Resources**

- Per CUL-1, a monitor from the Morongo Band of Mission Indians and an archaeologist will be present for any and all ground-disturbing activity. If a pre-contact cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 60 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. Representatives from the San Manuel Band of Mission Indians (SMBMI), the Morongo Band of Mission Indians (MBMI), the Archaeological Monitor/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource, as detailed within the monitoring and treatment plan. A research design shall be developed and will include a plan to evaluate the resource for significance under CEQA criteria. The research design shall also acknowledge that, regardless of significance under CEQA, all pre-contact discoveries shall be subject, if feasible, to avoidance and preservation in place as treatment.

Should the resource not be a candidate for avoidance or preservation in place, and full data recovery is necessary, the research design shall include a comprehensive discussion of resource processing, analysis, curation, and reporting protocols and obligations. All analysis shall be conducted in conference with the SMBMI and the MBMI. All removed material shall be temporarily curated on-site and a fully executed reburial agreement shall be developed with the SMBMI and the MBMI. This agreement shall include measures and provisions to protect the future reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, deed riders, etc.). Reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, SMBMI, and MBMI.

Should it occur that avoidance, preservation in place, or on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI and MBMI to identify an American Association of Museums (AAM)-accredited facility within San Bernardino County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified

repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency, SMBMI, and MBMI for their review and comment. After approval from all parties, the final reports are to be submitted to the local CHRIS Information Center, the Lead Agency, and Consulting Tribes.

## **Mitigation Measure TCR-2**

### **Inadvertent Discoveries of Human Remains/Funerary Objects**

- The Lead Agency and the applicant/developer shall immediately contact the County Coroner, the San Manuel Band of Mission Indians (SMBMI), and the Morongo Band of Mission Indians (MBMI) in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of being granted access to the site, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVIII. UTILITIES AND SERVICE SYSTEMS - Will 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded, entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:*** *San Bernardino County General Plan 2007; Phelan/Pinon Hills Community Plan 2007*

- a) **Less than Significant.** The Proposed Project would not exceed wastewater treatment requirements of the Lahontan Regional Water Quality Control Board (RWQCB). During construction, wastewater would be contained within portable toilet facilities and disposed of at an approved site. Additionally, the Proposed Project includes a 2,000-gallon septic tank with seepage pits and 100 percent overflow protection. The on-site septic system will require approval by the San Bernardino County Department of Environmental Health Services to comply with the California State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) for wastewater treatment systems. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.
- b) **Less than Significant.** The Proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansions of existing facilities and will utilize an on-site septic system. The Proposed Project has received a Notice of Intent to Serve Letter for domestic water from the PPHCSD. The proposed development will meet septic system requirements

provided by County Environmental Health Services. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **Less than Significant.** Implementation of the Proposed Project would not substantially increase peak runoff flows from the property above existing levels. The Proposed Project includes the construction of an on-site water retention basin on its northern boundary that will capture the full post-development runoff volume. Any remaining flows within the road right of way, specifically Beekley Road, are typically contained within asphalt concrete dikes and/or roadway ditches. The Proposed Project would not require the expansion of any off-site existing storm water drainage facilities as none exist in the area. As such, construction of the on-site storm water retention area to serve the Proposed Project would not result in any significant physical effects. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- d) **Less than Significant.** The Proposed Project would be served by an existing water purveyor Phelan/Pinon Hills Community Services District (PPHCSD) that has indicated that there is sufficient supply to serve the anticipated needs of this Proposed Project for multiple dry year scenarios. Therefore, sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources, and no new or expanded entitlements are needed. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- e) **No Impact.** The Proposed Project would not require use of an existing wastewater treatment plant, but an underground septic system. Since the Proposed Project would not connect to an existing wastewater treatment facility, the Project would not affect such a system. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- f) **Less than Significant.** The Project Site is located approximately three miles southeast of the Sheep Creek Transfer Station. The Sheep Creek Transfer Station has a maximum throughput of 198 tons/day. According to the CalRecycle's estimated solid waste generation rates for commercial development, the Proposed Project would generate approximately 63 pounds of solid waste per day or approximately 0.03159 tons per day based on 10.53 pounds per employee.

Waste generated from the Proposed Project is not expected to significantly impact solid waste collection systems. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- g) **Less than Significant.** County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects which are required to submit a Construction and Demolition Solid Waste Management Plan (waste management plan).

Effective January 1, 2011, the California Green Building Standards Code (CALGreen) requires all newly constructed buildings, including low-rise residential and most nonresidential commercial projects, to develop a waste management plan and divert a minimum of 50 percent of construction waste. This factor has been recently increased to 65 percent.

A project's waste management plan is to consist of two parts which are incorporated into the Conditions of Approval (COA's) by the County of San Bernardino Planning and Building & Safety divisions. As part of the plan, projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Additionally, projects must provide the amount of waste that will be diverted and disposed of. Disposal/diversion receipts or certifications are required as a part of that summary. Burrtec is the franchise waste hauler for the area.

The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant.

The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. 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 would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***

- a) **Less than Significant with Mitigation Incorporated.** The BRA prepared for the Project Site concluded that all direct, indirect, and cumulative impacts would be reduced to a less than significant impact with implementation of Mitigation Measures BIO-1 through BIO-7. Therefore, the Proposed Project is not anticipated 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. Potential impacts to cultural resources were identified in the Cultural Resources Assessment prepared for the Proposed Project. As discussed in this Initial Study, all direct, indirect, and cumulative can be reduced to a less than significant level with implementation of Mitigation Measures CR-1 through CR-3. Adherence to mitigation measures as presented in this Initial Study would ensure that important examples of the major periods of California history or prehistory are not eliminated as a result of the Proposed Project. Noise levels would be increased during temporary construction of the project as well as during daily operation. The level of increase has been discussed in section XII Noise, with mitigation measures N-1 through N-4 outlined to reduce the level

of impact to less than significant. As discussed in section XVII Transportation/Traffic, no new roads are proposed and no significant increase in traffic is projected during project construction or operations. However, possible significant adverse impacts have been identified or anticipated and mitigation measures T/T-1, and T/T-2 are required as a condition of project approval to reduce these impacts to a level below significant. Pursuant to Assembly Bill 52 (AB 52) Tribal communities were notified and given the opportunity to comment on the project. As a result mitigation and monitoring measures TCR-1 and TCR-2 are described in section XVII Tribal Cultural Resources. Adherence to these mitigation measures and the use of a tribal and/or archaeological monitor will reduce impacts to a less than significant level.

- b) **Less than Significant.** Cumulative impacts are defined as two or more individual effects that when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impacts from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant developments taking place over a period. The *CEQA Guidelines*, Section 15130(a) and (b), states:

- (a) *Cumulative impacts shall be discussed when the Project's incremental effect is cumulatively considerable.*
- (b) *The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the Project. The discussion should be guided by the standards of practicality and reasonableness.*

The Proposed Project would not have impacts that are considered individually limited, but cumulatively considerable. The location of planned and/or foreseeable future projects in the area to which this Proposed Project could add cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses without generating any cumulatively significant impacts. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **Less than Significant.** The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study. In instances where impacts have been identified, the Mitigation Measure listed is required to reduce impacts to less than significant levels. The incorporation of design measures, development requirements, standards, policies, and guidelines included in the County of San Bernardino General Plan and Development Code, as well as the Phelan/Pinon Hills Community Plan, would ensure that the Proposed Project would not have substantial adverse effects on human beings, either directly or indirectly on an individual or cumulative basis. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.

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Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

May 16, 2019

Anthony De Luca  
San Bernardino County  
385 N. Arrowhead Avenue  
San Bernardino, CA 92415

Subject: Gas Station and Convenience Store  
SCH#: 2019049091

Dear Anthony De Luca:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 5/15/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019049091/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse