



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** December 9, 2021

**AGENDA ITEM #2**

## Project Description

**APN:** 0479-131-09  
**Applicant:** Mojave Narrows Chateau Management, LLC.  
**Community:** Victorville / 1<sup>ST</sup> Supervisorial District  
**Location:** North side of Yates Road, south of Horseshoe Lane, and west of Park Rd.  
**Project No:** P201800062/PROJ-2020-00143/CUP/VAR  
**Staff:** Jim Morrissey  
**Rep:** Mary Brown  
**Proposal:** Conditional Use Permit to establish a Residential Care Facility with five buildings, including medical offices, amenities/rehabilitation, assisted living, independent living, skilled nursing, and a major variance to reduce the required amount of parking spaces, on approximately 17.37 acres.

## Vicinity Map -



**29 Hearing Notices Sent on November 24, 2021**

Report Prepared By: Jim Morrissey, Contract Planner

## **SITE INFORMATION:**

Parcel Size: 17.72 acres

Terrain: Relatively flat

Vegetation: Desert related habitat, including Joshua trees, sagebrush, and saltbush scrub habitat.

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

AREA	EXISTING LAND USE	POLICY PLAN CATEGORY	ZONING DISTRICT
SITE	Vacant	Medium Density Res. (MDR)	Multiple Residential (RM)
North	County Regional Park	Medium Density Res. (MDR)	Open Space (OS)
South	Single Family Residential	Low Density Residential (LDR)	Single Residential (RS)
East	County Regional Park	Open Space (OS)	Open Space (OS)
West	Vacant (City of Victorville)	Light Industrial	Industrial Park & General Com.

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	Victorville	N/A
Water Service:	County Service Area (CSA) 64	Will Serve
Sewer Service:	County Service Area (CSA) 64	Will Serve

**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the recommended Findings, **APPROVE** the Major Variance based on the recommended Findings, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval and **DIRECT** Staff to file a Notice of Determination.<sup>1</sup>

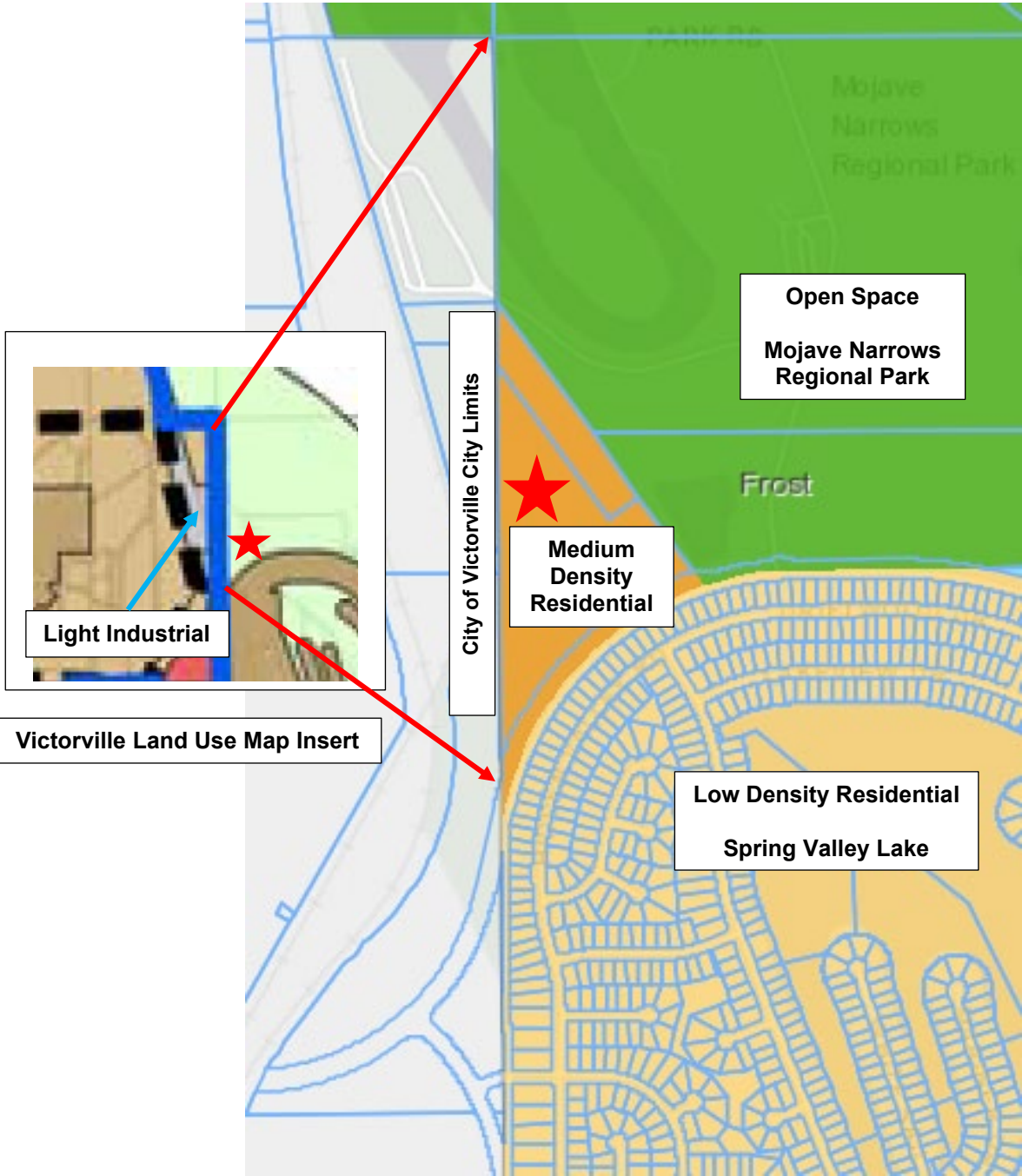
<sup>1</sup> In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors except a request for an appeal involving only the determination of the proposed variance.

**VICINITY MAP:**  
Aerial view of the Project Site



**GENERAL PLAN LAND USE DISTRICT MAP:**







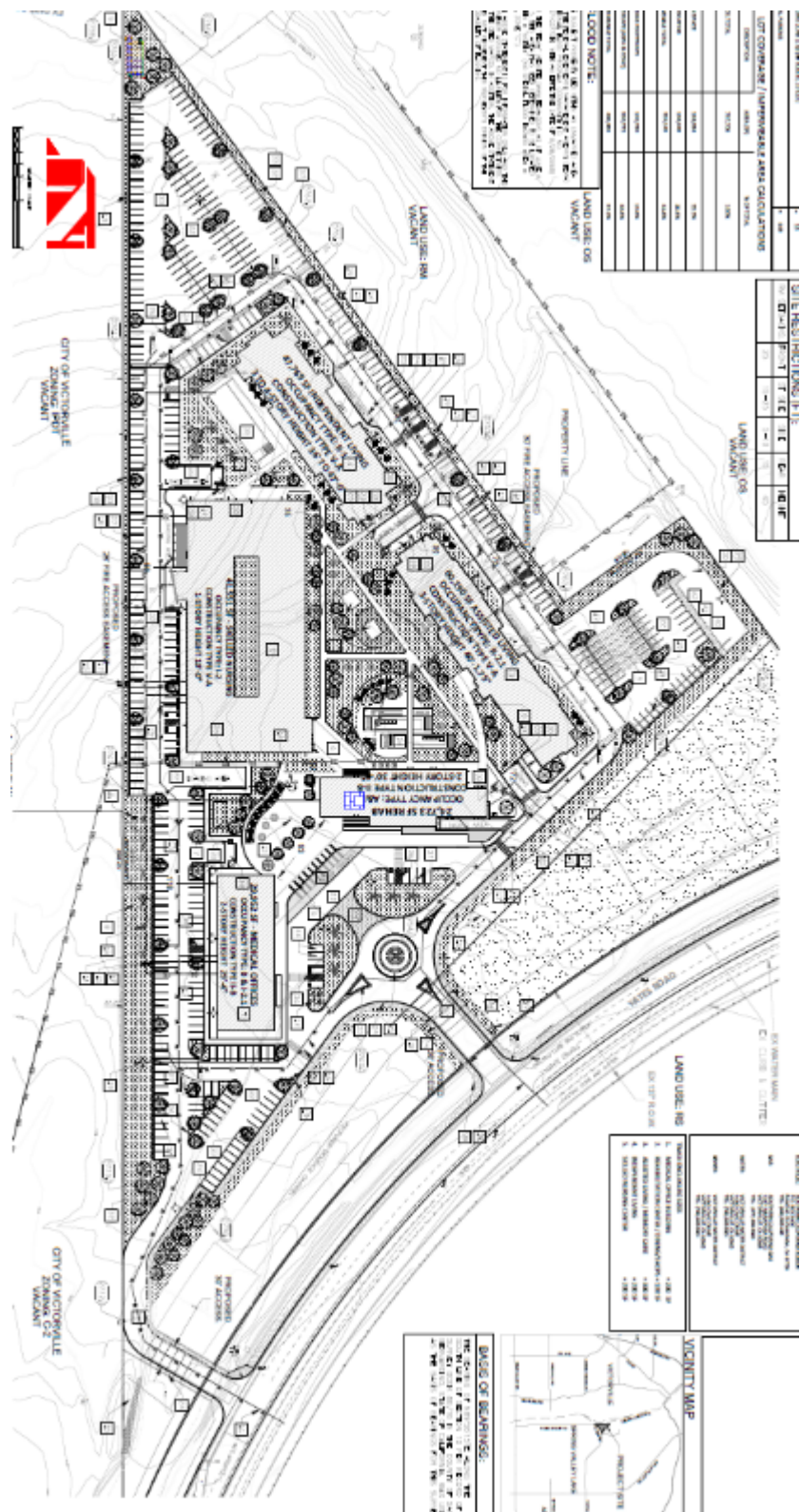




**AERIAL MAP:**



SITE PLAN:





**BUILDING ELEVATIONS:**

**MAIN PROJECT ENTRY**

Medical Office Building – Easterly Elevation



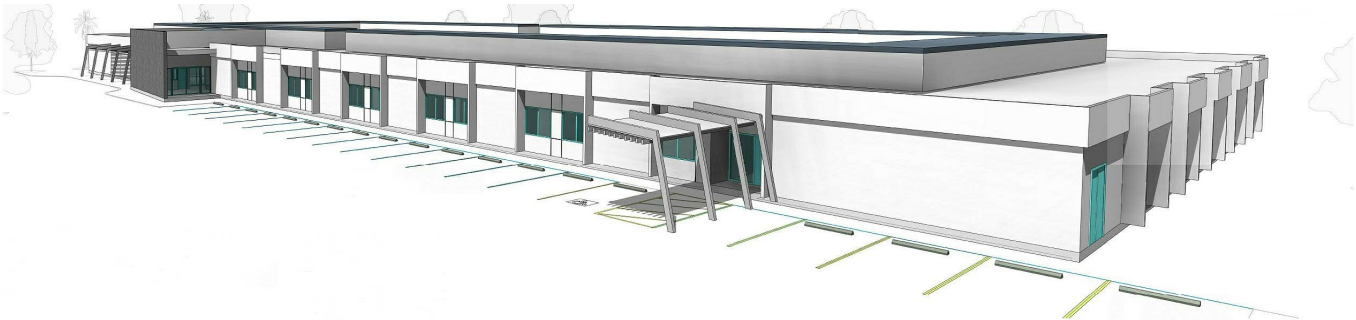
Rehabilitation Building – Southerly Elevation





**PERIMETER VIEW ELEVATIONS**

Skilled Nursing Building – Westerly Elevation Toward Railroad Tracks



Independent Living – Easterly Elevation Toward Park Entry



Assisted Living – Easterly Elevation Toward Park Entry



## SITE PHOTOS

View from the railroad tracks along the westerly project boundary across and towards the south of the Project site. Housing in the Spring Valley Lake development is visible.



View from railroad tracks across middle of project site towards the southeast.





View of the Project site from housing on the south side of Yates Road towards the northwest.



View towards the north from the south side of Yates Road.





## PROJECT DESCRIPTION:

The applicant requests approval of a Conditional Use Permit (CUP) to establish a licensed residential care facility that includes (1) a two-story, 29,952 square-foot medical office building (Medical Office), (2) a two-story 24,723 square-foot commons building for amenities and rehabilitation (Rehabilitation Facility), (3) a three-story 60,190 square-foot assisted living building (Assisted Living Facility), (4) a three-story 47,769 square-foot independent living building (Independent Living Facility), and (5) a two-story 41,551 square-foot skilled nursing building (Skilled Nursing Facility), with a variance to reduce the required parking, on an irregular shaped parcel of approximately 17.73 acres (Project). At full occupancy the Project would include 152 residences and a total of approximately 279 full-time employees on the combined maximum shifts. Primary access to the property will be obtained from Yates Road through a signalized intersection and a secondary non-signalized access at the southwesterly end of the property.

The subject property is generally configured in a triangular shape, with the west side bordering railroad tracks and the City of Victorville, the easterly side abutting Mojave Narrows State Park, and Yates Road generally to the south. Across from the Project site, south of Yates Road is Spring Valley Lake, a master planned development of primarily single family residences. The subject property is unimproved, with existing natural vegetation, including Joshua trees, sagebrush, and saltbush scrub habitat. The Project's *Biological Resource Assessment* identified five Joshua trees on the property and eight on the adjoining property immediately to the northwest of the property. That portion along the southerly boundary is subject to flooding as part of an existing drainage course. The entire site is within an existing drainage easement that is in the process of being removed. The property is located at a lower topographic elevation than Yates Road and the Spring Valley Lake development to the south and the adjoining railroad tracks to the east.

The proposed Project is intended to be an integrated development with residential housing in the form of senior independent living and assisted living facilities with related medical facilities and amenities to assist and support short and long-term residents. As part of the proposal, the applicant has requested a reduction in the parking requirements based upon conditions applicable to the project site and because the intended use of portions of the development are conditioned and will be utilized by the short and long-term residents of the facilities, rather than operating as an independent operation open to the public.

A major drainage course traverses the front of the Project site and is to include a channelized design with a bridge crossing for all-weather access. Existing trees about Yates Road and the proposed Project design would maintain those trees. The scope of the proposed development will consist of site grading, site preparation, appurtenant improvements, and construction of the proposed facilities, with on-site parking and loading areas, circulation, appropriate landscaping and stormwater management improvements.

## PROJECT ANALYSIS:

Site Planning: The proposed Project is a 17.73-acre residential care facility. Five separate buildings are proposed, with the following features:

- Independent Living Facility: 47,769 square-foot building with 52 senior one bedroom apartments.
- Assisted Living Facility: 60,190 square-foot building with 88 studio, one and two bedroom apartments.
- Skilled Nursing Facility: 41,551 square-foot building with 99 beds in 64 semi-private and private rooms.
- Rehabilitation Facility: 24,723 square-foot building with various amenities, including a market, coffee and smoothie shop, cafeteria styled restaurant, bistro, gym, beauty salon, and lounge. The second-floor outpatient rehab center offers pain management, audiology, speech pathology, massage, respiratory, physical, occupational therapies, and a training center.
- Medical Office: 29,952 square-foot building with a pharmacy, chronic dialysis, behavioral health, diagnostic testing, and clinical wellness suites, and an ambulatory surgical center.

The internal design provides for interconnected walkways and landscaping. Parking areas will surround the perimeter of the Project. The amount of parking proposed does not meet the San Bernardino County Development Code (Development Code) requirements and is subject to approval of a Major Variance. (See Variance Section below.) The applicant has indicated the amount of parking required by the Development Code is unable to be achieved due to site conditions applicable to the subject property and is in excess of that necessary to meet demand due to the intended use.

The proposed Medical Office was originally proposed as a standalone medical facility that would be open and provide services to the public. Based on the original proposal, staff determined that the Medical Office would be considered a commercial use that would require a General Plan (Policy Plan) Amendment and Zoning Change. As a result, the applicant modified the project proposal and limited the intended use of the Medical Office strictly to meet the needs of on-site residents of the independent, assisted living, skilled nursing and rehabilitation facilities. A condition of approval has been added to restrict the use of the Medical Office building to on-site residents.

Code Compliance Summary: As noted above, with the exception of the requested variance the Project satisfies all applicable standards of the Development Code for development in the Medium Density Residential (MDR) Land Use District, as illustrated in Table 2 below. Variance from parking requirements is noted in **Red**:

**Table 2: PROJECT CODE COMPLIANCE**

Project Component	Development Code Multiple Residential		Project Plans (Proposed)
Residential Care Facility	CUP		CUP
Parking	499 vehicle spaces required, plus staff <ul style="list-style-type: none"> <li>Medical Building: 29,952 sq. ft. @ 1/250 = 119 spaces</li> <li>Rehab Building: 24,723 sq. ft. @ 1/250 = 98 spaces</li> <li>Assisted Living: Approx. 88 rooms/100 beds @ 1/room = 88, plus staff.</li> <li>Independent Living: 52 units @ 2.5/unit = 130 spaces</li> <li>Skilled Nursing: 64 rooms/99 beds @ 1/bedroom = 64, plus staff.</li> </ul>		439 vehicle spaces provided <sup>1</sup> <ul style="list-style-type: none"> <li>Medical Building: 120</li> <li>Rehab Building: 38               <ul style="list-style-type: none"> <li>✓ Medical Employees: 18 (max. shift)</li> <li>✓ Ammenity Employees: 20 (max. shift)</li> </ul> </li> <li>Assisted Living: 34 max. shift (employees, tenants would not be driving); plus additional 44; total 78</li> <li>Independent Living: 104, at a ratio of two per unit.</li> <li>Skilled Nursing: 42 (employees, max. shift); plus additional 57; total 99.</li> <li>10 Loading spaces</li> </ul>
Landscaping	Minimum 40% Landscaping		20% landscaping, 22% open space (channel)
Building Setbacks	Front Side Rear	25' 5' and 10' 15'	193' 59' 445'
Building Height	45 feet maximum		45 feet, plus 2 ft. parapet wall. <sup>2</sup>
Drive Aisles	26'		26'

<sup>1</sup> A variance is proposed for required parking. The medical and rehabilitation buildings are for on-site patients only.

<sup>2</sup> A parapet wall can extend above the permitted building height.

General Plan Density: The subject property is designated MDR 5 to 20 units per acre. The proposed Project includes a variety of housing and residential related facilities, including an Assisted Living Facility, Independent Living Facility, and Skilled Nursing Facility. Assisted and independent living facilities generally include long-term residents. A skilled nursing facility can include both short and longer-term residents depending upon the condition of the residents. As such, skilled nursing may be viewed as having more transitory residences than either the assisted and independent living facilities. Calculating density for the Project based upon the number of units with the Assisted and Independent Living Facilities would result in approximately 7.9 units per acre. Including all three categories of Assisted Living, Independent Living and Skill Nursing would result in approximately 11.5 units per acre. Both options are within the range authorized by the MDR category.

Major Variance: The applicant has requested a Major Variance to the parking regulations required by Development Code Section 83.11.040 in order to (1) reduce the required parking spaces for the Rehabilitation Facility from 98 parking spaces to 38 parking spaces, the Assisted Living Facility from 88 parking spaces to 78 parking spaces, and Skilled Nursing Facility from 106 parking spaces to 99 parking spaces; and (2) reduce the required parking ratio for the Independent Living Facility from 2.5 per unit to 2.0 per unit.

The requested variance is based on exceptional circumstances applicable to the site, as well as the intended use, that do not apply to other properties in the same vicinity and land use zoning district. As shown on the site plan, the subject property is irregular in shape and is required to provide a large drainage channel along the southern boundary of the site occupying approximately 4.23 acres in order to handle regional off-site drainage flows, both of which has affected the design and land area of the site necessary to meet required parking requirements preventing the applicant from utilizing the property to the same extent as other property owners in the same land use zoning district.

As a separate and independent justification to the property's site features, the requested variance is based on the intended use of the site as a large residential care facility for seniors, as well as temporary or permanently disabled individuals, with amenities that are conditioned and intended to serve the on-site residents only and not the public-at-large. Due to the intended and restricted use of the proposed facilities, the operational number of required parking spaces for each facility overlap and the requested variance is based upon the number of employees rather than applying square footage criteria, since the intended use and users of the proposed facilities would be for existing on-site residents only, and not the public-at-large, similar to parking ratios for senior units in surrounding jurisdictions.

### **California Environmental Quality Act Compliance**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Project and circulated for review. The following are summaries of highlighted topics addressed in the IS/MND (Exhibit A). The comments received on both circulated versions of the document and responses have been listed under Public Comments below.

Traffic: Several Traffic Studies were completed for the proposed Project. The initial Traffic Study was based upon the building use and sizes originally proposed. The Medical Office and Rehabilitation Facility were evaluated as standalone facilities available to the public, although the applicant is restricting the use to on-site residents only and conditions of approval reflect this restriction (Exhibit B). Due to the submittal and review date of the application, a Level of Service (LOS) review was conducted, not a Vehicle Miles Traveled (VMT) analysis. The improvements listed in this first study were incorporated into the Initial Study and distributed for review.

A subsequent Traffic Study was completed on August 4, 2021 and reflects and incorporates improvements proposed as part of the adopted Green Tree Boulevard Extension, which were not previously evaluated



nor incorporated into the original Traffic Study. The Green Tree Boulevard Extension is a new roadway extending in the general alignment of existing Green Tree Boulevard from Hesperia Road to Yates Road. The revised Traffic Study concluded that it was appropriate to remove a number of the recommended improvements as originally proposed for the Project. A revised list of traffic mitigation measures is attached to this report as Exhibit C.

Air Quality/Greenhouse Gases: The Project's air quality analysis utilized the findings contained in the Traffic study and estimated grading activities and found the Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use would not exceed thresholds of concern as established by the Mojave Desert Air Quality Management District (MDAQMD). San Bernardino County also adopted thresholds of significance and provisions within the Greenhouse Gas Reduction Plan. Although the IS/MND determined that operation of the Project would exceed GHG emissions threshold, the Project is considered less than significant as a result of accumulating 100 or more points within the GHG Reduction Plan Screening Table. Measures for specific actions were incorporated into the recommended mitigation measures and conditions of approval.

Biological Resources: A *General Biological Resources Assessment* was prepared for the Project site and found that on-site conditions are marginally suitable for Burrowing Owls and no species were observed. Due to their transitory nature and findings of this species in the vicinity, a preconstruction survey has been recommended as a mitigation measure. The *Assessment* also identified five Joshua trees which are currently listed as a candidate species by the California Department of Fish and Wildlife (CDFW). Since it is unlikely the existing Joshua trees cannot be avoided on-site, consultation with CDFW would be required due to the species' listing status and several mitigation measures have been recommended to; 1) Seek appropriate authorization prior to Project implementation through an Incidental Take Permit if the species cannot be avoided, and; 2) If the species can be relocated a Relocation Plan from CDFW and a Relocation-Protected Plant Permit from the County of San Bernardino would be processed, prior to commencement of Project activities.

Cultural/Tribal Resources: A *Cultural Resource Assessment* was prepared that included a pedestrian survey of the Project site. Evidence of a village site was found, including metates, manos, pestle(s), flaked tools, and projectile points. The potential for additional buried artifacts was determined to be relatively high and a Phase II archaeological testing program was undertaken. The Phase II Archaeological Resources Testing and Evaluation Report concluded that the property was not a village site due to the low diversity of artifacts, the lack of developed midden, the relatively few areas with significant subsurface deposits, and the absence of any indication of human remains. However, given the general sensitivity of the site's location with important village sites in the general vicinity, construction monitoring was recommended and mitigation measures were incorporated.

Geology and Soils: A Geotechnical Investigation was prepared for the Project Site, 27 exploratory soil borings were drilled to maximum depths of 6.5 and 51.5 feet below grade surface. Groundwater was encountered during excavation between depths of 14.1 and 23 feet. Analysis from laboratory tests found the potential for liquefaction to be high due to the presence of shallow groundwater and granular sediments. Existing soil types were found that exhibit the potential for paleontological resources. Therefore, a mitigation measure has been recommended.

Noise: A noise analysis was conducted and found noise levels on the property were affected by vehicular traffic on Yates Road and railroad service to the west. A minor change would occur to noise levels due to the increase in vehicle traffic related to the Project site and the planned extension of Green Tree Boulevard to the west (not part of this Project). Peak hour trips generated by the Project and were found to be less than threshold levels. Mitigation measures were recommended during construction activities and use of certain rated windows would further reduce noise levels.

Drainage/Water Quality: A *Preliminary Drainage Plan* and *Preliminary Water Quality Management Plan* (WQMP) have been approved by the Land Development Division. An extensive review was conducted through the County's Land Development Division to ensure tributary water from off-site could effectively pass through the subject property and that an adequate design was provided that would not require maintenance by the County. Project drainage system will collect storm water runoff and discharge it into an underground facility in a portion of the parking lot.

### **Public Comments:**

Project Notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A Notice of Availability/Notice of Intent indicating the availability of the environmental documentation was distributed to surrounding property owners. Comments were received from surrounding property owners and the City of Victorville on both notices (Exhibit D). Listed below are a summary of the various comments.

- Will the trees located along Yates Road be removed? The trees would screen the proposed buildings from view.  
Response: The existing trees along Yates Road will be maintained.
- Lighting from the new buildings and parking lot area will affect existing nighttime views.  
Response: The County Development Code requires new lighting to be shielded to direct light downward and not spill over surrounding property lines. A photometric study is required to confirm this requirement. Residences to the south in Spring Valley Lake are raised above Yates Road and the proposed Project is located below Yates Road, thereby reducing the height of the buildings, lighting fixtures, and the amount of potential glare from proposed lighting.
- The new use will increase traffic.  
Response: The proposed Project will increase the number of vehicle trips to the area. However, due to the existing volume of traffic and existing and proposed area roadway improvements, the effect of the Project will not notably change the operation of most area roadways and intersections. Many of the intersections operate at deficit levels, but the proposed Project with the recommended improvements, will not exacerbate this condition.
- The subject property is designated as Open Space on the Victorville General Plan.  
Response: This response is noted. The subject property is designated MDR on the San Bernardino Countywide General Plan.
- Will the Medical Facilities be open to the Public?  
Response: No. The applicant had originally requested the medical facilities to be open to the public. However, such an operation would be a commercial use, which is not permitted within a residential zoning category. As such, a condition of approval has been applied, and the applicant has agreed, that the medical facility would be restricted to only occupants of the site.
- The off-site improvements are identified as Fair Share contribution, "but it's not implied to who is legal responsible for contribution."  
Response: The applicant would be responsible for contributions to this fund. The original Traffic Study included the following statements:
  - ✓ "For Buildout Year (2040) With Project conditions, the Project Proponent shall pay their fair share for improvements..."
  - ✓ "The Project Proponent shall contribute through an adopted traffic impact fee program in addition to any fair share contributions..."
  - ✓ The specific entity to whom payment is to be made would be both the City of Hesperia and the City of Victorville. The amount to each jurisdiction is specified in the August 4, 2021 Traffic Study.

## **RECOMMENDATION:**

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **ADOPT** the recommended Findings for approval of the Project;
3. **APPROVE** a Major Variance to reduce the required parking spaces for the two-story 24,723 sq. ft. commons and rehabilitation building from 98 parking spaces to 38 parking spaces, the three-story 60,190 sq. ft. assisted living building from 88 parking spaces to 78 parking spaces, and the two-story 41,551 sq. ft. skilled nursing building from 106 parking spaces to 99 parking spaces; and reduce the required parking ratio for the three-story 47,769 sq. ft. independent living building from 2.5 parking spaces per unit to 2.0 parking spaces per unit;
4. **APPROVE** the Conditional Use Permit to establish a residential care facility that includes a two-story, 29,952 sq. ft. medical office building, a two-story 24,723 sq. ft. commons building for amenities and rehabilitation, a three-story 60,190 sq. ft. assisted living building, a three-story 47,769 sq. ft. independent living building, and a two-story 41,551 sq. ft. skilled nursing building on approximately 17.37 acres, subject to the recommended Major Variance and Conditions of Approval; and
5. **DIRECT** Staff to file the Notice of Determination.

## **ATTACHMENTS:**

EXHIBIT A: Initial Study/Mitigated Negative Declaration  
EXHIBIT B: Conditions of Approval  
EXHIBIT C: Modified Traffic Mitigation Measures  
EXHIBIT D: Public Comment  
EXHIBIT E: Findings  
EXHIBIT F: Site Plan



# EXHIBIT A

## Initial Study/Mitigated Negative Declaration

**SAN BERNARDINO COUNTY**  
**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**  
**ENVIRONMENTAL CHECKLIST FORM**

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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>	0479-131-09	<b>USGS Quad:</b>	Victorville
<b>Applicant:</b>	Mojave Narrows Chateau Management, LLC	<b>T, R, Section:</b>	T5N, R4W, Sections 22 and 23
<b>Location</b>	Located on the north side of Yates Road, south of Horseshoe Lane, and west of Park Road.	<b>Thomas Bros</b>	39 <sup>th</sup> Edition, Street Guide, San Bernardino & Riverside Counties Page 4386, Section H1
<b>Project No:</b>	P201800062/PROJ-2020-00143	<b>Community Plan:</b>	None
<b>Rep</b>	Mary Brown	<b>LUC: Zoning:</b>	Medium Density Residential (MDR) Multiple Residential (RM)
<b>Proposal:</b>	CUP to construct and operate a Residential Care Facility. The five-building facility includes a medical office building, skilled nursing, outpatient rehabilitation and independent and assisted living care facility.	<b>Overlays:</b>	Biotic Resources Overlay, Flood Plain Safety Overlay FP2, Area of Inundation,

**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:** Jim Morrissey, Contract Planner  
**Phone No:** (909) 387-4234      **Fax No:** (909) 387-3223  
**E-mail:** Jim.Morrissey@lus.sbcounty.gov

**Project Sponsor** Mary Brown  
Mojave Narrows Chateau Management, LLC.  
17581 Sultana St.  
Hesperia, CA 92345

**PROJECT DESCRIPTION:**

***Summary***

The Proposed Project is a request for a Conditional Use Permit (CUP) to allow for the construction and operation of a residential care facility on an approximate 17.73-acre site located in the unincorporated area of San Bernardino County, north of the residential community of Spring Valley Lake and south of the Mojave Narrows Regional Park (See Figures 1 and 2). The

residential care facility would include a two-story, 29,952 square-foot medical office building, a two-story, 24,723 square-foot commons (amenities/rehabilitation) building, a three-story 60,190 square-foot assisted living building, a three-story 47,769 square-foot independent living building, and a two-story 41,551 square-foot skilled nursing building (see Figure 3). The residential care facility would be comprised of 100 assisted living units, 99 basic skilled nursing beds, and 52 one-bedroom independent living units. At full occupancy the facility would include 152 permanent residences and approximately 279 full-time employees.

The medical office building will be equipped with offices, a pharmacy, chronic dialysis, behavioral health, diagnostic testing and clinical wellness suites and an ambulatory surgical center. Other features include an amenity rehab center to serve as a gathering spot for residents and visitor and feature a market, coffee and smoothie shop, cafeteria styled restaurant, bistro, gym, beauty salon, and lounge. The second-floor outpatient rehab center offers pain management, audiology, speech pathology, massage, respiratory, physical and occupational therapies, and a training center.

Project access will occur along Yates Road, with one full primary access driveway near the southeast corner of the site and one secondary access driveway near the southwest corner of the property. The primary access driveway is to be signalized and the secondary access stop-controlled. Due to the unique nature of the proposed use, standard development requirements for parking based upon individual building use rates are not applicable. Residents will not drive and will stay on-site utilizing available facilities. Parking is necessary only for Staff and visitors. As such, a variance to reduce required parking has been requested.

There is a large, natural watercourse that conveys tributary offsite stormwater runoff through the site to the Mojave Narrows Regional Park downstream. In the proposed developed condition, the watercourse will be channelized with revetment side slopes, soft-bottom invert, drop structures and 2 culvert crossings for the access driveways to the developed site.

### ***Surrounding Land Uses and Setting***

The Proposed Project is currently vacant and is surrounded by the Mojave Narrows Regional Park to the north, residential development to the south, vacant land and railroad tracks to the west and vacant to the east. The Project Site and surrounding parcels to the north, east and south are governed by the County of San Bernardino Development Code. Land uses to the west of the Project Site are within the City of Victorville and not subject to the County's requirements. The following table lists the existing adjacent land uses and zoning districts within a 300-foot radius.

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Category</b>
<b>Project Site</b>	Vacant	Medium Density Residential (MDR)
North	Mojave Narrows Regional Park	Open Space (OS)
South	Residential	Low Density Residential (LDR)
East	Vacant land	Open Space (OS)
West	Vacant/ Railroad tracks	City of Victorville - Industrial Park-Transitional (IPDT) and General Commercial (C-2)

### ***Project Site Location, Existing Site Land Uses and Conditions***

The Project Site is generally located in the southern portion of Sections 22 & 23, Township 5 North, Range 4 West and is depicted on the Victorville U. S. Geological Survey's (USGS) 7.5-minute topographic map. The Project Site is specifically located north of Yates Road, south of Horseshoe Lane, and west of Park Road, approximately 2.6 miles east of Interstate 15, in the unincorporated area of San Bernardino County known as Spring Valley Lake; and identified as Assessor's Parcel Number (APN) 0479-131-09.

The Project Site is currently vacant and is at an approximate elevation of 2,770 feet above mean sea level (amsl). The general topography of the Project Site has a gentle slope from north to south and a ridge line that bisects the property. The Project Site is currently vacant with vegetation consisting mainly of low lying scrub habitat with a mixture of Juniper and Joshua trees located on the southeast and northern portion of the Project Site.

Soils in this area consist of three different types including:

- Cajon sand – This sand is comprised of sand derived from alluvium. This soil type is somewhat excessively drained.
- Kimberlina loamy fine sand – This sand is derived from alluvium and contains loamy fine sand, sandy loam and fine sandy loam.
- Victorville sand – These soils are derived from alluvium derived from granite and contain sandy loam, stratified sandy loam to fine sandy loam, stratified and to sandy loam, and clay loam to loam.

An approximate 2,000 linear feet of channel (an unnamed ephemeral desert dry wash), ranging in width from 50 feet to 250 feet, transverses the southern boundary of the Project Site from west to east. It is tributary to the Mojave River as it flows into the Mojave Narrows Regional Park. The wash is a mixture of earthen and improved (concrete) design until it reaches the Project Site where it is entirely earthen and natural. It then flows through the Project site where it discharges to Mojave Narrows Regional Park and subsequently outlets to the Mojave River. Flows originate from the Oro Grande Wash located approximately 2.5 miles west of the Project site. As the flows leave the storm drain system at Lambert Lane, the channel remains earthen.

### **ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

Federal: None.

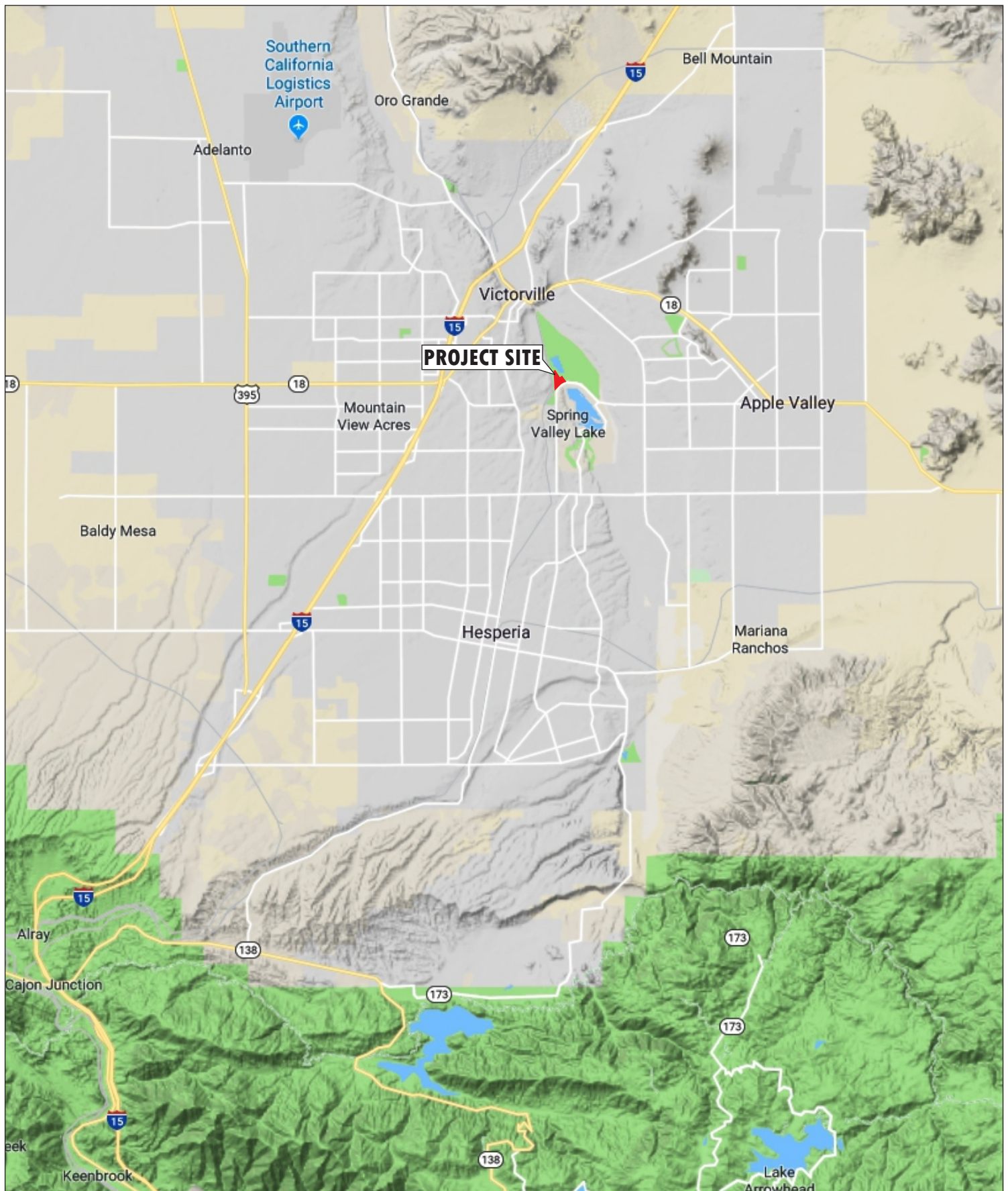
State of California: California Department of Fish and Wildlife

County of San Bernardino: Land Use Services Department-Building and Safety, Planning, Land Development; Public Health-Environmental Health Services, Special Districts, and Public Works.

Regional: Mojave Desert Air Quality Management District.

Local: None



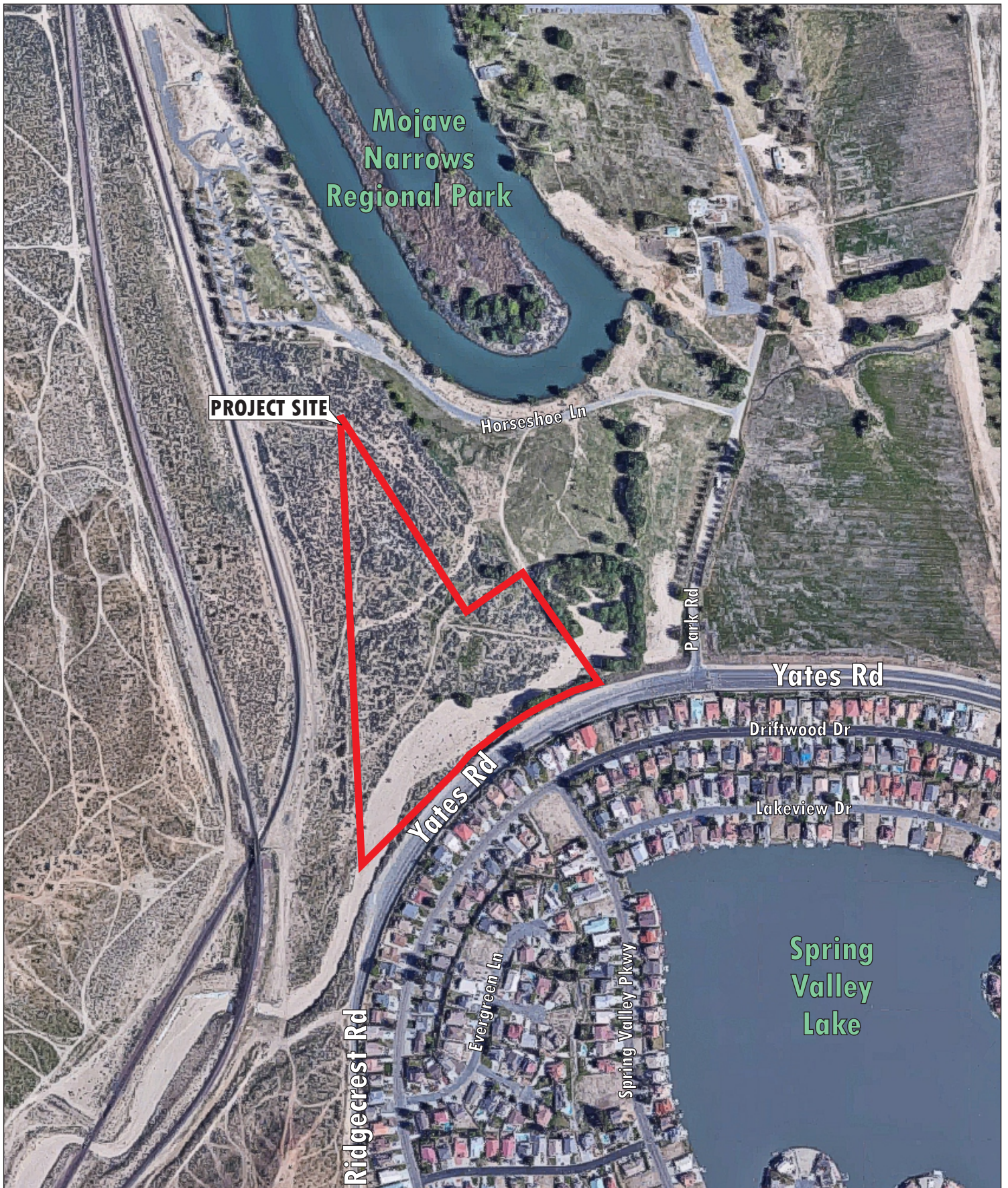


## REGIONAL LOCATION

Mojave Narrows Residential Care Facility (P201800062)

Victorville, California









### **CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

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

On October 19, 2020, the County of San Bernardino initiated environmental review under CEQA for the Proposed Project. On October 19, 2020, the County of San Bernardino sent project notification letters to the following California Native American tribes, which had previously submitted general consultation request letters pursuant to 21080.3.1(d) of the Public Resources Code: San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Morongo Band of Mission Indians, and San Gabriel Band of Mission Indians.

Each recipient was provided a brief description of the Proposed Project and its location, the lead agency's contact information, and a notification that the tribe has 30 days to request consultation. The 30-day response period concluded on November 19, 2020.

Although Tribal notification was recently distributed, the applicant has been working with the San Manuel Band of Mission Indians for a considerable time and undertaken both a Phase I and Phase II analysis, based upon their extensive discussions with the Tribe. The County of San Bernardino has been kept apprised of their interaction and the County has also discussed the Project with Tribal representatives.

Specific measure language has been added to the Project in the Tribal Cultural Resources section in conjunction with this consultation.

## **EVALUATION FORMAT**

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

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

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

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



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below 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 checked="" type="checkbox"/> <u>Aesthetics</u>           | <input type="checkbox"/> <u>Agriculture and Forestry Resources</u>  | <input checked="" type="checkbox"/> <u>Air Quality</u>               |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u>       | <input type="checkbox"/> <u>Energy</u>                               |
| <input checked="" type="checkbox"/> <u>Geology/Soils</u>        | <input checked="" type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input type="checkbox"/> <u>Hazards &amp; Hazardous Materials</u>    |
| <input type="checkbox"/> <u>Hydrology/Water Quality</u>         | <input type="checkbox"/> <u>Land Use/Planning</u>                   | <input type="checkbox"/> <u>Mineral Resources</u>                    |
| <input checked="" type="checkbox"/> <u>Noise</u>                | <input type="checkbox"/> <u>Population/Housing</u>                  | <input type="checkbox"/> <u>Public Services</u>                      |
| <input type="checkbox"/> <u>Recreation</u>                      | <input checked="" type="checkbox"/> <u>Transportation</u>           | <input checked="" type="checkbox"/> <u>Tribal Cultural Resources</u> |
| <input type="checkbox"/> <u>Utilities/Service Systems</u>       | <input type="checkbox"/> <u>Wildfire</u>                            | <input type="checkbox"/> <u>Mandatory Findings of Significance</u>   |

**DETERMINATION:** Based on this initial evaluation, the following finding is made:

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

Jim Morrissey  
Signature: (Jim Morrissey, Contract Planner)

11/17/20  
Date

Chris Warrick  
Signature: (Chris Warrick, Supervising Planner)

11-17-2020  
Date

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check ☐ if project is located within the view-shed of any Scenic Route listed in the Countywide Plan):  
**San Bernardino Countywide Plan, 2020; Submitted Project Materials**

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

#### Less Than Significant Impact

The Project Site occurs in an unincorporated area of San Bernardino County and within the City of Victorville's Sphere of Influence. The immediate vicinity of the Project Site is characterized by residential uses to the south, vacant land and railroad tracks to the west, Mojave Narrow Regional Park to the north, and vacant land to the east. Neither the Countywide Plan nor the City of Victorville General Plan identifies a scenic vista or scenic highway view corridor within the vicinity of the Site. The Project Site has a land use category of Medium Density Residential (MDR) and is zoned Multiple Residential (RM) with the Proposed Project being an allowable use with approval of a CUP. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### **Less than Significant with Mitigation**

Under existing conditions, the Project Site is vacant and undeveloped. The Proposed Project would be accessed via Yates Road which is located south of the Project Site and is not a designated scenic route as identified in the Countywide Plan Policy Map NR-3<sup>1</sup> nor within the California Scenic Highway Mapping System. The nearest County designated scenic route is Historic Route 66 located approximately 7.5 miles northeast of the Project Site.

No historic buildings or rock outcroppings occur on-site. Tree species identified on-site include Joshua trees (*Yucca brevifolia*), Fremont cottonwood (*Populus fremontii*) and some willow (*Salix* sp.). Fremont cottonwood, located on the southeastern portion of the Project Site would not be removed or altered. Five Joshua trees were documented within the current site plan (see Figure 4). Joshua trees are currently protected by the County of San Bernardino and are listed as a candidate species by the California Endangered Species Act (CESA). Currently, all Joshua trees would be removed to allow for construction of the Proposed Project and replanted on-site following post construction. 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:

**AES-1: Prior to the issuance of grading permits, the Project Applicant shall prepare and submit to the County of San Bernardino a Relocation-Protected Plant Plan for the disturbance of Joshua trees on-site.**

Additional Mitigation Measures BIO-4 and BIO 5 as set forth in Section IV Biological Resources of this Initial Study would ensure that potential impacts to Joshua trees are reduced to a less than significant level.

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

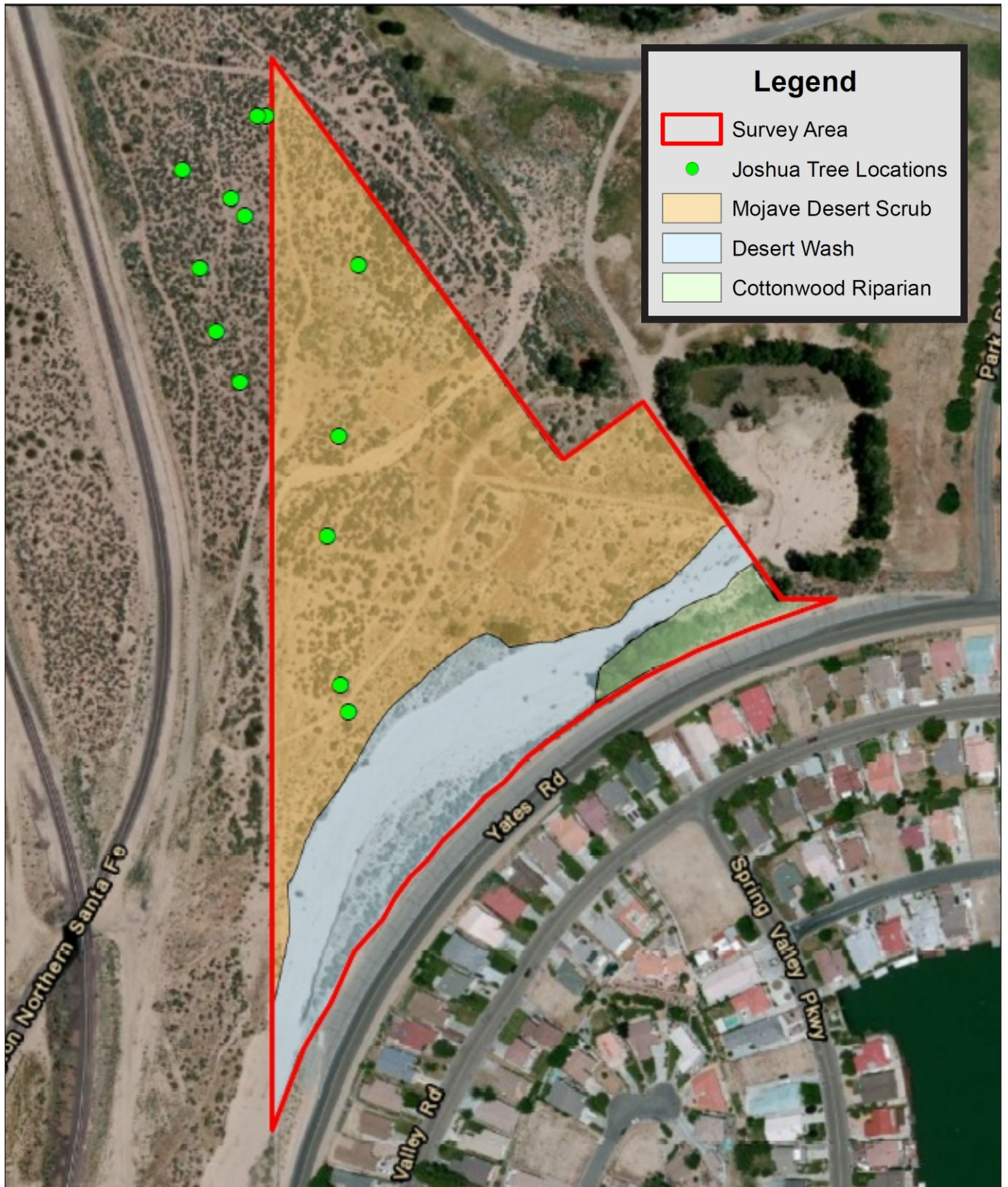
### **Less Than Significant Impact**

The 17.73-acre Project Site occurs within an urbanized area and is surrounded by the Mojave Narrows Regional Park to the north, residential development to the south, vacant land to the east, and vacant land followed by railroad tracks to the west. Primary access to the Site would be provided by Yates Road to the south.

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<sup>1</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=01c32a4480954deba20af965275b81e7> (accessed October 27, 2020).





The Project Site is currently vacant and displays signs of human disturbance including dirt roads and trails, fence lines, steel posts, railroad ties, and a storage container located along on the southern boundary. The Proposed Project is a request for a CUP to allow for the construction and operation of a residential care facility that would include: a two-story, 29,952 square-foot Medical Office Building, a two-story, 24,723 square-foot Commons (Amenities/Rehabilitation) building, a three-story 60,190 square-foot Assisted Living building, a three-story 47,769 square-foot Independent Living building, and a two-story 41,551 square-foot Skilled Nursing building. Specifically, the residential care facility would be comprised of 100 assisted living units, 99 sub-acute rehabilitation beds, 52 basic skilled nursing beds, and 50 one-bedroom independent living units. In accordance with the Development Code, all proposed buildings would not exceed a maximum height of 45 feet.

The Proposed Project is a conditionally permitted use within the RM Land Use Zoning District. This Zoning is consistent with the MDR Land Use District category of the Countywide Plan and, as such, would not conflict with applicable zoning or other regulations governing scenic quality for the designation. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### **Less Than Significant Impact**

The Proposed Project is bordered by residential development to the south, vacant land followed by railroad tracks to the west, Mojave Narrows Regional Park to the north and vacant land to the east. The Project would include lighting for safety and security purpose and is proposed along sidewalks and at entries to buildings, and along the perimeter of the parking lot and driveway at Yates Road. Light sources would be oriented towards the property and shielded. Subject to Section 83.07.040(a) of the San Bernardino County Development Code new permitted lighting for new construction, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), shall be shielded to preclude light pollution. In accordance with the Development Code the maximum allowed residential pole lighting shall not exceed 12 feet in height. No conflicts with the Development Code are expected as all proposed lighting would be oriented away from the regional park and existing residents to the south and would be in compliance with San Bernardino Development Code Section 83.07.040(a). Therefore, no significant adverse 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>II. AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts				



on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

**Countywide Plan, 2020; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials**

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

### No Impact

The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Built-Up Land" and "Other Land" in its

California Important Farmland Finder.<sup>2</sup> “Urban and Built-Up Land” is defined as land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. “Other Land” is land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity. The Proposed Project would not convert farmland to a non-agricultural use. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

**No Impact**

According to San Bernardino County’s Interactive Agricultural Resources Map, the Project Site is not under or adjacent to any lands under a Williamson Act Contract. The Project Site occurs within the General Plan Land Use category MDR and is zoned RM, which is consistent with the Countywide Plan and would not conflict with existing zoning for agricultural uses or lands under a Williamson Act Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

**No Impact**

According to the Countywide Plan, there are no mapped forest lands or timberlands in the Project Site region. The site occurs within the High Desert and within the General Plan Land Use category MDR and RM Land Use Zoning District. Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

**No Impact**

Forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The Project Site is currently vacant and does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to

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<sup>2</sup> <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed July 13, 2020.

non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

### No Impact

As stated above, implementation of the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

<b>Issues</b>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> <i>(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):</i>					
<b>Countywide Plan, 2020; Mojave Desert Air Quality Management Plan; Submitted Project Materials</b>					

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

### Less Than Significant Impact

The Project Site is in the Mojave Desert Air Basin (MDAB). The MDAB encompasses the desert portion of San Bernardino County. The Mojave Desert Air Quality Management

District (MDAQMD) has jurisdiction over air quality issues and regulations within the high desert area that includes the Project Site. The Proposed Project is a request for a CUP for a residential care facility. The Project Site occurs within the General Plan Land Use category MDR and is zoned RM. The Proposed Project is conditionally permitted within the RM zone.

Currently, the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are exceeded in most parts of the MDAB. 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 reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy more effectively. The Proposed Project would not result in or cause NAAQS or CAAQS violations. The Proposed Project is consistent with the Countywide Plan. In addition, the Proposed Project would not exceed the applicable regional thresholds and, therefore, would have a less than significant impact. The Proposed Project is therefore considered to be consistent with the AQMP. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

#### **Less than Significant with Mitigation**

To assist local agencies in determining if a project's emissions could pose a significant threat to air quality, the MDAQMD has prepared the CEQA and Federal Conformity Guidelines, August 2016. The air and dust emissions from the construction and operational use of the Proposed Project was evaluated and compared to the MDAQMD's air quality thresholds.

Air quality is determined primarily by the types and amounts of contaminants emitted into the atmosphere, the size and topography of the local air basin and the pollutant-dispersing properties of local weather patterns. When airborne pollutants are produced in such a volume that they are not dispersed by local meteorological conditions, air quality problems result. Dispersion of pollutants in the MDAB is influenced by periodic temperature inversions, persistent meteorological conditions and the local topography. As pollutants become more concentrated in the atmosphere, photochemical reactions occur, producing ozone and other oxidants.

Air emissions from the Proposed Project are subject to federal, State and local rules and regulations implemented through provisions of the federal Clean Air Act, California Clean Air Act, and the rules and regulations of the California Air Resources Board (CARB) and MDAQMD. Air quality management districts with air basins not in attainment of the air quality standards are required to prepare an Air Quality Management Plan (AQMP). An AQMP establishes an area-specific program to control existing and proposed sources of air emissions so that the air quality standards may be attained by an applicable target date.

The federal Clean Air Act and California Clean Air Act were established in an effort to assure that acceptable levels of air quality are maintained. These levels are based upon health-related exposure limits and are referred to as National Ambient Air Quality



Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The ambient air quality standards establish maximum allowable concentrations of specific pollutants in the atmosphere and characterize the amount of exposure deemed safe for the public. Areas that meet the standards are designated attainment and if found to be in violation of primary standards are designated as nonattainment areas.

The United States Environmental Protection Agency (EPA) and the CARB have designated portions of the MDAQMD as nonattainment for a variety of pollutants, and some of those designations have an associated classification. Table 1 lists these designations and classifications. The MDAQMD has adopted attainment plans for a variety of nonattainment pollutants.

**Table 1**  
**State and Federal Air Quality**  
**Designations and Classifications**

<b>Ambient Air Quality Standard</b>	<b>Status</b>
Eight-hour Ozone (Federal 70 ppb (2015))	Expected Non-attainment; to be determined.
Ozone (State)	Non-attainment; classified Moderate
PM <sub>10</sub> (24-hour Federal)	Non-attainment; classified Moderate (portion of MDAQMD in Riverside County is unclassifiable/attainment)
PM <sub>2.5</sub> (Annual Federal)	Unclassified/attainment
PM <sub>2.5</sub> (24-hour Federal)	Unclassified/attainment
PM <sub>2.5</sub> (State)	Non-attainment (portion of MDAQMD outside of Western Mojave Desert Ozone Non-Attainment Area is unclassified/attainment)
PM <sub>10</sub> (State)	Non-attainment
Carbon Monoxide (State and Federal)	Unclassifiable/Attainment
Nitrogen Dioxide (State and Federal)	Unclassifiable/Attainment
Sulfur Dioxide (State and Federal)	Attainment/unclassified
Lead (State and Federal)	Unclassifiable/Attainment
Particulate Sulfate (State)	Attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is non-attainment)
Visibility Reducing Particles (State)	Unclassified

Source: MDAQMD CEQA and Federal Conformity Guidelines, August 2016

The Proposed Project's construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2016.3.2 prepared by the SCAQMD (see Appendix A). CalEEMod was used to estimate the on-site and off-site construction emissions. The emissions incorporate Rules 402 and 403 by default as required during construction. The criteria pollutants screened for 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>). 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 emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site grading (mass and fine

grading), building construction, paving, and architectural coating. The resulting emissions generated by construction of the Proposed Project are shown in Table 2 and Table 3, which represent summer and winter construction emissions, respectively.

**Table 2**  
**Summer Construction Emissions**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	4.1	43.0	22.1	10.4	6.5
Grading	4.5	50.2	32.6	6.2	3.6
Building Construction	2.9	33.5	30.5	4.4	2.1
Paving	2.3	11.1	15.1	0.6	0.5
Architectural Coating	122.2	1.5	2.6	0.5	0.2
<b>Highest Value (lbs/day)</b>	<b>122.2</b>	<b>50.2</b>	<b>32.6</b>	<b>10.4</b>	<b>6.5</b>
MDAQMD Threshold	137	137	548	82	65
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Summer Emissions.

Phases do not overlap and represent the highest concentration.

**Table 3**  
**Winter Construction Emissions**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	4.1	42.4	22.0	10.4	6.5
Grading	4.5	50.2	32.4	6.2	3.6
Building Construction	3.9	33.3	28.9	4.4	1.9
Paving	2.3	11.1	14.9	0.6	0.5
Architectural Coating	122.2	1.5	2.2	0.5	0.2
<b>Highest Value (lbs/day)</b>	<b>122.2</b>	<b>50.2</b>	<b>32.4</b>	<b>10.4</b>	<b>6.5</b>
MDAQMD Threshold	137	137	548	82	65
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Winter Emissions.

Phases do not overlap and represent the highest concentration.

As shown Table 2 and Table 3, the anticipated construction emissions are less than the MDAQMD thresholds and would be considered less than significant. Table 2 and Table 3 also provide for a 42-day architectural coating period which is also recommended as Mitigation Measure AQ-1 (see below), which reduces impacts related to construction emissions. Furthermore, the Proposed Project shall comply with MDAQMD Rules 402 and 403, as listed below.

#### Compliance with MDAQMD Rules 402 and 403

Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:

1. 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.
2. 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 activity on the site. Portions of the site that are actively being used shall be watered to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
3. The Project Proponent shall ensure that disturbed areas are treated to prevent erosion.
4. The Project Proponent shall ensure that ground disturbing activities are suspended when winds exceed 25 miles per hour.

Although the Proposed Project would not exceed MDAQMD thresholds for exhaust emissions during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

5. All equipment must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
6. The operator shall comply with all existing and future CARB and MDAQMD Off-Road Diesel Vehicle 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 emissions are categorized as energy (generation and distribution of energy to the end use), area emissions (natural gas consumption), and mobile emissions (vehicle trips). The operational mobile source emissions were calculated in accordance with the Transportation Impact Analysis prepared for the Proposed Project by Ganddini Group. The Proposed Project is estimated to generate approximately 2,927 daily trips; emissions associated with the Project operations and are listed in Table 4 and Table 5, which represent summer and winter operational emissions, respectively.

**Table 4**  
**Summer Operational Emissions Summary**  
**(Pounds per Day)**

Source	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	5.9	0.0	0.0	0.0	0.0	0.0
Energy	0.0	0.1	0.0	0.0	0.0	0.0
Mobile	6.2	48.2	50.3	0.2	12.3	3.4
<b>Totals (lbs/day)</b>	<b>12.2</b>	<b>48.4</b>	<b>50.5</b>	<b>0.2</b>	<b>12.4</b>	<b>3.4</b>
MDAQMD Threshold	137	137	548	137	82	65
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Summer Emissions.

**Table 5**  
**Winter Operational Emissions Summary**  
**(Pounds per Day)**

Source	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	5.9	0.0	0.0	0.0	0.0	0.0
Energy	0.0	0.1	0.1	0.0	0.0	0.0
Mobile	5.2	47.1	45.7	0.2	12.3	3.4
<b>Totals (lbs/day)</b>	<b>11.2</b>	<b>47.3</b>	<b>45.9</b>	<b>0.2</b>	<b>12.4</b>	<b>3.4</b>
MDAQMD Threshold	137	137	548	137	82	65
<b>Significance</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.

As shown in Tables 4 and 5, both summer and winter season operational emissions are below MDAQMD thresholds. Therefore, the Proposed Project is not anticipated to violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation. However, to ensure potential impacts related to construction emissions are reduced to a less than significant level, the following mitigation measure shall be implemented:

**AQ-1: The Project Proponent shall ensure a minimum duration of 42 days for architectural coating.**

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

#### **Less Than Significant Impact**

The MDAQMD CEQA and Federal Conformity Guidelines (August 2016) describes sensitive receptors as being residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated using MDAQMD significance thresholds:

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A major transportation project (50,000 or more vehicles per day) within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

The Proposed Project does not meet the criteria for a project type which is subject to sensitive receptor significance threshold evaluation. The Proposed Project includes a residential care facility. Furthermore, the modeling results discussed previously indicate that development of the Proposed Project is not anticipated to exceed MDAQMD emissions thresholds. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.



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

### Less Than Significant Impact

The Proposed Project does not contain land uses typically associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction activities including equipment exhaust and the application of asphalt and architectural coatings. Operational odor sources would include the temporary storage of domestic solid waste (refuse). Standard construction requirements (i.e., reduced idling, mufflers) would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of construction activity. In accordance with the County's Development Code, project-generated refuse would be stored in covered containers and removed at regular intervals. The Proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Proposed Project construction and operations would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

- |    |   |                          |                                     |                                     |                                     |
|----|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

**Submitted Project Materials; Site Visit**

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

**Less than Significant with Mitigation**

In August 2016, Jericho Systems, Inc., prepared a General Biological Resources Assessment for the Project Site. Updates to the 2016 report were prepared in May 2018 and again in July 2020. The reports are included in Appendix B and are summarized herein.

The Project Site is located adjacent to the neighborhood community of Spring Valley Lake. The site and surrounding area display signs of recent disturbances such as Off-Highway Vehicle (OHV) trails, dirt road, and trash. It is surrounded by a mixture of residential development, a park, railway and disturbed undeveloped land. The habitat onsite consists primarily of a mix of big sagebrush (Holland code 35210) and desert saltbush scrub (Holland code 36110). Much of the vegetative cover onsite consists of big sagebrush (*Artemisia tridentata*) and fourwing saltbush (*Atriplex canescens*), with several Joshua tree (*Yucca brevifolia*) scattered mostly throughout the northern portion of the Project Site.

As a part of the biological assessment, a search of the California Natural Diversity Data Base (CNDDDB) and other databases was performed for the Project Site and adjacent areas from the Victorville and Hesperia USGS 7.5-minute series quadrangles. The USFWS threatened and endangered species occurrence data overlay, as well as the most recent versions of the California Natural Diversity Database (CNDDDB) and

California Native Plant Society Electronic Inventory (CNPSEI) databases were searched for sensitive species data on the Victorville and Hesperia USGS 7.5-minute series quadrangles. The proposed Project Site occurs in the southern portion of the *Victorville* USGS quad and the site's close proximity to the Hesperia quad lead to its inclusion in the review. These databases contain records of reported occurrences of State and federally listed species or otherwise sensitive species and habitats that may occur within the vicinity of the Project Site. The Project Site is not within a Desert Wildlife Management Area as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish and Wildlife Service 1994b) and formally adopted in March 2006 as a result of the West Mojave Plan (U.S. Bureau of Land Management 2005). Other available technical information on the biological resources of the area were also reviewed including previous surveys and recent findings.

A total of 35 sensitive State and/or federally-listed species (seven plant species and 28 animal species) were found to be documented within the Project vicinity. The Project Site was assessed for sensitive species and particular attention was focused on those species that have been documented in the local vicinity including: desert tortoise (*Gopherus agassizii*); western yellow-billed cuckoo (*Coccyzus americanus occidentalis*); southwestern willow flycatcher (*Empidonax traillii extimus*); least Bell's vireo (*Vireo bellii pusillus*); Mohave ground squirrel (*Xerospermophilus mohavensis*); Loggerhead shrike (*Lanius ludovicianus*); Coast horned lizard (*Phrynosoma blainvillii*); San Emigdio blue butterfly (*Plebulina emigdionis*); and Le Conte's thrasher (*Toxostoma lecontei*).

In addition to the above listed species, the site was assessed for its potential suitability to support burrowing owl (*Athene cunicularia*). Although not a State or federally listed as threatened or endangered species, burrowing owl are considered a State and federal Species of Special Concern and are a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5). Burrowing owl (BUOW) are known to occur throughout the region and have been documented within the Project vicinity. The site was also assessed for Joshua trees (*Yucca brevifolia*); individual tree locations were recorded previously in 2018 with a GPS unit to determine potential impacts. Recently, the Joshua tree was listed as a candidate species and is protected under the CESA.

Jericho biologist Christian Nordal conducted the biological resources assessment update of the Project Site on June 25, 2020. The survey area encompassed both the proposed access point and Project footprint. Wildlife species were detected during field surveys by sight, calls, tracks, scat, or other signs. In addition to species observed, expected wildlife usage of the site was determined according to known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The main focus of the faunal species surveys was to identify potential habitat for special status wildlife within the Project area.

The proposed Project will not impact any critical habitat or otherwise sensitive habitats because none exist within the Project footprint. In addition, no State and/or federally listed threatened or endangered species, or other sensitive species were observed on site during the field survey. No further action is required. However, a further discussion of recent action by the California Fish and Game Commission on protection of the Joshua tree is provided below in this section.

Four birds and two mammals were observed onsite during the survey. Species observed or otherwise detected on or in the vicinity of the Project Site during the surveys included; Cooper's hawk (*Accipiter cooperii*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), mourning dove (*Zenaida macroura*), black-tailed jack rabbit (*Lepus californicus*) and desert cottontail (*Sylvilagus auduboni*). No suitable habitat was found within the Project boundary for either the desert tortoise (*Gopherus agassizii*) or Mohave ground squirrel (*Xerospermophilus mohavensis*). Please see Appendix B of this Initial Study for a complete discussion of species reviewed during the survey.

The conditions present on-site are marginally-suitable for BUOW. The assessment survey was structured, in part, to detect BUOW, which have been observed in the vicinity of the Project Site (within 3 miles). The survey consisted of walking transects spaced to provide 100 percent visual coverage of the Project Site. The result of the survey found no evidence of BUOW, including no burrows of appropriate size, aspect or shape were located and no BUOW pellets, feathers or whitewash. No burrowing owl individuals were observed. According to the CNDDDB, there are 24 documented occurrences of BUOW within the Victorville and Hesperia quads. The nearest documented BUOW occurrence (2006) is approximately 2.75 miles west of the Project Site.

Since the conditions present on-site are marginally suitable for BUOW, and this species has been documented within the vicinity, a preconstruction BUOW survey is recommended to avoid any potential project-related impacts to this species. 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:

**BIO-1: A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the *Staff Report on Burrowing Owl Mitigation* (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the *Staff Report on Burrowing Owl Mitigation* such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).**

There are several Joshua trees within the site vicinity, and five Joshua trees were documented within the current site plan. Joshua trees are currently protected by the County of San Bernardino and on September 22, 2020, the California Fish and Game Commission undertook action to determine the tree could be listed as potentially threatened or endangered under the CESA. As such, the tree currently is listed as a candidate species. In the event Joshua trees cannot be avoided on-site, a consultation with the CDFW would be required due to the species' listing status. 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 measures are:

**BIO-2: If the Project, including any Project related construction activity, results in take of Joshua trees (a CESA-listed species), the applicant shall seek appropriate authorization prior to Project implementation through an Incidental Take Permit if the species cannot be avoided and provide such documentation to the County Planning Division prior to issuance of a grading permit.**

**BIO-3: In the event relocation of Joshua trees is permissible, the Project Applicant shall prepare a relocation plan for CDFW approval and shall obtain a Relocation-Protected Plant Permit from the County of San Bernardino, prior to commencement of Project activities. Evidence of the CDFW approval shall be provided to the County Planning Division prior to issuance of a grading permit.**

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

### **Less Than Significant Impact**

The site and surrounding area has been subject to historic human disturbances and showed signs of recent disturbances such as OHV trails, dirt road, and trash. It is surrounded by a mixture of residential development, a park, railway and disturbed undeveloped land. The habitat onsite consists primarily of a mix of big sagebrush (Holland code 35210) and desert saltbush scrub (Holland code 36110). Much of the vegetative cover onsite consists of big sagebrush (*Artemisia tridentata*) and fourwing saltbush (*Atriplex canescens*), with four Joshua trees (*Yucca brevifolia*) scattered amongst the northern portion of the Project Site. There is also a small patch of highly fragmented riparian vegetation (approximately four (4) acres) consisting mainly of Fremont cottonwood (*Populus fremontii*) with some willow (*Salix* sp.), along the Project Site boundary adjacent to Yates Road. No impact to this vegetation would occur with Project implementation. The vegetation within this area resembles Fremont cottonwood series riparian forest (Holland code 61000) and is associated with an unnamed drainage that flows through the southern end of the Project Site boundary, adjacent to Yates Road.

Furthermore, riparian habitat occurs adjacent to but outside of the eastern boundary of the Project Site (i.e., toward the Mojave Narrows Regional Park). As such, no impact to this habitat would result with implementation of the proposed Project. Therefore, the two

identified riparian habitat areas would not be disturbed. However, there are three cottonwood trees, along the southern boundary of the planned development area that would be removed to allow for Project development. The cottonwood trees are within the jurisdiction of the CDFW and would require appropriate permits prior to removal (see additional discussion in response (c) below. Therefore, no adverse significant impacts would occur or are anticipated and no mitigation measures are required.

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

### **Less than Significant with Mitigation**

An unnamed ephemeral desert dry wash occurs along the southern boundary of the Project Site from west to east. The small patch of riparian habitat located adjacent to the southeastern corner of the Project Site boundary is associated with this ephemeral stream. It is fed by off-site flows originating southwest of the Project Site and appears to be tributary to the Mojave River, which is located north and west of the Project Site, within approximately 0.5 to 1.0 mile of the site. The Mojave River is a jurisdictional water subject to the Clean Water Act (CWA) and Fish and Game Code under the jurisdictions of U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW. Any project related impacts to the ephemeral stream that exists onsite will likely require a Streambed Alteration Agreement from the CDFW, and CWA Sections 401/404 permits from the RWQCB and Corps respectively.

The Project development proposes to construct an access road from Yates Road, across this wash with turnabout, three concrete drops structures, and a portion of a parking area within the confines of the wash limits. A Jurisdictional Delineation (JD), dated September 28, 2020, was prepared for the Proposed Project by Jericho Systems Inc. and is available for review at the County of San Bernardino Land Use Services Department and is attached as Appendix C to this Initial Study and summarized herein.

The JD addressed potential effects to resources protected under the federal Clean Water Act (CWA) regulated by the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) respectively, California's Porter-Cologne Water Quality Control Act (Porter-Cologne) administered by the RWQCB and Section 1602 of the California Fish and Game Code (FCG) administered by the CDFW.

On August 26, 2020, Jericho regulatory specialist Shay Lawrey and biologist Christian Nordal evaluated the Project Site for the limits of jurisdictional waters, (i.e. Waters of the US (WoUS) and State streambed waters (or Waters of the State) as regulated by the USACE, RWQCB, and CDFW, respectively. The survey area encompassed 1,800 linear feet of channel that ranges in width from 50 feet to 250 feet. Total area surveyed was 8 acres.

The evaluation of CWA WoUS was based upon the Corps' regulations and technical guidance issued by the USACE including, among other sources described further below, *USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, December 2008 (Arid West Supplement)* and *USACE A Guide to Ordinary High Water Mark (OHWM) Delineation Arid West Region of the United States*,



2010. The lateral extent of USACE jurisdiction was measured at the Ordinary High Watermark (OHWM), which is indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris.

Evaluation of FGC Section 1600 Streambed Waters followed guidelines of the FGC (MESA Field Guide) pursuant to CDFW claims of jurisdiction beyond traditional stream banks and the outer edge of riparian. Under the MESA Field Guide, the term stream is defined broadly to include “a body of water that flows perennially or episodically and that is defined by the area in which water currently flows, or has flowed, over a given course during the historic regime (i.e., ‘circa 1800 to the present’), and where the width of its course can reasonably be identified by physical or biological indicators.” Specifically, CDFW jurisdiction was delineated by measuring the elevations of land that confine a stream to a definite course when its waters rise to their highest level and to the extent of associated riparian vegetation. The extent of associated riparian vegetation was used to mark the lateral extent of the jurisdictional areas. Other data recorded included bank height and morphology, substrate type, and vegetation within and adjacent to the low flow streambed.

Since under Porter-Cologne, “Waters of the State” are defined by “any surface water or groundwater, including saline waters, within the boundaries of the state” the jurisdictional evaluation followed the same procedures outlined in the FGC Section 1600 Streambed Waters.

A variety of reference materials relevant to the Project Site were also reviewed during the course of the delineation, including historical and current aerial imagery, Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM), National Oceanic & Atmospheric Administration (NOAA) climate data, USFWS National Wetland Inventory (NWI) and EPA Water Program “My Waters” data layers and United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) web soil survey. The data provided in the Web Soil Survey provides a standard basis for the soil textures and types that are assigned a hydric indicator status of “hydric” or “non-hydric” by the National Technical Committee for Hydric Soils.

#### *Jurisdictional Wetlands*

The bed of the unnamed ephemeral desert dry wash is mostly devoid of vegetation and the banks are bordered by a mix of big sagebrush (Holland code 35210) and desert saltbush scrub (Holland code 36110) comprising the Mojave Desert scrub habitat. There is also cottonwood riparian habitat within the desert dry wash habitat. The wash has been subject to historic human disturbances and showed signs of recent disturbances such as Off-Highway Vehicle (OHV) trails and trash. The wash lacks wetland hydrology, soils or plants. No wetlands occur in the survey area; therefore, the wash is considered a non-wetland water.

#### *Jurisdictional Waters*

According to the USACE 2020 rule that narrows the scope of waters subject to federal regulation under the CWA, the wash was excluded as it is an ephemeral stream. An ephemeral stream flows only briefly during and following a period of rainfall in the

immediate locality and is not influenced by groundwater. Even though this wash is tributary to the Mojave River the “significant nexus text” in the 2015 Rule was abandoned in the 2020 rule and it is therefore non jurisdictional in terms of the federal CWA.

The wash is considered jurisdictional however, under the California FGC Section 1600 and Porter- Cologne as a State Streambed Water (Waters of the State). Within the survey area there are 6.73 acres of Waters of the State that fall under the authority of CDFW and RWQCB. The jurisdictional area that would be impacted encompasses cut banks, dry channel bed and no associated riparian vegetation. Below is a breakdown of project-related impacts to the wash according to the plans provided.

Yates Road Crossing: The Proposed Project would construct an access road from Yates Road, across the wash to the development and would install three concrete drop structures. Five, 6-foot by 10-foot culverts would be constructed to accommodate the access road. Permanent impacts to the wash associated with the footprints of the access road, turn-about, parking areas, and storm drain would total 2.43 acres.

Channel Drop Structures: The drop structures would be uniformly 3.8 feet in length and vary in width to accommodate the channel width. These estimated acreages are as follows:

Drop structure 1 - 3.8 feet by 90 feet = 342 square feet = 0.007 acre

Drop structure 2 - 3.8 feet by 100 feet = 380 square feet = 0.008 acre

Drop structure 3 - 3.8 feet by 140 feet = 532 square feet = 0.012 acre

Total permanent impacts to State Streambed Waters associated with the drop structures are calculated at 0.027 acre. Therefore, combined total permanent impacts would be 2.45 acres.

According to the plans, the wash would need to be recontoured to accommodate the improvements. With a total of 6.73 acres of Waters of the State and 2.45 acres of permanent impacts, there would be a temporary impact of 4.28 acres resulting from the recontouring. Once the Project is built the channel would remain in a natural desert dry wash state and flow naturally as it does now as an ephemeral wash. The channel morphology and hydrology make this channel subject to the California FGC and Porter-Cologne. 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:

**BIO-4: Construction of the access road and in-channel drop structures are considered an alteration of a State Streambed Water that falls under the jurisdictions of the CDFW and RWQCB. A Section 1600 Streambed Alteration Agreement from the CDFW and a Waste Discharge Requirement (WDR) Permit from the RWQCB shall be obtained prior to the issuance of grading/construction permits.**

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

#### **Less than Significant with Mitigation**

Due to trees and shrubs present on site, the Project Site and surrounding area contains habitat suitable for nesting birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

Four birds and two mammals were observed onsite during the July 2020 survey. Species observed or otherwise detected on or in the vicinity of the Project Site during the surveys included; Cooper's hawk (*Accipiter cooperii*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), mourning dove (*Zenaida macroura*), black-tailed jack rabbit (*Lepus californicus*) and desert cottontail (*Sylvilagus auduboni*).

Cooper's hawk was observed in the riparian habitat adjacent to the Project Site but outside of the parcel. There is some habitat within the proposed Project footprint that is marginally-suitable for four sensitive species identified in the CNDDDB search, including Loggerhead shrike, Coast horned lizard, San Emigdio blue butterfly and Le Conte's thrasher (see Appendix B, July 27, 2020 Updated Biological Assessment Table 2). None of these species were observed onsite during the 2016, 2018 and 2020 surveys. Therefore, focused surveys are not warranted. However, preconstruction nesting bird surveys as required to determine if any sensitive bird species are present prior to the onset of construction activities. 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:

**BIO-5: Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in**

**the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.**

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

#### **Less Than Significant Impact**

The California Desert Native Plants Act prohibits unlawful harvesting of species of the Agavaceae (century plants, nolinias, and yuccas); all species of the family Cactaceae; all species of the family Fouquieriaceae (ocotillo, candlewood); all species of the genus *Prosopis* (mesquites); all species of the genus *Parkinsonia* (paloverdes); catclaw acacia (*Acacia greggii*); desert holly (*Atriplex hymenelytra*); smoke tree (*Psoralea arguta*); and desert ironwood (*Olneya tesota*), both dead and alive.

According to the California Desert Native Plants Act, Division 23 of the Californian Food and Agricultural Code, Chapter 3 California Desert Native Plants, Section 80075, any native plant that is declared to be a rare, endangered, or threatened species by federal or state law or regulations, including, but not limited to, the fish and game code, is exempt from this division<sup>3</sup>. Therefore, the Joshua trees on-site, due to their candidate listing by the CESA are considered exempt from the California Desert Native Plants Act.

According to the San Bernardino Countywide Plan EIR, removal of any Joshua trees would require a permit and fee<sup>4</sup>. Adherence to the Mitigation Measures BIO-2 and BIO-3 and requires set forth in the Countywide Plan, would ensure potential impacts are reduced to a less than significant level. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

#### **No Impact**

The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map.<sup>5</sup> No impacts are identified or are anticipated and no mitigation measures are required.

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<sup>3</sup> <https://wildlife.ca.gov/conservation/plants/ca-desert-plant-act>. Accessed October 27, 2020.

<sup>4</sup> [http://countywideplan.com/wp-content/uploads/2019/06/Ch\\_05-04-BIO.pdf](http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-04-BIO.pdf). Accessed October 27, 2020.

<sup>5</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed July 15, 2020.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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**V. CULTURAL RESOURCES - Would the project:**

- |    |  |                          |                                     |                          |                          |
|----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) | Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?      | <input type="checkbox"/> | <input 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) | Disturb any human remains, including those outside of formal cemeteries?                                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

**Countywide Plan 2020; Phase I Cultural Resources Assessment, Archaeological Resources Testing and Evaluation Report**

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

**Less than Significant with Mitigation**

A Phase I Cultural Resources Assessment, dated October 2017, was prepared by McKenna et al., for the Proposed Project (see Appendix D). Based on recommendations provided in the Phase I Cultural Resources Assessment, a Phase II Archaeological Resources Testing and Evaluation Report, dated October 2020, was prepared by Tierra Environmental Services (Tierra) for the Project Site (see Appendix E). Findings of the reports are summarized herein and are available for review at the County of San Bernardino Land Use Services Department and included as appendices to this Initial Study.

During preparation of the Phase I Cultural Resources Assessment, a cultural resources records search was completed at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. McKenna et al. completed the search on July 13, 2017 for the Project area and all lands found within a one-mile radius. The search found that a majority of the Project area was previously surveyed for cultural resources and included in three reports (1061041, 1061044, and 1067167). In addition, 52 other studies were completed within a one-mile radius of the project site that collectively recorded a total of 33 cultural resources. Of these, two were found to be within or directly adjacent to the project site.

The first previously identified cultural resource - P36-010154 was recorded in 1999 and described to be an historic foundation with an associated scatter of historic refuse. The cultural resource was mapped as being northwest of the project site boundary and therefore, would not be impacted by the Proposed Project.

The second previously identified cultural resource - P36-004313 was recorded numerous times including 1980, 1999, and 2011. The resource was identified as both a surface and subsurface distribution of artifacts located on upper Mojave River terrace and southwest of the Mojave River Narrows Regional Park. The resource was identified as being a village site that included a historic irrigation canal, presence of dark soil localities that may be representative of hearth locations and artifact scatter including fire-affected rock, jasper and quartzite debitage, cobble manos, a schist metate, quartzite scraper, and quartzite chopper. Cultural resource P36-004313 was identified to cover the northern portion of the property and extends to the east and west of the Project Site. This resource, although not listed in the National Register of Historic Places (NRHP), would qualify for recognition as a significant resource.

A pedestrian survey was conducted and resulted in evidence of a village site. Metates, manos, pestle(s), flaked tools, projectile points, core(s), and debitage were observed over an area that dominates the Project Site. Darkened soils were also present and suggest the potential for midden deposits and fire affected rock associated with buried hearths. Artifact scatter was identified on the surface, but generally in areas where there was some surface disturbance, indicating these items were buried at some point. Therefore, the potential for additional buried artifacts was determined to be relatively high. As concluded in the Phase I Cultural Resources Report, a Phase II archaeological testing program was recommended.

Tierra Environmental Services (Tierra) prepared an Archaeological Resources Testing and Evaluation Report for the Project Site. After negotiations with representatives of the County of San Bernardino, Lilburn Corporation, and the San Manuel Band of Mission Indians (SMBMI) regarding the scope of work to be undertaken, a Phase II Testing Plan was developed, and fieldwork began on May 11, 2020, and testing took place on May 13-15 and 18-20, 2020.

The purpose of the Archaeological Resources Testing was to evaluate the significance of SBR-4313-H (i.e. P36-004313) using both California Register of Historic Resources (CRHR) criteria and Native American tribal values and concerns. The final agreed-upon approach was the excavation of 48, 50 x 50 cm Shovel Test Pits (STPs), spaced 45 meters apart, in a grid pattern covering the site's furthest extent as derived from the various site boundaries created by Drover (1980), James and Briggs (1999) and McKenna (2017) to the extent they are within the Project Site for a total of about 14 acres. These were excavated to a minimum of 40 cm (the depth of the deposits estimated by Drover in 1980). If any cultural material was encountered, excavations continued at least 20 cm of sterile soil beyond those finds. In accordance with the Phase II Testing Plan, all artifacts and ecofacts were photographed, key artifact attributes were recorded in the field, and then all cultural material was reburied without external laboratory or specialized analyses. Information on soils was also noted. Disturbed areas were also mapped, including the presence of berms and other raised areas, trails, dirt roads, and historic trash.



A total of 140 prehistoric and 25 historic artifacts were recovered from subsurface excavations along with one surface prehistoric artifact. Prehistoric artifacts included primarily fire-altered rock and fire-affected small animal and bird bone, along with two *Olivella* side wall beads, three flakes (chalcedony and quartzite), and an obsidian projectile point fragment from the surface. Several possible prehistoric flakes, cores and mano fragments, along with a possible hammerstone and scraper, were also found. Three gastropod shells (not *Olivella*) and 2 tiny fragments of possible oyster shell were recovered, but these were not viewed as cultural ecofacts. These finds are in addition to 10 mano and metate fragments, a core, a pestle fragment, five bifaces (including projectile points and point fragments), and a cluster of chalcedony and jasper flakes found on the surface by McKenna (2017). Note that of the latter, six formal tools and the cluster of debitage are located outside of the project boundary.

The Archaeological Resources Testing and Evaluation Report concluded that the site was not a village site as was suggested by McKenna (2017), due to the low diversity of artifacts, the lack of developed midden, the relatively few areas with significant subsurface deposits, and the absence of any indication of human remains (other than possibly the presence of the two shell beads). In addition, historic features on the part of the site within the Project area are unlikely to be more than 50 years old, and only a few scattered artifacts greater than 50 years old were recovered, often from different time periods-- a few scattered, almost entirely surface fragments of purple glass (1870s-1925), a Remington bullet casing (1962-present), a Coors beer can with removal pull tab without sharp edges (1965-1975), and Styrofoam (1941-present) fragments in STP 39. The thinly scattered surface and few subsurface artifacts do not establish the existence of an historic site greater than 50 years old and are not viewed as a significant historic resource. In conclusion, both the prehistoric and historic components of SBR-4313-H situated in the project area are not considered significant historic resources under CEQA criteria. Nonetheless, given the general sensitivity of the site's location with important village sites in the general vicinity, construction monitoring is recommended for the northern third of the Project, i.e., north of the wash which crosses the center of the Project Site.

There are no historic features or sites more than 50 years old within the Project Site. One historic component does exist within SBR-4313-H to the west of the Project Site, which placed it outside the scope of the investigation and evaluation.

Based on CEQA, unless a site has very unusual or unique characteristics, to be evaluated as significant it must satisfy one or more of the following criteria:

- A. The resource is associated with events that have made a contribution to the broad patterns of California history;
- B. The resource is associated with the lives of important persons from our past;
- C. The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- D. The resource has yielded, or may be likely to yield, important information in prehistory or history.

As for Criterion A, given the site only represents episodic camping and food preparation, it is hard to argue that it represents a major contribution to the broad patterns of

prehistory. The historic period artifacts within the subject property are mostly less than 50 years old, and were not able to analyze the ca. 1900 historic deposits recorded by James and Briggs (1999) outside the project area.

Criterion B is not relevant prehistorically. It is true that the property was once a ranch that belonged to James Brown, brother of John Brown, builder of Brown's Toll Road in Cajon Pass more than a century ago; however, there are no significant elements attributable to this ranch within the subject property, such as major structures, buildings or landscape improvements that are greater than 50 years old.

Given the data available for the site, Criterion C is not relevant as there are no structures, buildings or rock art with the Project area.

Criterion D refers to the site's research potential. Given the paucity and narrow range of artifacts found during Phase II excavations, except for fire-altered rock and small animal bird and animal bone, the research potential is viewed as largely exhausted with the test excavations.

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:

**CR-1: An archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians (SMBMI). Ground-disturbing activities include, but are not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work. A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground-disturbing activities within culturally sensitive areas receive thorough levels of monitoring coverage.**

**A Monitoring and Treatment Plan that is reflective of the project mitigation and includes a map of areas sensitive for Tribal Cultural Resources provided by San Manuel Band of Mission Indians (SMBMI) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the SMBMI Cultural Resources Department. Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.**

**CR-2: If a 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 Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding the treatment of the discovered resource(s). As outlined in CEQA, the Applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in place, and therefore the removal of the resource(s) is necessary to mitigate impacts, a research design may be developed in consultation with SMBMI.

The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloging and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the 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 archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

- CR-3: In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource. No further excavation or disturbance of the site within 100 feet of the identified resource shall occur until the County Coroner has determined makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

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).

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

### Less than Significant with Mitigation

Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Field surveys conducted as part of the Phase I Cultural Report and the Archaeological Resources Testing and Evaluation Report 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, the discovery of human remains is always a possibility during ground-disturbing activities. 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:

**CR-4:** If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. ENERGY – Would the project:</b>					
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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**SUBSTANTIATION: Countywide Plan, 2020; Submitted Materials**

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

**Less Than Significant Impact**

**Building Energy Conservation Standards**

The California Energy Conservation and Development Commission (California Energy Commission) adopted Title 24, Part 6, of the California Code of Regulations; energy Conservation Standards for new residential and nonresidential buildings in June 1977 and standards are updated every three years. Title 24 ensures building designs conserve energy. The requirements allow for the opportunities to incorporate updates of new energy efficiency technologies and methods into new developments. In June 2015, the California Energy Commission (CEC) updated the 2016 Building Energy Efficiency Standards. Under the 2016 Standards, residential buildings are approximately 28 percent more energy efficient than the previous 2013 Energy Efficiency Standards. The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. The 2019 Title 24 standards state that residential buildings are anticipated to be approximately 7 percent more energy efficient. When the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet the 2019 Title 24 standards would use approximately 53 percent less energy than residential units built to meet the 2016 standards.

**Senate Bill 350**

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015. SB 350 establishes new clean energy, clean air and greenhouse gas reduction goals for 2030. SB 350 also establishes tiered increases to the Renewable Portfolio Standard: 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030.

**Senate Bill 100**

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the required Renewable Portfolio Standards. SB 100 requires the total kilowatt-hours of energy sold by electricity retailers to their end-use customers must consist of at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.



### Electricity

The Proposed Project would include development and operation of a residential care facility and would include a two-story, 29,952 square-foot Medical Office Building, a two-story, 24,723 square-foot Commons (Amenities/Rehabilitation) building, a three-story 60,190 square-foot Assisted Living building, a three-story 47,769 square-foot Independent Living building, and a two-story 41,551 square-foot Skilled Nursing building. Specifically, the residential care facility would be comprised of 100 assisted living units, 99 sub-acute rehabilitation beds, 52 basic skilled nursing beds, and 50 one-bedroom independent living units. The Project Site is serviced by Southern California Edison for electric power. In 2019, the Commercial sector of the Southern California Edison planning area consumed 5179.708 GWh of electricity. The estimated electricity demand for the Proposed Project is 1.94 GWh per year. The increase in electricity demand from the project would represent approximately 0.037 percent of the overall "Commercial Other" consumption.

The Proposed Project is required to be designed in accordance with CCR Title 24 to ensure building designs conserve energy. Therefore, projected electrical demand would not significantly impact Southern California Edison's level of service or result in an inefficient use of electricity.

### Natural Gas

The Project Site is serviced by Southern California Gas Company. The Project Site is currently vacant. According to the California Energy Commission's 2019 Energy Report, the "Commercial Other" Sector was responsible for 88,553,511 Therms of natural gas consumption in the SoCalGas Planning Area in 2019.<sup>6</sup> According to the CalEEMod Annual Output Tables, the Proposed Project's estimated natural gas demand is 7.08 Therms and represents an insignificant percentage to the overall "Commercial Other" demand in SoCalGas's service area. Therefore, implementation of the Proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### **No Impact**

The Proposed Project would be designed to comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan and the State Building Energy Efficiency Standards (Title 24). Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur.

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<sup>6</sup> <https://ecdms.energy.ca.gov/Default.aspx>. Accessed July 24, 2020.

The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32. Therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no impacts are identified or anticipated, and no mitigation measures are recommended.

	<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.</b>	<b>GEOLOGY AND SOILS - Would the project:</b>				

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

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

☐ ☐ ☒ ☐

ii. Strong seismic ground shaking?

☐ ☐ ☒ ☐

iii. Seismic-related ground failure, including liquefaction?

☐ ☒ ☐ ☐

iv. Landslides?

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

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

☐ ☒ ☐ ☐

- |    |   |                          |                                     |                          |                                     |
|----|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

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

**Countywide Plan, 2020; Submitted Project Materials; Preliminary Geotechnical Investigation; Department of Conservation Fault Activity Map of California**

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

#### Less Than Significant Impact

A Preliminary Geotechnical Investigation, dated January 26, 2018, was prepared for the Project Site by Converse Consultants and is available for review at the County of San Bernardino Land Use Services Department and is summarized herein.

The Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone, as concluded in the Geotechnical Investigation and shown in the Department of Conservation Fault Activity Map of California (2010).<sup>7</sup> As discussed in the Preliminary Geotechnical Investigation, the Project Site is not located within a currently designated San Bernardino County (2010) State of California Earthquake Fault Zone. There are no known active faults projecting toward or extending across the Project Site. As concluded in the report, the potential for surface rupture resulting from the movement of nearby major faults is not known with certainty but is considered low. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

ii) Strong seismic ground shaking?

#### Less Than Significant Impact

As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project Site. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the California Building Code (CBC) and local building regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance with the CBC would ensure potential impacts are reduced to a less than significant level and the

<sup>7</sup> <http://maps.conservation.ca.gov/cgs/fam/>. Accessed August 12, 2020.

Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*iii) Seismic-related ground failure, including liquefaction?*

### **Less than Significant with Mitigation**

As shown on the Countywide Plan Policy Map HZ-2, the Project Site is not located within a zone of liquefaction susceptibility.<sup>8</sup> However, as part of the Geotechnical Investigation prepared for the Project Site, 27 exploratory soil borings were drilled to maximum depths of 6.5 and 51.5 feet below grade surface (bgs). The subsurface soil at the Project Site consisted primarily of unconsolidated alluvial sand and silty sand. Layers of clayey sand, and sandy clay were encountered in some borings at approximately 15 to 20 feet bgs and at approximately 45 feet bgs. Scattered gravel was observed in most of the borings. Groundwater was encountered during excavation between depths of 14.1 and 23 feet bgs. Analysis from laboratory tests found the potential for liquefaction to be high due to the presence of shallow groundwater and granular sediments. 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 the impact to a level below significant. The required mitigation measure is:

**GEO-1: The Project Applicant shall incorporate appropriate geotechnical recommendations, as contained in the Final Geotechnical Report, into all building and grading plans provided to the County for review and approval prior to issuance of building and/or grading permits.**

*iv) Landslides?*

### **Less Than Significant Impact**

Landslides and slope failure can result from ground motion generated by earthquakes. As shown on the Countywide Plan Policy Map HZ-2, the Project Site and surrounding area is not located within an area susceptible to landslides.<sup>9</sup> Further, as concluded in the Preliminary Geotechnical Report, there are no significant slopes at the Project Site and therefore, the potential for seismically induced landslides affecting the Proposed Project is considered to be low. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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<sup>8</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=5864a434814c4e53adc74101b34b1905>  
Accessed October 27, 2020.

<sup>9</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=5864a434814c4e53adc74101b34b1905>  
Accessed October 27, 2020.

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

**Less Than Significant Impact**

During the development of the Project Site, which would include disturbance of approximately 17.73-acres, construction-related dust may be generated due to the operation of machinery on-site or due to high winds. Additionally, erosion of soils could occur due to a storm event. Since development of the Proposed Project would disturb more than one acre of soil, the Proposed 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 activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to include Best Management Practices (BMPs) to avoid and minimize soil erosion. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

**Less Than Significant Impact**

As discussed in response (iii) above, groundwater was encountered during on-site testing between depths of 14.1 and 23 feet bgs. Analysis from laboratory tests found the potential for liquefaction to be high due to the presence of shallow ground water and granular sediments. Implementation of Mitigation Measure GEO-1 as provided in this Initial Study, would ensure that potential impacts to liquefaction are reduced to a less than significant level.

Seismic-induced settlement occurs in unsaturated, unconsolidated, granular sediments during ground shaking associated with earthquakes. The Preliminary Geotechnical Investigation found that the proposed Project Site has the potential for up to 3.20 inches of dynamic settlement to occur.

Lateral spreading involves lateral movement of earth materials due to ground shaking. The Project Site is relatively flat with slight inclines to a ridge located in the center of the property. Under existing conditions, there is a low potential for lateral spreading. Therefore, with implementation of Mitigation Measure GEO-1, potential impacts due to liquefaction would be reduced to a less than significant level. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

**Less than Significant with Mitigation**

According to the Preliminary Geotechnical Investigation, the Project Site has subsurface soil that consist primarily of unconsolidated alluvial sand and silty sand. Layers of clayey

sand, and sandy clay were encountered at depths between 15 and 20 feet below ground surface (bgs). Due to the presence of clay within the soil, there is a potential for soil expansion. However, the Project would be required to comply with the County Building & Safety Department requirements and the California Building Code, which would ensure that impacts due to expansive soil are reduced to less than significant level.

To determine final design requirements for foundations, slabs and concrete, appropriate testing would be required. 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.

**GEO-2: At the completion of rough grading, additional testing of engineering characteristics, such as expansion potential and ancillary testing, shall take place. Findings shall be summarized in a letter report and submitted to the County. Recommendations presented in the letter report and approved by the County shall be incorporated during final grading stages of the Project.**

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

**No Impact**

The Proposed Project would connect to the County's sewer collection system that currently serves the Project area. No septic tanks or alternative wastewater disposal is proposed. No impacts are identified or anticipated and no mitigation measures are required.

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

**Less than Significant with Mitigation**

The Project Site is underlain by shallow younger Quaternary alluvial over older Quaternary alluvial. The nearest fossil recording was a specimen of a camel, located southwest of the Project Site along Dean Avenue, south of Green Tree Boulevard (approximately one-mile southwest of the Project Site). Two additional fossils were found nearby and included an unrecorded mammoth located southeast of the Project Site on the west side of the Mojave River below the bluffs and a meadow vole found approximately seven miles northwest of the Project Site located between Adelanto and the former George Air Force Base. Older Quaternary alluvial was found at relatively shallow depths and therefore the potential for identifying fossil specimens is considered to be high. The Proposed Project would require excavation to depths that would encounter older Quaternary alluvium deposits. Therefore, 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.

**GEO-3: In the event excavations exceed three (3) feet, a qualified vertebrate paleontologist shall be present. All monitoring shall conform to the**



standards and protocols of the San Bernardino County Museum and approved by the County Planning Division.

**GEO-4:** The approved paleontologist shall collect sediment samples and make a determination regarding the small fossil potential in soils at the Project Site.

**GEO-5:** Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.

<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. GREENHOUSE GAS EMISSIONS – Would 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***  
***Countywide Plan, 2020; Submitted Project Materials***

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

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

**Less than Significant with Mitigation**

Greenhouse gas (GHG) emissions were estimated using the CalEEMod version 2016.3.2. Many gases make up the group of pollutants that contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of GHGs: Carbon dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), and Nitrous oxide (N<sub>2</sub>O). San Bernardino County provides guidance methods and/or Emission Factors that are used for evaluating a project's emissions in relation to the thresholds. A threshold of 3,000 Metric Tons of Carbon Dioxide Equivalent (MTCO<sub>2</sub>e) per year for non-industrial uses has been adopted by the County of San Bernardino Greenhouse Gas Emissions Reduction Plan (Emissions Reduction Plan). The modeled emissions anticipated from the Proposed Project during both construction and operational phases, are compared to the Emissions Reduction Plan threshold and shown below in Table 6 and Table 7.

**Table 6**  
**Greenhouse Gas Construction Emissions**  
**(Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O
Site Preparation	17.3	0.0	0.0
Grading	82.7	0.0	0.0
Building Construction	15.8	0.0	0.0
Paving	20.9	0.0	0.0
Architectural Coating	13.3	0.0	0.0
<b>Total MTCO<sub>2</sub>e</b>	<b>150.6</b>		
County of San Bernardino GHG Emissions Reduction Plan Threshold	3,000		
<b>Significant</b>	<b>No</b>		

Source: CalEEMod.2016.3.2 Annual Emissions

**Table 7**  
**Greenhouse Gas Operational Emissions**  
**(Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O
Area	0.0	0.0	0.0
Energy	37.8	0.0	0.0
Mobile	3530.5	0.3	0.0
Waste	447.6	26.4	0.0
Water	8.1	0.8	0.0
<b>Total MTCO<sub>2</sub>e</b>	<b>4,720.4</b>		
County of San Bernardino GHG Emissions Reduction Plan Threshold	3,000		
<b>Exceed Standard</b>	<b>YES</b>		
MDAQMD Threshold	100,000		
<b>Significant</b>	<b>No</b>		

Source: CalEEMod.2016.3.2 Annual Emissions.

As shown in Table 6, the Proposed Project's emissions during construction would not exceed the County of San Bernardino GHG Emissions Reduction Plan's threshold of 3,000 MTCO<sub>2</sub>e and therefore would have less than significant impacts regarding greenhouse gas emissions.

Table 7 shows that during operation the Proposed Project would generate approximately 4,720.4 MTCO<sub>2</sub>e and therefore would be over the County of San Bernardino GHG Emissions Reduction Plan's threshold of 3,000 MTCO<sub>2</sub>e. Therefore, project operational activities were evaluated compared to the San Bernardino County GHG Reduction Plan Screening Tables (see Appendix A).

The purpose of the Screening Tables is to provide guidance in measuring the reduction of greenhouse gas emissions attributable to certain design and construction measures incorporated into the development. The Screening Table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred

to as “feature”). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development projects can implement the GHG reduction measures. Projects that garner at least 100 points will be consistent with the reduction quantities anticipated in the County’s GHG Plan. As such, those projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions reductions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant impact.

Although operations of the Proposed Project would be over the County of San Bernardino GHG Emissions Reduction Plan’s threshold, the Proposed Project has a sum of 138 San Bernardino County GHG Reduction Plan Screening Table points and would be consistent with the reduction quantities anticipated in the County’s GHG Plan. To ensure less than significant impacts occur, the construction of the Proposed Project shall adhere to GHG Emissions Reduction Plan Measures as follows:

**GHG-1: The Project Proponent shall ensure that the following enhanced building materials are used during the construction of each building: insulation (rigid wall insulation R-13, roof/attic: R-38), window insulation (0.32 U-Factor, 0.25 SHGC); air infiltration - blower Door HERS Verified Envelope Leakage or equivalent; High Efficiency Water Heater (0.72 Energy Factor); Very High Efficiency Lights (100 percent of in-unit fixtures are high efficacy); Energy Star Refrigerator (new), Energy Star Dish Washer (new), and Energy Star Washing Machine (new); Solar Ready Homes (sturdy roof and solar ready service panel).**

**GHG-2: The Project Proponent/Applicant shall be responsible for overseeing the installation of water efficient showerheads (2.0 gallons per minute), water efficient toilets (1.5 gallons per minute), water efficient faucets (1.28 gallons per minute), water efficient dishwasher (6 gallons per cycle or less), and water efficient washing machine (water factor less than 5.5 gallons per cycle).**

**GHG-3: Prior to construction, the Project Proponent shall develop a Construction and Demolition Debris Diversion Program to include a minimum 10 percent recycling of construction debris to be implemented by the construction contractor during construction of the Project.**

**GHG-4: Prior to final inspection and issuance of occupancy permits, the Project Proponent shall implement a 75 percent Solid Waste Diversion Program by providing separated recycling bins on every floor of each building. In addition, large external recycling collection bins shall be provided at a central location for collection truck pick-up.**

<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. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**SUBSTANTIATION:**

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**Countywide Plan, 2020; Submitted Project Materials**

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

**Less Than Significant Impact**

The Proposed Project includes a request for a CUP to allow for the construction and operation of a residential care facility that would provide medical services including, behavioral health, audiology, speech pathology, chronic dialysis, ambulatory surgical center, and physical & occupational therapies.

Hazardous or toxic materials transported in association with construction may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. With implementation of Best Management Practices (BMPs) and compliance with all applicable federal, state and local regulations including all Certified Unified Program Agency (CUPA) regulations, potential impacts to the public or the environment from the routine transport, use, or disposal of hazardous materials during construction are considered to be less than significant.

The Project Proponent would be required to submit all necessary applications for certification by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) for the operation of the residential care facility. The Joint Commission, an independent, not-for-profit organization, evaluates and accredits nearly 21,000 health care organizations and programs in the United States. The Joint Commission's accreditation process would evaluate the residential care facility's compliance with set standards and other accreditation requirements.

In addition to JCAHO certification, a Medical Waste Management Plan per the County of San Bernardino Waste Management Division would be required and all other applicable State and federal requirements for medical office, including the appropriate procedures for disposal and transport of bio-medical wastes would be followed. Therefore, operation of the residential care facility would not create a significant hazard to the public or the environment with the facility complying with federal and State regulations regarding the disposal and transport of bio-medical wastes. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

**Less Than Significant Impact**

As stated in response (a) above, hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Operational activities would include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use

of which would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials would be less than significant. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

**No Impact**

Green Tree East Leadership Academy is the nearest school to the Project Site and occurs approximately 0.5 miles to the west. No hazardous materials would be emitted as a result of the construction or operation of the Proposed Project. Therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school are anticipated. No impacts or anticipated and no mitigation measures are required.

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

**No Impact**

The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system.<sup>10</sup> EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the vicinity of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

**No Impact**

The Project Site is located approximately eight miles southwest of the Apple Valley Airport. As shown on the Countywide Plan Policy Map HZ-9, the Project Site is not within an airport safety review area.<sup>11</sup> The Project Site is not located within the vicinity of a private or public airstrip. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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<sup>10</sup><https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1905+business+center+dr+san+bernardino+ca+92408>. Accessed August 5, 2020.

<sup>11</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=5dc02b81369c49c9a1947aedfc300a45>. Accessed October 27, 2020.



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

**No Impact**

According to the San Bernardino Countywide Plan Draft EIR, Table 5.8-10, evacuation routes include major highways, including Yates Road which is located south of the Project Site<sup>12</sup>.

Access to the Project Site would be provided via Yates Road. Specifically, one full access driveway and one secondary access driveway are proposed along Yates Road including a signalized main driveway near the southeast corner of the site and a stop-controlled driveway located near the southwest corner. During construction, the contractor would be required to maintain adequate emergency access. Operation of the Proposed Project is not anticipated to interfere with the use of Yates Road during an evacuation. As concluded in the recently certified Countywide Plan EIR, Projects developed under the Countywide Plan would not block or otherwise interfere with the use of evacuation routes. Specific evacuation routes would be designated during an emergency by the San Bernardino County Sheriff's Department in accordance with the County's emergency management plan. No impacts are identified or anticipated, and no mitigation measures are required.

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

**Less Than Significant Impact**

The Project Site does not occur within a Fire Safety Overlay (FS1) area and is identified as having a Fire Hazard Severity Class of "Moderate" as shown on the Countywide Plan Policy Map HZ-5<sup>13</sup>. The Site is surrounded by vacant land followed by railroad tracks to the west, residential uses to the south, Mojave Narrows Regional Park to the north and vacant land to the east. Mojave Narrows Regional Park is regularly maintained and is void of heavy vegetation. The Proposed Project is located approximately nine miles northeast of the nearest identified hazardous fire area. Therefore, the Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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<sup>12</sup>[https://Countywideplan.com/wp-content/uploads/2019/06/Ch\\_05-08-HAZ.pdf](https://Countywideplan.com/wp-content/uploads/2019/06/Ch_05-08-HAZ.pdf)

Accessed October 27, 2020.

<sup>13</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=355f9beb4a8f446e8869459e91d58431>

Accessed October 28, 2020.

<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. HYDROLOGY AND WATER QUALITY – Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**Countywide Plan, 2020; Submitted Project Materials; FEMA Flood Map**

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

**Less Than Significant Impact**

The Proposed Project would disturb approximately 17.73-acres and therefore is subject to the National Pollutant 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 requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of storm water associated with construction activities; and 2) identify, construct, and implement storm water pollution control measures to reduce pollutants in storm water 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 incorporated cities of San Bernardino County. The County then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters. These would include, but are not limited to, street sweeping of paved roads around the site during construction, and the use of hay bales or sandbags to control erosion during the rainy season. BMPs may also include or require:

- The Project Applicant shall avoid applying materials during periods of rainfall and protect freshly applied materials from runoff until dry.
- All waste to be disposed of in accordance with local, state and federal regulations. The Project Applicant shall contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.
- All equipment and vehicles to be serviced off-site.

In addition to complying with NPDES requirements, the County also requires the preparation of a Water Quality Management Plan (WQMP). In accordance with the County's requirements, Red Brick Solution prepared a WQMP for the Proposed Project, dated January 2018. The WQMP has identified various BMPs which shall be implemented by the Proposed Project. Mandatory compliance with the Proposed Project's SWPPP and WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, implementation of the Proposed Project would not violate any water quality standards or waste discharge requirements. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

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

### **Less Than Significant Impact**

The Project Site is currently vacant and no groundwater recharge facilities or wells occur on-site. The Project Site would be served by the County of San Bernardino and is

located within County Service Area 64 (CSA 64). CSA 64 covers approximately four square miles and provides water to residential, commercial, retail, schools and recreational uses, including golf courses and Spring Valley Lake. A draft Urban Management Plan was created for CSA 64 and states that groundwater is the primary source that supplies CSA 64. A Groundwater Management Plan was put into place that monitors groundwater levels. CSA 64 has a Free Production Allowance (FPA) available to pump groundwater to use as a potable water source. Once CSA 64 pumps above the FPA, they must purchase water from MWA to offset what is pumped above the FPA. The current water system includes five wells with a total pumping capacity of 5,560 gallons per minute (gpm) or 8,652 acre-feet per year (AFY), operating full time. Each well requires downtime for maintenance. For the purposes of establishing annual supply, it is assumed that each well could be down up to 50 percent of the time. This would equate to a reliable supply of 4,476 AFY. CSA 64 is in the process of drilling and equipping a new source well with the capacity of 1,800 gpm that would increase pumping capacity to an adequate level during max demand periods.

Based on current demands, future water requirements in 2040 would be higher than 50 percent utilization that well pump capacity could deliver, if well pumps operated at 100 percent, water requirement would be achieved. Depending on yearly precipitation rates, future water demands could exceed supply. To fulfill future water supplies, other water options may include desalinated water, water transfers, reduction analysis and recycled water to replenish future groundwater aquifer levels if pumping surpasses the Free Production Allowance.

The Proposed Project is estimated to have an annual water demand of approximately 15 acre-feet, including approximately 2.25 acre-feet for landscaping (about 15 percent of the total), or less than ½ of one percent of the currently available CSA 64 water supply, assuming wells are down up to 50 percent of the time. The Proposed Project is an allowable use under the County land use Zoning District RM. If the overall usage of water within CSA 64 exceeded allocation limits, CSA 64 would be assessed a replenishment charge to buy resources for aquifer replenishment. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

#### **Less Than Significant Impact**

- i) *Result in substantial erosion or siltation on- or off-site;*

A Hydrology Study, dated October 6, 2019, a Water Quality Management Plan, dated April 25, 2019 and an Off-Site Storm Water Drainage Report, dated August 3, 2020 were prepared for the Project Site by Red Brick Solutions, LLC (see Appendix F) and are available for review at the County of San Bernardino Land Services and summarized herein.

Based on two distinct drainage areas that occur on the 17.73-acre site, existing hydrologic conditions were reviewed and included: 1) an existing drainage channel

along the southern boundary of the site occupying approximately 6.05 acres; and 2) a 12.61-acre developable area consisting of two drainage areas (DA1 and DA2) proposed for development (i.e., Medical Office Building, Commons (Amenities/Rehabilitation) building, Assisted Living building, Independent Living building, and Skilled Nursing building). As previously discussed, the large natural watercourse conveys tributary offsite stormwater runoff through the site to the Mojave Narrows Regional Park downstream. In the proposed developed condition, the watercourse will be channelized with revetment side slopes, soft-bottom invert, drop structures and 2 culvert crossings for the access driveways to the developed site.

The area proposed for development is bisected in a north/south direction by an existing ridge creating two distinct drainage areas. The southern 11.51-acre drainage area (DA1) drains southeast to the southern boundary then confluences with historic off-site flows and exits the site at the southeast corner. DA1 has a westerly off-site tributary watershed that would be captured off-site by a storm drain approximately 650 feet north of the southwest corner of the Project Site. The 12.61-acre developed site would drain to the southeast corner of the Project Site into a retention/infiltration basin underneath a parking lot. Excess mitigated flows would be released to confluence with the historic off-site flows prior to exiting the site at the southeast corner.

Currently, the northern 1.1 acre drainage area (DA2) drains toward the northeast toward the Mojave Narrows Regional Park. As proposed, the flows from DA2 would drain to the northeast to an underground retention/infiltration under the parking lot then exit at the historic point of confluence with off-site flows.

DA1 flows would travel northeast and then southeast along interior streets to the southeast corner of the Project Site where they would be directed to an underground retention\detention basin where mitigated flows would exit the site. DA2 storm flows would sheet flow across a parking lot to a curb and gutter along the eastern property line and enter an underground retention/infiltration basin. Treated flows would exit the site at their historic confluence point with off-site flows. All post-construction flows would be captured on-site. The total required and proposed retention basin with low impact development (LID) infiltration for DA1 would have a design capture volume (DCV) of 19,737 cubic feet (CF). The on-site retention required for DA2 is 2,066 CF and proposed retention with LID infiltration would have a DCV of 3,525 CF. Therefore, retention of 100 percent of stormwater flows would be provided on-site. The proposed drainage channel along the southerly property line is designed to reduced velocities exiting the property and the potential for erosion through the site, through the use of concrete drop structures and widening of the channel area to reduce flows. As such, no significant adverse impacts are identified or anticipated and no mitigation measures are proposed.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

### **Less Than Significant Impact**

As stated in response i) above, DA1 and DA2 would have a DCV of 19,737 CF and 3,525 CF, respectively. The LID BMPs have been deemed feasible (Water Quality Management Plan, dated April 25, 2019) and the required DCV infiltrated. Therefore, no increase in the rate or amount of surface runoff would result in flooding on or offsite.

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

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*

### **Less Than Significant Impact**

As stated in the WQMP prepared for the Project Site, the LID BMPs have been deemed feasible, and the required DCV infiltrated. As such, full retention of stormwater flows would be provided on-site. With adherence to BMPs has provided in the WQMP, the Proposed Project is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- iv) *Impede or redirect flood flows?*

### **Less Than Significant Impact**

#### **Off-Site Drainage Flows**

The off-site tributary area consists of a major 7,128-acre drainage area and a minor 9.04-acre drainage area. According to the USGS topographic survey of the area, the 7,128-acre historic off-site drainage area flows generally from southwest to northeast from the north side of the California Aqueduct and the I-15 freeway. The minor 9.04-acre off-site area flows are generally captured within a naturally occurring drainage conveyance that borders the Project Site on the west up to the railroad tracks. The minor off-site area drainage conveyance has a base width of approximately 10 feet with a 3:1 side slope and flows north along the westerly property line for approximately 600 feet and then enters the Project Site then turns east and flows across the Project Site toward the east property boundary. The off-site areas were assumed as pre-developed open brush terrain to establish historic natural flows.

The 7,128-acre and 9.04-acre off-site tributary drainage areas were analyzed using the San Bernardino County Hydrology Manuel and CivilDesign software to perform a Unit Hydrograph and Rational method analysis of the off-site flows respectively. The off-site tributary area was determined by reviewing the Hesperia Master Plan of Drainage and confirming the boundary for the tributary flows.

The 9.04-acre off-site tributary area associated with on-site drainage area (DA1) is bounded upstream by the railroad tracks that limits its area and Q100 flows to 9.65 cfs and 25-year flows to 2.95 cfs along the westerly property line and flows approximately 600 north of the major tributary off-site tributary area channel and enters our project site. The developed site will capture this flow in a storm drain and convey these flows southwesterly to confluence with the major channel flows prior to exiting the site.

The Proposed Project would capture the major (3,370 cfs) off-site drainage flows at the southwest corner of the site, where the existing channel base width is approximately 60-foot wide, by continuing the channel along the southern boundary to the first of three proposed drop structures and diversion dikes to channelize the flows and reduce their velocities as they pass through the site. The proposed 1,372 linear foot on-site earthen channel would vary in base width from 55 feet to 235 feet with three concrete drop



structures with three-foot high steps. In addition, the Proposed Project would capture the minor 9.06-acre undeveloped 100-year 9.35 cfs off-site drainage flow within an earthen channel along the westerly property boundary as it travels approximately 625 feet north of the southern property to a concrete headwall entrance into a proposed 24-inch diameter storm drain directing these flow southeasterly approximately 500 linear feet at a slope of 1 percent to confluence with the major 3,370 cfs tributary flows prior to exiting the southeast corner of the site.

As existing off-site flows enter the southwest corner of the site, the velocities in both the existing and proposed conveyances have erosive velocities greater than 10 fps and would transport granular material downstream. The developed channel velocity at the westerly property line was estimated to be within approximately five percent of the existing channel and would reduce the flood depth to 0.03 feet. Approximately 550 feet into the site the developed site would continue to mimic the existing channel characteristics flowing at approximately 3.3 percent of the velocity with an increased depth of 0.96 feet, but with a water surface below existing levels due to a lowering of the channel invert elevation.

To prevent shifting flood limits, a proposed erosion control system (i.e. blankets, armor, or concrete) shall be placed along the side slopes and extended six (6) feet below the proposed invert of the channel.

The Off-Site Storm Water Drainage Report concluded that the existing and proposed conveyances exiting the site for the 100-year 3,370 cfs storm event would have a reduction in velocities. The proposed conveyances will spread out from as narrow as a 55-foot base width channel to a 225-foot base width channel at the easterly boundary to mimic the historic natural flows previously exiting the site at the same location.

The Off-Site Storm Water Drainage Report concluded that the Proposed Project would follow regional and local laws and ordinances that require off-site flows that would be released in the historic drainage pattern, to maintain pre-developed velocities and depth of flow, after passing through the site.

As designed, the historic drainage discharge points would be maintained and the off-site 3,370 cfs 100-year flood flows would be conveyed through the site via an improved channel designed to have 1.5-2.0 feet of freeboard; reducing the floodplain area across the entire Project Site to the area designated as a "Drainage Acceptance Easement" (see Off-Site Storm Water Drainage Report Exhibit D.3). The developed on-site flows would be detained in an underground detention/ infiltration basin and the developed 100-year 29.15 cfs storm flows would be mitigated to 3.73 cfs which is below the 25-year undeveloped flow of 6.23 cfs. Therefore, with adherence to the WQMP, the Proposed Project is not anticipated to impede or redirect flood flows. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

### **Less Than Significant Impact**

Tsunamis are large waves generated in open bodies of water by geologic fault displacement due to major ground movement. Due to the Project Site's distance from the Pacific Ocean, tsunamis are not potential hazards in the vicinity of the Project Site. As shown on the Countywide Plan Policy Map HZ-4, the Project Site occurs within

FEMA Flood Zone X<sup>14</sup>, which is also referred to as a 500-year or 0.2% flood occurrence. As shown on the FEMA Flood Map 06071C5820J (effective on September 2, 2016), the Project Site is located outside of the 0.2% annual chance floodplain.<sup>15</sup>

According to the Countywide Plan Policy Map HZ-3, the Project Site is located within a dam inundation area (Mojave Forks Dam) and is also located near several lakes including Silverwood Lake, Spring Valley Lake and Horseshoe Lake<sup>16</sup>. A large earthquake could result in earthquake-induced flooding and/or seiches. For earthquake induced flooding to occur waters would need to breach Silverwood Lake and the Mojave Forks Dam. Similarly, seiches caused by a large earthquake would require waters to breach Spring Valley Lake and Horseshoe Lake. The likelihood of these occurrences is considered minimal. Therefore, the risk of release of pollutants of by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

### Less Than Significant Impact

The Project's WQMP was prepared to comply with the requirements of the San Bernardino County and the NPDES Areawide Stormwater Program. The Proposed Project would adhere to BMPs, regional and local water quality control and/or sustainable groundwater management plans. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

<sup>14</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=d276e645a4ae4e2bb95694ff06b4f0be>. Accessed October 28, 2020.

<sup>15</sup> <https://msc.fema.gov/portal/search>. Accessed October 28, 2020.

<sup>16</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=ca51d39ef1ee444eb4bb17ca5d4297dc>. Accessed October 28, 2020.

**SUBSTANTIATION:**

**Countywide Plan, 2020; Submitted Project Materials**

- a) *Physically divide an established community?*

**No Impact**

The Proposed Project is a request for a CUP to allow for the construction and operation of a residential care facility that would include two-story, 29,952 square-foot Medical Office Building, a two-story, 24,723 square-foot Commons (Amenities/Rehabilitation) building, a three-story 60,190 square-foot Assisted Living building, a three-story 47,769 square-foot Independent Living building, and a two-story 41,551 square-foot Skilled Nursing building. Specifically, the residential care facility would be comprised of 100 assisted living units, basic skilled nursing beds, and 52 one-bedroom independent living units. At full occupancy the facility would include 152 permanent residences.

Surrounding land use categories including Open Space (OS) to the north and east, Low Density Residential (LDR) to the south, and Industrial Park-Transitional (IPDT) to the west (City of Victorville). The Project Site is designated MDR and the Proposed Project is conditionally permitted within the land use category. Based on the current land uses and land use designations that surround the Project Site, the Proposed Project would not physically divide an established community nor cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

**No Impact**

The Project Site land use zoning District is RM and has a Countywide Plan land use category of MDR. The Proposed Project is subject to the approval of the CUP and is not anticipated to result in conflicts with applicable land use plans or policies. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES – Would 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:** (Check ☐ if project is located within the Mineral Resource Zone Overlay):

**Countywide Plan, 2020; California Department of Conservation Mineral Land Classification**

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

**No Impact**

According to the California Department of Conservation, Mineral Land Classification map, the Project Site occurs in the Southwestern San Bernardino (East) region, specifically in Open File Report 94-08. As shown on the report, the Project Site and immediate vicinity occur within Mineral Resource Zone 3 (MRZ-3). This zone is defined as an area containing mineral deposits with a significance that cannot be evaluated from available data. An area with undetermined mineral significance would not be valuable to the region or residents of the State until its mineral significance is confirmed. Moreover, the Project Site is surrounded primarily by urban uses and vacant land. The current uses of the surrounding area would not be compatible with mineral resource extraction. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

**No Impact**

According to the Countywide Plan Policy Map NR-4, the Project Site is not defined as occurring within a Mineral Resource Zone<sup>17</sup>. The Project Site has a Countywide land use designation of MDR and therefore is not located within an area designated for mining. As such, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. NOISE – Would the project result in:</b>				

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

<sup>17</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=9948b9bc78f147fd9ea193c2ce758081>. Accessed October 27, 2020.

ordinance, or applicable standards of other agencies?

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

**Countywide Plan, 2020; Submitted Project Materials; Noise Impact Analysis; Traffic Impact Analysis**

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

### Less than Significant with Mitigation

A Noise Impact Analysis, dated August 12, 2020, was prepared for the Proposed Project by Ganddini Group (see Appendix G). A copy of the report is available for review at the County of San Bernardino Land Use Services Department and is summarized herein.

The report assessed the noise impacts resulting from development of the Proposed Project and identified mitigation measures to reduce impacts. The noise issues related to the Proposed Project were evaluated based on applicable federal, State and local policies, including those of the County of San Bernardino and the United States Department of Housing and Urban Development.

Sensitive receptors that may be affected by project-generated noise include Mojave Narrows Regional Park located to the north and residences located approximately 120 feet south (across Yates Road) of the Project Site. To a lesser extent, Green Tree East Elementary School located approximately 0.5 miles to the west and single-family residences located approximately 0.48 miles to the west of the Project Site may also be impacted by Project-related noise. Traffic noise and noise associated with the adjacent rail line may impact the Proposed Project.

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 ( $L_{eq}$ ), and the Community Noise Equivalent Level (CNEL), which are both based on the A-weighted decibel (dBA). The  $L_{eq}$  is the

average of the sound level energy for a one-hour period and employs an A-weighted decibel correction that corresponds to the optimal frequency response of the human ear. The CNEL is based upon 24 one-hour  $L_{eq}$  measurements.

An American National Standards Institute (ANSI Section S14 1979, Type 1) Larson Davis model LxT sound level meter was used to document existing ambient noise levels. In order to document existing ambient noise levels in the project area, four (4) 10-minute daytime noise measurements were taken between 10:25 AM and 3:07 PM on April 13, 2018. In addition, one (1) 24-hour noise measurement was taken on April 13, 2018 starting at 5:00 PM and ending at 5:00 PM on April 14, 2018.

#### Construction Noise Impacts

The existing Mojave Narrows Regional Park to north and residential development south of the Project Site may be affected by short-term noise impacts associated with the transport of workers, the movement of construction materials to and from the Project Site, ground clearing, excavation, grading, and building activities. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by Section 83.01.080(g)(3) of the San Bernardino Development Code.

Assuming a usage factor of 40 percent for each piece of equipment, unmitigated noise levels have the potential to reach 87.2 dBA  $L_{eq}$  and 91 dBA  $L_{max}$  at the property line during grading. Therefore, unmitigated noise levels have the potential to reach 74.2 dBA  $L_{eq}$  and 77 dBA  $L_{max}$  at the northern property lines of single-family residences located approximately 100 feet south of the Project Site. Ambient noise readings show that receptors in the project vicinity are already exposed to maximum ( $L_{max}$ ) noise levels between 66.2 and 79.5 dBA.

As stated previously, per the County of San Bernardino Development Code, temporary construction, maintenance, repair, and demolition activities between 7:00 AM and 7:00 PM, except Sundays and federal holidays, are exempt from Section 83.01.080(g)(3) of the San Bernardino Development Code. Although construction noise will have a temporary or periodic increase in the ambient noise levels above the existing within the project vicinity, construction activities are anticipated to occur during the permissible hours stated above. However, to be conservative and to reduce construction noise levels at the nearest sensitive receptors, construction noise reduction measures shall be required and are presented herein.

#### Operational Noise Impacts to Off-Site Receptors Due to Project-generated Trips

The Proposed Project's generated vehicle trips were determined in the Traffic Impact Analysis (TIA), dated August 5, 2020 and revised October 9, 2020 prepared by Ganddini Group. During operation, the Proposed Project is expected to generate approximately 2,927 average daily trips with 221 trips during the AM peak-hour and 253 trips during the PM peak-hour. A worst-case, project-generated traffic noise level was modeled utilizing the FHWA Traffic Noise Prediction Model - FHWA- RD-77-108. Traffic noise levels were calculated from the centerline of the roadway to the roadway right-of-way. The modeling is theoretical and does not take into account any existing barriers, structures, and/or topographical features that may further reduce noise levels.



Modeled Existing traffic noise levels range between 60.3-80.6 dBA CNEL at the right-of-way of each modeled roadway segment and the modeled Existing Plus Project Without Green Tree Boulevard Extension traffic noise levels range between 60.6-80.6 dBA CNEL at the right-of-way of each modeled roadway segment.

Increases in noise levels associated with project-generated vehicle trips will be considered substantial if they result in an increase of at least 5 dBA CNEL and (1) the existing noise levels already exceed the applicable land use compatibility standard for the affected sensitive receptors set forth in the Noise Element of the Countywide Plan; or (2) the project increases noise levels by at least 5 dBA CNEL and raises the ambient noise level from below the applicable land use compatibility standard for the affected sensitive receptors to above the standard.

As demonstrated in the TIA, for the Without Green Tree Boulevard Extension scenario, all modeled roadway segments are anticipated to change the noise a nominal amount (approximately 0.03 to 0.79 dBA CNEL). For the With Green Tree Boulevard Extension scenario all modeled roadway segments are anticipated to change the noise a nominal amount (approximately 0.02 to 2.38 dBA CNEL). Therefore, a change in noise level would not be audible and would be considered less than significant.

#### Future Operational Traffic Noise Impacts to On-Site Receptors

##### *HUD Criteria*

The Office of Environmental and Energy has developed an electronic assessment tool that calculates the Day/Night Noise Level (DNL) site exposure. The DNL Calculator calculates noise from road and railway activity levels. The DNL calculator was utilized to calculate on-site noise levels at proposed residential care buildings due to transportation noise. The HUD Noise Guidebook and Worksheets were also referred to during the analysis. HUD regulations establish noise levels of up to 65 dBA DNL as acceptable for housing; and noise levels that range between 65 and 75 dBA as “normally unacceptable” but may be approved as long as additional sound attenuation is designed into new housing. Sites where the DNL exceeds 75 dBA are classified by HUD as “unacceptable.”

Exterior noise levels at facades facing transportation noise sources were calculated using the HUD methodology. Noise levels at the western and southern facades of the proposed assisted living building will reach up to 69 DNL/CNEL; and noise levels at the western and northern facades of the independent living building are expected to reach up to 70 DNL/CNEL. It should be noted that this methodology did not take into consideration the added attenuation provided by buildings that are proposed in-between the rail line and roadway that would shield the proposed residential care buildings.

Future transportation noise impacts to on-site receptors will exceed what is considered “acceptable” by HUD standards (65 DNL) but may be approved if additional sound attenuation is designed into the new housing per 24 Code of Federal Regulations Part 51, Section 103.

Normal building construction typically provides at least 20 dB of exterior to interior noise reduction. Utilization of windows with a Sound Transmission Class (STC) rating of at

least 27 would ensure that noise levels inside the proposed residential units at the assisted care building would not exceed 45 DNL and utilization of windows with an STC rating of 28 would ensure that noise levels inside the proposed independent living building would not exceed 45 DNL.

#### Operational Stationary Noise Impacts

Land uses surrounding the site include the Mojave Narrows Regional Park to the north, single-family residential to the south, vacant land and railroad tracks to the west, and vacant land to the east.

Potential on-site operational noise impacts were modeled and evaluated in light of the County of San Bernardino Development Code Table 83-2 which prescribes stationary noise level standards for noise generated on one property to another. Project operation is prohibited from generating sounds that exceed 55 dBA  $L_{eq}$  during the daytime or exceeding 45 dBA  $L_{eq}$  during the nighttime, at residential land uses.

Exterior noise levels at the nearest sensitive receptors due to project operational noise are expected to range between 43.4 and 47.6 during peak-hour project operation. Noise associated with parking lots include, but are not limited to idling cars/trucks, trucks, doors closing, and starting engine noise. Noise levels associated with parking lots typically range between 44-63 dBA  $L_{eq}$  at a distance of 100 feet. Parking lot noise was modeled assuming 252 parking movements during the peak-hour. The location of the rooftop HVAC equipment was estimated and modeled as point sources placed on-top of the structures' roofs. No rooftop parapets or shielding were included in the model. A representative sound power level of 86.1 dB (York RTU 150 ([12.5])) was utilized for modeling purposes.

Peak-hour operational noise would not exceed the County's daytime or nighttime noise standards (55 and 45 dBA  $L_{eq}$ , respectively) for stationary noise sources. The Proposed Project is consistent with applicable noise standards and impacts would be less than significant. However, to ensure potential construction and operational noise impacts are reduced to the extent feasible, the following mitigation measures shall be implemented and stated verbatim on approved grading plans:

- N-1: During all project site excavation and grading, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.**
- N-2: The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.**
- N-3: Equipment shall be shut off and not left to idle when not in use.**
- N-4: The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.**

**N-5: The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.**

**N-6: The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.**

The following measure shall be implemented and stated verbatim on the approved Building Plans:

**N-7: In order to meet HUD requirements, the Project Proponent shall ensure that windows proposed on the southern and western facades of the assisted care building shall have an STC rating of at least 27 to ensure that noise levels inside the proposed residential units do not exceed 45 DNL; and windows proposed on the western and northern facades of the independent living building shall have an STC rating of at least 28 to ensure that noise levels inside the proposed independent living building do not exceed 45 DNL.**

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

### **Less Than Significant Impact**

Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings respond to these vibrations with varying results ranging from no perceptible effects at the low levels to slight damage at the highest levels. Typically, particle velocity or acceleration (measured in gravities) is used to describe vibration in context of potential structural damage.

The nearest structure to the Project Site is located approximately 120 feet to the south. The threshold at which there may be a risk of architectural damage to houses with plastered walls and ceilings is 0.20 peak particle velocities (PPV) in/second. Primary sources of vibration during construction would be from vibratory rollers or bulldozers. A vibratory roller could produce 0.21 PPV at 25 feet or a large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 120 feet, a vibratory roller would yield a worst-case 0.020 PPV (in/sec) and a large bulldozer would yield a worst-case 0.008 PPV (in/sec), both of which are well below the threshold for any risk of architectural damage or annoyance to nearby sensitive receptors. Furthermore, project construction is exempt from Section 83.01.090(a) of the County of San Bernardino Development Code, which prohibits the creation of ground vibration that can be felt without the aid of instruments at or beyond the lot-line, or any activity that produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot-line, as long as the activity occurs between 7:00 AM and 7:00 PM, and not on Sundays or federal holidays.

Construction equipment is anticipated to be located at a distance of at least 120 feet or more from any receptor. Temporary vibration levels associated with project construction would be less than significant.

Ground-borne vibration associated with nearby railroad activity can result in sleep disturbance, annoyance and/or interfere with sensitive medical equipment. The Federal Rail Authority has established thresholds to assess potential impacts related to rail pass-bys and potential ground-borne vibration at sensitive receptor locations. A VdB level of 75 is the appropriate threshold for rail related ground-borne vibration impacts for the non-residential buildings and 72 VdB is the appropriate threshold for residential buildings. Burlington Northern Santa Fe tracks run relatively parallel to the Project site, in a north/south direction, and occur approximately 60 feet west of the Project Site boundary. Two rail tracks cross each other just southwest of the Project Site and are separated by 220 feet to 336 feet at the greatest distant. The nearest proposed non-residential structure is approximately 90 feet from the northbound rail track. The nearest proposed residential building is approximately 355 feet east of the nearest rail line.

Groundborne vibration levels at the nearest proposed building, which is approximately 90 feet from the existing rail activity, may reach up to 79 VdB at speeds of 50 miles per hour and approximately 65 VdB at the nearest residential building, located at a distance of approximately 355 feet from rail activity. However, a speed of 35 miles per hour is typical in this location. Therefore, an adjustment of -4.4 dB is applied to represent a train speed of 30 miles per hour. This results in a groundborne vibration level of approximately 74.6 at the nearest non-residential building and a vibration level of 60.6 at the nearest residential building. Therefore, at a level of 74.6 VdB, the groundborne vibration level at the closest non-residential building will not exceed the 75 VdB threshold. Like-wise, at a level of 60.6 VdB, the groundborne vibration level at the closest residential building will not exceed the 72 VdB threshold, and rail-related groundborne vibration is expected to result in less than significant impacts. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### No Impact

The Project Site is located approximately eight (8) miles southwest of the Apple Valley Airport. As shown on the Countywide Plan Policy Map HZ-9, the Project Site is not within an airport safety review area.<sup>18</sup> The Project Site is not located within the vicinity of a private or public airstrip. 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>XIV. POPULATION AND HOUSING – Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>18</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=ca51d39ef1ee444eb4bb17ca5d4297dc>  
Accessed October 28, 2020.

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

### **SUBSTANTIATION:**

#### **Submitted Project Materials**

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

#### **Less Than Significant Impact**

The Proposed Project is the construction of a residential care facility on a currently vacant 17.73-acre site. The Project is anticipated to have 150 permanent residents that would likely come from the high desert area for retirement and assisted living needs. The Proposed Project is estimated to create 279 new jobs in the community. However, it is unlikely that the new jobs would result in the need for development of new housing as workers would likely come from the existing employment pool in the community or would be commuting from nearby areas. Construction activities would be temporary and would not attract new employees to the area. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

#### **No Impact**

The Project Site is currently vacant and undeveloped. Implementation of the Proposed Project would not remove any existing housing units or necessitate the construction of replacement housing elsewhere. Therefore, no impacts are identified or anticipated and no mitigation measures are required.

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

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

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

**SUBSTANTIATION:****Submitted Project Materials**

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

*Fire Protection?*

**Less Than Significant Impact**

The San Bernardino County Fire Department serves the unincorporated portions of the County including the Project Site. San Bernardino County Fire Station No. 314 is located approximately 2.5 miles southwest of the Project Site. Response times between five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value. Fire station organization, distance, grade and road conditions affect response times.

County Department of Public Safety provides required fire standards during review of building plans and inspections. The proposed development would be required to comply with County fire suppression standards and adequate fire access. Since the Project Site and surrounding area is currently served by the County of San Bernardino, impacts to fire response times are anticipated to be less than significant. With an estimated County population of 2.1 million people, the firefighter to citizen ratio is approximately 1:2,064 (based on 8 firefighters per 24-hour shift). According to the Countywide Plan, the Project Site occurs within the land use category of MDR and has a land use Zoning District of RM and, therefore, includes the anticipated build-out of the area. Increased property and sales tax associated with the direct and indirect improvement of the property would provide funding for necessary service increases associated with growth and development. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

*Police Protection?*

**Less Than Significant Impact**

The Project Site is located in the service area of the Victorville Police Department which contracts through San Bernardino County Sheriff's Department (SBSD). The Victorville



station is located at 14200 Amargosa Road, approximately three miles west of the Project Site.

The SBSO currently has 100 sworn officers assigned to the area of the City of Victorville and its Sphere of Influence. With an estimated population of 115,000 people, the ratio of officers to citizens is approximately 1:1,150. The Proposed Project, including the operation of a residential care facility, would likely be occupied by individuals from the surrounding areas and is not anticipated to create a significant increase in population. Additionally, employees are also expected to come from the existing local labor pool. The County of San Bernardino Police Department reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the County. Increased property and sales tax associated with the direct and indirect improvement of the property would provide funding for necessary service increases associated with growth and development. Therefore, the Proposed Project is not anticipated to significantly increase demand for police protection services. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

*Schools?*

#### **Less Than Significant Impact**

The Project Site is served by the Victor Elementary School District and the Victor Valley Union High School District. Construction activities would be temporary and would not result in substantial population growth. The Proposed Project is a request for a CUP to allow for the construction and operation of a residential care facility that would likely draw employees from the surrounding area, and therefore would not result in an increase in students. The residents at the facility would be of retirement age and would not result in new school-aged children for the area. Therefore, the Proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools or additional schools. With the collection of mandated development impact fees, impacts related to school facilities are expected to be less than significant. Therefore, no significant adverse impacts are identified or are anticipated and no mitigation measures are required.

*Parks?*

#### **Less Than Significant Impact**

The County of San Bernardino has a total of ten regional parks including the Mojave Narrows Regional Park, located north and adjacent to the Project Site. The City of Victorville has 19 parks that total approximately 216 acres and four activity centers. The Proposed Project would include recreation amenities on-site including an amenity center, lounges, walkways and hardscape courtyards that include outdoor seating, a reflective pool, and gathering spaces. The population that would be served by the Project would be primarily senior citizens and is not anticipated to draw a significant number of additional residents (i.e., families) to the area. In addition, employees would likely come from the surrounding community and would not result in people relocating to the area. The Proposed Project would not result in an increase in population that would increase the use of existing neighborhood and regional parks or other recreation

facilities in the vicinity as appropriate amenities would be provided on-site. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

*Other Public Facilities?*

### **No Impact**

The County Department of Public Works maintains most roads, drainage easements and regional flood control facilities in the general Project vicinity. The County will provide water and sewer services, and police and fire services will be provided by the County and the City of Victorville. Therefore, no impacts are 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>XVI. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **SUBSTANTIATION:**

#### **Submitted Project Materials**

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

### **Less Than Significant Impact**

The Proposed Project would include the construction of on-site recreational amenities and would not result in an increased use of existing neighborhood or regional parks which would result in the deterioration of these facilities. Increased property and sales tax associated with the direct and indirect improvement of the property would provide funding for necessary service increases associated with growth and development. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

**No Impact**

The Proposed Project is a request for a CUP to allow for the construction and operation of a residential care facility. The Proposed Project would include recreation amenities on-site including an amenity center, lounges, walkways and hardscape courtyards that include outdoor seating, a reflective pool, and gathering spaces. The population served by the Project would be primarily senior citizens and is not anticipated to draw a significant number of additional residents (i.e., families) to the area. In addition, new employees would likely come from the surrounding community and would not result in people relocating to the area. The Proposed Project would not result in an increase in population that would increase the use of existing neighborhood and regional parks or other recreation facilities in the vicinity as appropriate amenities would be provided on-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>XVII. TRANSPORTATION – Would the project:</b>					
a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**Traffic Impact Analysis; Project Application Materials**

- a,b) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?  
Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

### Less than Significant with Mitigation

A Traffic Impact Analysis (TIA), dated August 5, 2020 and revised October 9, 2020<sup>19</sup>, was prepared for the Proposed Project by Ganddini Group (see Appendix H). The report is available for review at the County of San Bernardino Land Use Services Department and is summarized herein. This Project was submitted and accepted for review prior to July 2019, and based upon County requirements, is not required to file a VMT analysis.

The purpose of the TIA was to provide an assessment of the traffic impacts resulting from the Proposed Project. The study objectives include (1) documentation of Existing traffic conditions in the project vicinity; (2) evaluation of Project and Cumulative traffic impacts; (3) evaluation of the Buildout Year (2040) conditions; and (4) identification of on-site and off-site improvements needed to mitigate potential impacts to the transportation system. The report analyzed traffic impacts for the anticipated opening date with occupancy of the development in Opening Year (2020) and Buildout Year (2040), at which time the Project would be generating trips at its full potential. For Buildout Year (2040) conditions, the roadway network would include the extension of Green Tree Boulevard between Hesperia Road and Ridgecrest Road. Based on the scoping agreement with County of San Bernardino and input from adjacent jurisdictions (Cities of Victorville, Hesperia, and Apple Valley), the study area consists of the following study intersections:

Study Intersections	Jurisdiction
1. Hesperia Road (NS) at Bear Valley Road (EW)	Victorville/Hesperia
2. Ridgecrest Road (NS) at Chinquapin Drive (EW)	County
3. Ridgecrest Road (NS) at Bluffcrest Street/Vista Point Drive (EW)	County/Victorville
4. Ridgecrest Road (NS) at High Crest St/Pebble Beach Drive (EW)	County/Victorville
5. Ridgecrest Road (NS) at Pahute Drive (EW)	County/Victorville
6. Ridgecrest Road (NS) at Bear Valley Road (EW)	Hesperia/Victorville
7. Park Road (NS) at Yates Road (EW)	County
8. Apple Valley Road (NS) at Yucca Loma Road (EW)	Apple Valley
9. Apatite Avenue (NS) at Bear Valley Road (EW)	Victorville/Hesperia
10. Industrial Boulevard (NS) at Bear Valley Road (EW)	Victorville/Hesperia
11. Project East Driveway (NS) at Yates Road (EW)	County
12. Ridgecrest Road (NS) at Green Tree Blvd (EW) -future 2040 only	Victorville
13. Hesperia Road (NS) at Green Tree Blvd (EW) -future 2040 only	Victorville
14. Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW)	Hesperia
15. Peach Avenue (NS) at Bear Valley Road (EW)	Hesperia

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<sup>19</sup> The updated TIA addressed a request from the City of Hesperia to include two additional study area intersections including Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) and Peach Avenue (NS) at Bear Valley Road (EW).

The following six (6) scenarios were analyzed for weekday AM and PM peak hour conditions:

- Existing (2018) Conditions
- Existing (2018) Plus Project
- Opening Year (2020) Without Project
- Opening Year (2020) With Project
- Buildout Year (2040) Without Project
- Buildout Year (2040) With Project

Pursuant to the traffic study guideline requirements, the minimum acceptable Level of Service in desert areas of the County of San Bernardino is C. Therefore, any intersection operating at Level of Service D, E or F will be considered deficient. For study intersections within the County of San Bernardino jurisdiction, a project traffic impact is considered significant if the project: (i) changes the Level of Service at an intersection from acceptable under “without project” conditions to unacceptable under “with project” conditions; or (ii) worsens a Level of Service deficiency under “without project” conditions, which requires mitigation to bring the Level of Service to without project conditions or better.

The study intersections currently operate at Level of Service C or better during the peak hours for Existing traffic conditions, except at the following study intersections that are projected to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Bear Valley Road; 3) Apatite Avenue/Bear Valley Road; 4) Tamarisk Road – I Avenue/Bear Valley Road; 5) Peach Avenue/Bear Valley Road. In addition, a traffic signal appears to currently be warranted at the study intersection of Apatite Avenue and Bear Valley Road and Peach Avenue and Bear Valley Road for Existing conditions.

The Proposed Project is forecast to generate a total of approximately 2,927 daily trips, including 221 trips during the AM peak hour and 253 trips during the PM peak hour. The following forecast conditions were calculated for the Project:

Existing Plus Project Conditions: The study intersections are forecast to operate at Level of Service C or better during the peak hours for Existing Plus Project conditions, except at the following study intersections that are forecast to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Chinquapin Drive; 3) Ridgecrest Road/Bear Valley Road; 4) Apatite Avenue/Bear Valley Road; 5) Project East Driveway/Yates Road; 6) Tamarisk Road – I Avenue/Bear Valley Road; and 7) Peach Avenue/Bear Valley Road.

Opening Year (2020) Without Project: The study intersections are forecast to operate at Level of Service C or better during the peak hours for Opening Year (2020) Without Project conditions, except at the following study intersections that are forecast to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Chinquapin Drive; 3) Ridgecrest Road/Bear Valley Road; 4) Apatite Avenue/Bear Valley Road; 5) Tamarisk Road – I Avenue/Bear Valley Road; and 6) Peach Avenue/Bear Valley Road.

Opening Year (2020) With Project: The study intersections are forecast to operate at Level of Service C or better during the peak hours for Opening Year (2020) With Project conditions, except at the following study intersections that are forecast to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Chinquapin Drive; 3) Ridgecrest Road/Bear Valley Road; 4) Apatite Avenue/Bear Valley Road; 5) Project East Driveway/Bear Valley Road; 6) Tamarisk Road – I Avenue/Bear Valley Road; and 7) Peach Avenue/Bear Valley Road. The Proposed Project is forecast to result in no significant impacts at the study intersections for Opening Year (2020) With Project conditions, with implementation of recommended improvements incorporated as mitigation in this Initial Study.

Buildout Year (2040) Without Project: The study intersections are forecast to operate at Level of Service C or better during the peak hours for Buildout Year (2040) Without Project conditions, except at the following study intersections that are forecast to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Chinquapin Drive; 3) Ridgecrest Road/Bear Valley Road; 4) Apple Valley Road/Yucca Loma Road; 5) Apatite Avenue/Bear Valley Road; 6) Ridgecrest Road/Green Tree Boulevard; 7) Hesperia Road/Green Tree Boulevard; 8) Tamarisk Road – I Avenue/Bear Valley Road; and 9) Peach Avenue/Bear Valley Road

Buildout Year (2040) With Project: The study intersections are forecast to operate at Level of Service C or better during the peak hours for Buildout Year (2040) With Project conditions, except at the following study intersections that are forecast to operate at Levels of Service D/E/F during the peak hours: 1) Hesperia Road/Bear Valley Road; 2) Ridgecrest Road/Chinquapin Drive; 3) Ridgecrest Road/Vista Point Drive; 4) Ridgecrest Road/Bear Valley Road; 5) Apple Valley Road/Yucca Loma Road; 6) Apatite Avenue/Bear Valley Road; 7) Project East Driveway/Yates Road; 8) Ridgecrest Road/Green Tree Boulevard; 9) Hesperia Road/Green Tree Boulevard; 10) Tamarisk Road – I Avenue/Bear Valley Road; and 11) Peach Avenue/Bear Valley Road.

The Project Applicant will be required to construct a number of on-site and off-site improvements to reduce impacts to study area intersections and roadway improvements (see Mitigation Measures below). The Project fair share contributions have also been calculated for Buildout Year (2040) improvement locations. The Project share of cost has been based on the proportion of project peak hour intersection turning movement volumes contributed to the improvement location relative to the total new Buildout Year (2040) peak hour intersection turning movement volume. The intersection fair share cost calculations are typically based on the higher of the morning and evening peak hour intersection turning movement volumes. The actual fair share calculations will be finalized subsequent to discussions between the County and the Applicant.

As noted in the TIA, since the intersection of Apatite Avenue and Bear Valley Road currently satisfies the traffic signal warrant based on Existing traffic conditions, the fair share percentage was calculated based on overall traffic volumes, including existing traffic volumes. The Proposed Project does not trigger the need for the traffic signal, because the intersection is already operating at Level of Service F during the peak hours. The intersection of Ridgecrest Road and Chinquapin Drive is already operating



at deficient Level of Service under Existing conditions, the Proposed Project should contribute its fair cost based on total traffic volumes. The deficient LOS at the Intersection of Ridgecrest Road and Chinquapin is only experienced by the existing residential traffic and turning movements from Chinquapin Drive where the Proposed Project does not increase the existing turning traffic on Chinquapin Drive.

As concluded in the TIA, the Proposed Project would contribute additional traffic at area intersections that are either already or will experience LOS of D, E, or F during future 2040 conditions. Therefore, 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:

**TC-1: Prior to issuance of building occupancy, the Project Proponent shall make the following improvements:**

- **Add northbound right turn overlap phasing for the intersection of Hesperia Road (NS) at Bear Valley Road (EW);**
- **Restripe to provide eastbound and westbound left turn lanes at the intersection of Ridgecrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW);**
- **Provide a second eastbound left turn lane for the intersection of Ridgecrest Road (NS) at Bear Valley Road (EW);**
- **Install a new traffic signal at the Project's East Driveway (NS) at Yates Road (EW). The proposed signal shall be coordinated with the existing signal at Park Road by hardline connection.**
- **For the intersection of Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW): 1) Restripe northbound approach to provide dual left turn lanes and one shared northbound through- right lane; 2) Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane; 3) Modify northbound-southbound signal phasing to protected left turn.**
- **The Project Proponent shall contribute on a fair share basis (based on total traffic volumes) toward the installation of a new traffic signal at the intersection of Peach Avenue (NS) at Bear Valley Road (EW).**

**TC-2: The Project Proponent shall contribute through an adopted traffic impact fee program in addition to any fair share contributions as shown in Figure 9 of the Traffic Impact Analysis dated October 9, 2020, for the following improvements:**

- **Installation of a new traffic signal at the intersection of Ridgecrest Road (NS) at Chinquapin Drive (EW).**
- **Installation of a new traffic signal at the intersection of Apatite Avenue (NS) at Bear Valley Road (EW).**

- Installation of a new traffic signal at Ridgecrest Road (NS) at Green Tree Boulevard (EW) in addition to the following: provide northbound left turn lane; provide shared northbound left/right lane; provide northbound right turn lane; provide eastbound right turn lane; provide westbound left turn.
- Provide third northbound through lane for the intersection at Hesperia Road (NS) at Green Tree Boulevard (EW). In addition fair share contributions shall also provide a northbound right turn lane; add northbound right turn overlap phasing; provide southbound left turn lane; provide third southbound through lane; provide southbound right turn lane; provide second eastbound left turn lane; provide two eastbound through lanes; provide two westbound left turn lanes; provide two westbound through lanes; add westbound right turn overlap phasing.

**TC-3:** For Buildout Year (2040) With Project conditions, the Project Proponent shall pay their fair share for improvements as recommended in the Traffic Impact Analysis dated October 9, 2020 toward the following improvements:

- Hesperia Road (NS) at Bear Valley Road (EW) - #1
  - Add northbound right turn overlap phasing.
- Ridgecrest Road (NS) at Chiquapin Drive (EW) - #2
  - Install a new traffic signal. Since the intersection is already operating at deficient Level of Service under Existing conditions, the project should contribute its fair cost based on total traffic volumes. The deficient LOS at the Intersection of Ridgecrest Road and Chiquapin (Intersection #2) is only experienced by the existing residential traffic and turning movements from Chiquapin Drive where the project does not increase the existing turning traffic on Chiquapin Drive.
- Ridgecrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW) - #3
  - Restripe to provide eastbound and westbound left turn lanes.
- Ridgecrest Road (NS) at Bear Valley Road (EW) - #6
  - Provide a second eastbound left turn lane.
- Apple Valley Road (NS) at Yucca Loma Road (EW) - #8 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]
  - Provide a second northbound left turn lane.
  - Add southbound right turn overlap phasing.
  - Add eastbound right turn overlap phasing.
  - Provide westbound right turn lane.

- **Apatite Avenue (NS) at Bear Valley Road (EW) - #9**
  - Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.
- **Project East Driveway (NS) at Yates Road (EW) - #11**
  - Install a new traffic signal. The proposed signal on Yates at the Project East Driveway (Intersection #11) should be coordinated with the existing signal at Park Road (Intersection #7) by hard line connection.
- **Ridgecrest Road (NS) at Green Tree Boulevard (EW) - #12 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]**
  - Install a traffic signal.
  - Provide northbound left turn lane.
  - Provide shared northbound left/right lane.
  - Provide northbound right turn lane.
  - Provide eastbound right turn lane.
  - Provide westbound left turn.
- **Hesperia Road (NS) at Green Tree Boulevard (EW) - #13 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]**
  - Provide third northbound through lane.
  - Provide northbound right turn lane.
  - Add northbound right turn overlap phasing.
  - Provide southbound left turn lane.
  - Provide third southbound through lane.
  - Provide southbound right turn lane.
  - Provide second eastbound left turn lane.
  - Provide two eastbound through lanes.
  - Provide two westbound left turn lanes.
  - Provide two westbound through lanes.
  - Add westbound right turn overlap phasing.
- **Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) - #14**
  - Restripe northbound approach to provide dual left turn lanes and one shared northbound through- right lane.
  - Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane.
  - Modify northbound-southbound signal phasing to protected left turn.

- **Peach Avenue (NS) at Bear Valley Road (EW) - #15**
  - **Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.**

**TC-4: The Project Proponent shall implement the following site-specific circulation and access mitigations including:**

- **Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.**
- **The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department.**
- **All on-site and site-adjacent improvements, including traffic signing/striping and project driveways, shall be constructed as approved by the County of San Bernardino Public Works Department.**
- **On-site parking shall be provided to the satisfaction of County of San Bernardino Planning Department.**

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

**Less than Significant with Mitigation**

The Project does not include a geometric design feature or incompatible uses that would substantially increase hazards. The speed limit on Yates Road is currently posted at 55 miles per hour. Based on Table 405.1A of the 2018 Highway Design Manual, to account for a single-unit truck making a left-turn from a stop with a 9.5 second time gap, the minimum corner sight distance was calculated to be 768 feet. The minimum stopping sight distance standard is 500 feet. As concluded in the TIA, the proposed Project driveway has adequate sight distances when the removal of visual obstructions for specific areas is adhered to. 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.

**TC-5: During final plan check, County Planning Staff shall ensure that the yellow highlighted triangular areas as shown in Figure 35 of the Traffic Impact Analysis is clear of visual obstructions no more than two feet in height.**

- d) *Result in inadequate emergency access?*

### Less Than Significant Impact

As required by the County, the Project would provide two driveways with a minimum width of 26 feet to allow for emergency access. A second driveway near the southwest corner of the Project Site, would be dedicated for emergency access only. The Proposed Project would be subject to any conditions required by the San Bernardino County Fire Department to maintain adequate emergency access. 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>XVIII. TRIBAL CULTURAL RESOURCES</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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **SUBSTANTIATION:**

**Countywide Plan, 2020; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials**

- a) *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;*

### **Less Than Significant Impact**

During preparation of the Phase I Cultural Resources Assessment, a cultural resources records search was completed at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. McKenna et al. completed the search on July 13, 2017 for the Project area and all lands found within a one-mile radius. The search found that a majority of the Project area was previously surveyed for cultural resources and included in three reports (1061041, 1061044, and 1067167). In addition, 52 other studies were completed within a one-mile radius of the project site that collectively recorded a total of 33 cultural resources. Of these, two were found to be within or directly adjacent to the project site.

The first previously identified cultural resource - P36-010154 was recorded in 1999 and described to be an historic foundation with an associated scatter of historic refuse. The cultural resource was mapped as being northwest of the project site boundary and, therefore, would not be impacted by the Proposed Project.

The second previously identified cultural resource - P36-004313 was recorded numerous times including 1980, 1999, and 2011. The resource was identified as both a surface and subsurface distribution of artifacts located on upper Mojave River terrace and southwest of the Mojave River Narrows Regional Park. The resource was identified as being a village site that included a historic irrigation canal, presence of dark soil localities that may be representative of hearth locations and artifact scatter including fire-affected rock, jasper and quartzite debitage, cobble manos, a schist metate, quartzite scraper, and quartzite chopper. Cultural resource P36-004313 was identified to cover the northern portion of the property and extends to the east and west of the Project Site. This resource, although not listed in the National Register of Historic Places (NRHP), would qualify for recognition as a significant resource.

A pedestrian survey was conducted and resulted in evidence of a village site. Metates, manos, pestle(s), flaked tools, projectile points, core(s), and debitage were observed over an area that dominates the Project Site. Darkened soils were also present and suggest the potential for midden deposits and fire affected rock associated with buried hearths. Artifact scatter was identified on the surface, but generally in areas where there was some surface disturbance, indicating these items were buried at some point. Therefore, the potential for additional buried artifacts was determined to be relatively high. As concluded in the Phase I Cultural Resources Report, a Phase II archaeological testing program was recommended.

Tierra Environmental Services (Tierra) prepared an Archaeological Resources Testing and Evaluation Report for the Project Site. After negotiations with representatives of the County of San Bernardino, Lilburn Corporation, and the San Manuel Band of Mission Indians (SMBMI) regarding the scope of work to be undertaken, a Phase II Testing Plan was developed, and fieldwork began on May 11, 2020, and testing took place on May 13-15 and 18-20, 2020.

The purpose of the Archaeological Resources Testing was to evaluate the significance of SBR-4313-H (i.e. P36-004313) using both California Register of Historic Resources (CRHR) criteria and Native American tribal values and concerns. The final agreed-upon approach was the excavation of 48, 50 x 50 cm Shovel Test Pits (STPs), spaced 45 meters apart, in a grid pattern covering the site's furthest extent as derived from the various site boundaries created by Drover (1980), James and Briggs (1999) and McKenna (2017) to the extent they are within the Project Site for a total of about 14 acres. These were excavated to a minimum of 40 cm (the depth of the deposits estimated by Drover in 1980). If any cultural material was encountered, excavations continued at least 20 cm of sterile soil beyond those finds. In accordance with the Phase II Testing Plan, all artifacts and ecofacts were photographed, key artifact attributes were recorded in the field, and then all cultural material was reburied without external laboratory or specialized analyses. Information on soils was also noted. Disturbed areas were also mapped, including the presence of berms and other raised areas, trails, dirt roads, and historic trash.

A total of 140 prehistoric and 25 historic artifacts were recovered from subsurface excavations along with one surface prehistoric artifact. Prehistoric artifacts included primarily fire-altered rock and fire-affected small animal and bird bone, along with two *Olivella* side wall beads, three flakes (chalcedony and quartzite), and an obsidian projectile point fragment from the surface. Several possible prehistoric flakes, cores and mano fragments, along with a possible hammerstone and scraper, were also found. Three gastropod shells (not *Olivella*) and 2 tiny fragments of possible oyster shell were recovered, but these were not viewed as cultural ecofacts. These finds are in addition to 10 mano and metate fragments, a core, a pestle fragment, five bifaces (including projectile points and point fragments), and a cluster of chalcedony and jasper flakes found on the surface by McKenna (2017). Note that of the latter, six formal tools and the cluster of debitage are located outside of the project boundary.

The Phase II Investigation concluded that the site was not a village site due to the low diversity of artifacts, the lack of developed midden, the relatively few areas with significant subsurface deposits, and the absence of any indication of human remains (other than possibly the presence of the two shell beads). In addition, historic features on the part of the site within the Project area are unlikely to be more than 50 years old, and only a few scattered artifacts greater than 50 years old were recovered, often from different time periods including a few scattered, almost entirely surface fragments of purple glass (1870s-1925), a Remington bullet casing (1962-present), a Coors beer can with removal pull tab without sharp edges (1965-1975), and Styrofoam (1941-present) fragments in STP 39. The thinly scattered surface and few subsurface artifacts do not establish the existence of an historic site (i.e., greater than 50 years old) and are not viewed as a significant historic resource. Implementation of Mitigation Measures CR-1, CR-2 and CR-3 as presented in Section V of this Initial Study would ensure that potential impacts to any early California historical resources are reduced to a less than significant level. Therefore, no significant adverse impacts are identified or anticipated and no additional mitigation measures are proposed.

- b) *ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource*



*Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

### **Less than Significant with Mitigation**

A search of the Native American Heritage Commission Sacred Lands File was completed for the area of potential effect (APE), with negative results. On October 19, 2020, the County of San Bernardino mailed notification pursuant to AB52 to the following 6 tribes: Gabrieleno/Tongva San Gabriel Band of Mission Indians, Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Colorado River Indian Tribes, Fort Mojave Indian Tribe, and Twenty-Nine Palms Band of Mission Indians.

McKenna et al. conducted Native American consultation through contact with the Native American Heritage Commission in Sacramento and inquired into the presence or absence of known sacred or religious sites in or around the APE (Appendix C). The Native American Heritage Commission reported that no known sacred sites or religious resources were identified with the specific project area or its surrounding areas, but noted resources were known and recorded for the general area. Additional research identified rock art sites and at least one burial.

In addition to consultation with the Commission, McKenna et al. received a listing of local Native American representatives wishing to comment on projects within their sphere(s) of influence or cultural affiliation. McKenna et al. send letters to all identified individuals, describing the project and included maps illustrating the specific location of the project.

McKenna et al. exchanged a series of emails with representatives of the San Manuel Band of Mission Indians. McKenna et al. informed the San Manuel of the recent findings and preliminary conclusions and the need for a Phase II testing program. The San Manuel concurred and assisted in the preparation of the Phase II Testing Program.

Based on consultation under AB 52 with interested tribes, final recommendations shall be incorporated into the Project's Conditions of Approval. Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are:

**TCR-1: Prior to the issuance of a grading permit, the Applicant shall produce a letter from the Cultural Resources Management Department of the San Manuel Band of Mission Indians indicating that the Applicant has avoided impacts to sensitive tribal cultural resources (TCRs) and/or completed archaeological data recovery of those resources to the Tribe's satisfaction. While preservation in place is the Tribe's preferred treatment of TCRs, should data recovery prove necessary, a qualified archaeologist shall create a research design in coordination with the Tribe, that shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to**

implementation, and all removed material shall be temporarily curated on-site in a secure location. The long-term artifact treatment for cultural resources recovered during archaeological data recovery shall follow protocols established in CUL-2.

Draft copies of the archaeological data recovery report shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final report and updated site record are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

**TCR-2:** Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians. Ground-disturbance includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency. The plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

<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>XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:*****Mojave Water Agency Urban Management Plan; Submitted Project Materials***

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

**Less Than Significant Impact**

The Project Site is currently vacant and includes a request for a CUP to allow for the construction and operation of a residential care facility. The Project would receive water service from the County of San Bernardino (CSA 64), natural gas service from SoCal Gas, electricity from Edison, and phone service from Verizon.

Nearby water lines, electric power lines, and gas lines south of the Project Site would be extended to service the Proposed Project. The Proposed Project would not require construction of new or expanded water facilities, electric power, or natural gas facilities. Additionally, implementation of the Proposed Project would not result in a significant increase in demand for phone services. The San Bernardino County Department of Public Works, Special Districts Water and Sanitation Division provided a letter of intent to provide water and sewer service the Proposed Project. As stated in the letter, dated September 17, 2020, the Division intends to serve the Proposed Project provided that all conditions are met as outlined in the sewer feasibility study and the water feasibility study. The required water and wastewater infrastructure improvements necessary for County Service Area 64 (CSA 64) to serve as outlined in the feasibility studies shall be constructed and paid for by the developer. All improvements would be constructed to

CSA 64's standards and would be deeded to that Division. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### **Less Than Significant Impact**

The Project Site would be served by the County of San Bernardino and is located within CSA 64. CSA 64 covers approximately four square miles and provides water to residential, commercial, retail, schools and recreational uses including golf courses and Spring Valley Lake. Water supply for CSA 64 is supplied by the Mojave Water Agency (MWA). A draft Urban Management Plan was created for CSA 64 and states that groundwater is the primary source that supplies CSA 64. CSA 64 has a Free Production Allowance (FPA) available to pump groundwater to use as a potable water source. Once CSA 64 pumps above the FPA, they must purchase water from MWA to offset what is pumped above the FPA. A Groundwater Management Plan was put into place that monitors groundwater levels. The current water system includes five wells with a total pumping capacity of 5,560 gallons per minute (gpm) or 8,652 acre-feet per year (AFY), operating full time). Each well requires downtime for maintenance. For the purposes of establishing annual supply, it is assumed that each well could be down up to 50 percent of the time. This would equate to a reliable supply of 4,476 AFY. CSA 64 is in the process of drilling and equipping a new source well with the capacity of 1,800 gpm that would increase pumping capacity to an adequate level during max demand periods.

Based on current demands, future water requirements in 2040 would be higher than 50 percent utilization that well pump capacity could deliver, if well pumps operated at 100 percent, water requirement would be achieved. Depending on yearly precipitation rates, future water demands could exceed supply. To fulfill future water supplies, other water options may include desalinated water, water transfers, reduction analysis and recycled water to replenish future groundwater aquifer levels if pumping surpasses the Free Production Allowance.

With regards to source water production, the State Water Resources Control Board (Division of Drinking Water) performed a Sanitary Survey for CSA 64 with results provided in a letter dated May 14, 2020. The letter identified the historic Maximum Day Demand (MDD) (year 2010) exceeds the current source capacity (with the highest source off-line). A MDD of 5.92 MGD is compared with a source capacity of 5.06 MGD resulting in an apparent existing deficiency of 0.86 MGD. However, given the significant MDD reduction trend (since 2010) when compared to years 2011-2018, a more appropriate computation could be made by averaging the current trend values. In doing so (and excluding year 2017 as an anomaly), the MDD would adjust to 4.48 MGD and thus an apparent surplus of 0.58 MGD would result.

The Proposed Project is estimated to have an annual water demand of approximately 15 acre-feet, including approximately 2.25 acre-feet for landscaping (about 15 percent of the total), or less than ½ of one percent of the currently available CSA 64 water supply assuming wells are down up to 50 percent of the time. The Project is an allowable use under the Countywide Plan and has been zoned for residential use. As previously stated, a letter of intent to service the Project was provided by the County. If an overall usage

of water within CSA 64 exceeded allowable levels, CSA 64 would be assessed a replenishment charge to buy resources for aquifer replenishment. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

### **Less Than Significant Impact**

The CSA 64 service area does not contain any wastewater treatment facilities. A sewer collection system collects all the wastewater from the customers that do not have septic systems. Currently, wastewater within the service boundary of CSA 64 is collected via the collector sewer system owned and operated by CSA 64. The collector system includes three sewage lift stations. Total wastewater flow is measured through a single metering station as it discharges to regional interceptor sewer (CSA 64 Outfall) and to the Regional Wastewater Treatment Plant (Regional Plant) owned and operated by the Victor Valley Wastewater Reclamation Authority (VWVRA). The VWVRA serves portions of Victorville, Hesperia, Apple Valley, and CSA 64.

VWVRA conveys wastewater using 41.5 miles of interceptor sewer and two pump stations to its Regional Plant that currently has 17 million gallons per day of treatment capacity. Wastewater treated by the VWVRA is either discharged to the Mojave River or utilized as recycled water for irrigative use after undergoing an extensive cleaning and purification process. The Regional Plant is located adjacent to the Southern California Logistics Airport (SCLA) approximately nine miles north of CSA 64.

Based on a Sewer Feasibility Study, dated September 4, 2020, prepared for the Proposed Project by Albert A Webb Associated, the Project would have an estimated peak flow of 152,155 gpd (0.24 cfs). The Project Proponent proposes to build approximately 2,100 linear feet of 8-inch sewer line in the public right of way of Yates Road and connect to the existing CSA 64 24-inch sewer with a new 60-inch diameter manhole at the intersection of Tahoe Lane and Yates Road at a flow line of approximately 2754.80 feet per the as-built drawings. The proposed manhole connection point is approximately 20 feet deep. Minimum slope and minimum cover requirements are expected to be satisfied. The analysis included the review of the existing downstream 21-inch Vitrified clay pipe (VCP) sewer and was found to have capacity for the proposed development. The Sewer Feasibility Study found that the CSA 64 sewer system is capable of receiving flows from the Proposed Project.

The required wastewater infrastructure improvements necessary for County Service Area 64 (CSA 64) to serve as outlined in the feasibility studies shall be constructed and paid for by the developer. Sufficient wastewater treatment capacity exists at the VWVRA Regional Plant. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**Less Than Significant Impact**

The Project Site is currently within the refuse collection area of Burrtec Waste Industries. Solid waste generated at the Project Site is disposed of at either the San Bernardino County Victorville Sanitary Landfill (36-AA-0045) or other active landfills as necessary. Burrtec's operators determine the final disposal location on a case-by-case basis. The Victorville Sanitary Landfill has a maximum throughput of 3,000 tons per day, an expected operational life through 2047, and a remaining capacity of 81,510,000 cubic yards. The Proposed Project includes a request for a CUP to allow for the construction and operation of a residential care facility. The Project would include 279 employees and 150 residences and is estimated to generate approximately one ton of solid waste per day (Nursing/retirement home estimated rate of five pounds per person per day).<sup>20</sup> The project-generated waste represents less than one percent (approximately 0.033 percent) of the total permitted waste received at the Victorville Sanitary Landfill. The Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**Less Than Significant Impact**

The purpose of California Assembly Bill 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills by recycling. It mandates businesses and public entities generating 4-cubic yards or more of trash to establish and maintain recycling services. The County of San Bernardino Solid Waste Management Division reviews and approves all new construction projects that require a Construction and Demolition Solid Waste Management Plan.

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, proposed projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Disposal/diversion receipts or certifications are required as a part of that summary.

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.

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<sup>20</sup> <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed October 29, 2020.

<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>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**Countywide Plan; Submitted Project Materials**

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

**No Impact**

According to the San Bernardino Countywide Plan Draft EIR, Table 5.8-10, evacuation routes include major highways, including Yates Road which is located south of the Project Site<sup>21</sup>. Specifically, one full access driveway and one secondary access driveway are proposed along Yates Road including a signalized main driveway near the southeast corner of the site and a stop-controlled driveway located near the southwest corner. The Proposed Project is not anticipated to interfere with the use of Yates Road during an evacuation. As concluded in the EIR, Projects developed under the Countywide Plan would not block or otherwise interfere with the use of evacuation routes. Specific evacuation routes would be designated during an emergency by the San Bernardino County Sheriff's Department in accordance with the County's emergency management plan. The Proposed Project would comply with the policies set forth in the Countywide Plan and would not impair an adopted emergency response

<sup>21</sup> ountywideplan.com/wp-content/uploads/2019/06/Ch\_05-08-HAZ.pdf. Accessed October 27, 2020.



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

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

**No Impact**

Fire safety areas are prone to wildfires and require additional development standards. The Project Site does not occur within a Fire Safety Overlay (FS1) area and is identified as having a Fire Hazard Severity Class of "Moderate" as shown on the Countywide Plan Policy Map HZ-5 <sup>22</sup>. The Site is surrounded by vacant land followed by railroad tracks to the west, residential uses to the south, Mojave Narrows Regional Park to the north and vacant land to the east. Mojave Narrows Regional Park is regularly maintained and is void of heavy vegetation. Due to the lack of wildfire fuel factors within the area and at the Project Site, the risk of wildfire is considered less than significant. The Proposed Project shall comply with applicable standards required by the County of San Bernardino. The Proposed Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No Impact**

The Project Site does not occur within a Fire Safety Overlay (FS1) area and is identified as having a Fire Hazard Severity Class of "Moderate" as shown on the Countywide Plan Policy Map HZ-5 <sup>23</sup>. The Project Site is currently vacant and is located in an urbanized area and includes existing roadways and emergency water sources. The Project Site is relatively flat and accessible by emergency services (i.e., fire apparatus) and does not include the installation of new roads, power lines or other utilities that would result in an additional fire risk for the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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<sup>22</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=355f9beb4a8f446e8869459e91d58431>  
Accessed October 28, 2020.

<sup>23</sup><https://www.arcgis.com/apps/webappviewer/index.html?id=355f9beb4a8f446e8869459e91d58431>  
Accessed October 28, 2020.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

### Less Than Significant Impact

The Project Site and its immediate vicinity are relatively flat, not located within a Fire Safety Overlay, and the subject property is relatively free of notable slopes. As such, post-fire slope instability is not anticipated. The implementation of associated storm water BMPs would ensure that the Proposed Project appropriately conveys storm water runoff without affecting upstream or downstream drainage characteristics. As a result, the Proposed Project would not expose people or structure to significant risks, such as downslope flooding or landslides. 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>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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

### **Less Than Significant Impact**

The conditions present onsite are marginally suitable for BUOW. The results of the field survey concluded that no evidence of BUOW was found in the survey area. No burrows of appropriate size, aspect or shape were located and no BUOW pellets, feathers or whitewash was found. No burrowing owl individuals were observed. According to the CNDDB, there are 24 documented occurrences of BUOW within the Victorville and Hesperia quads. The nearest documented BUOW occurrence (2006) is approximately 2.75 miles west of the Project Site.

Since the conditions present onsite are marginally suitable for BUOW, and this species has been documented within the vicinity, a preconstruction BUOW survey, as required in Mitigation Measure BIO-1, is required to avoid any potential project-related impacts to this species. Similarly, five Joshua trees were documented within the current site plan. Joshua trees are currently protected by the County of San Bernardino protected by the CESA. Currently, all Joshua trees would be removed to allow for construction of the Proposed Project and replanted on-site following post construction. Implementation of Mitigation Measures AES-1, BIO-2 and BIO-3 as provided in this Initial Study, would ensure potential impacts to Joshua trees are reduced to a less than significant level. Therefore, with implementation of mitigation measures presented in this Initial Study the Proposed Project would not 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

An Archaeological Resources Testing and Evaluation Report, dated October 2020, was prepared for the Project Site by Tierra Environmental Services (Tierra). The purpose of the Archaeological Resources Testing was to evaluate the significance of SBR-4313-H using both California Register of Historic Resources (CRHR) criteria and Native American tribal values and concerns. A total of 140 prehistoric and 25 historic artifacts were recovered from subsurface excavations along with one surface prehistoric artifact.

The Archaeological Resources Testing and Evaluation Report concluded that the site was not a village site as was suggested by McKenna (2017), due to the low diversity of artifacts, the lack of developed midden, the relatively few areas with significant subsurface deposits, and the absence of any indication of human remains (other than possibly the presence of the two shell beads). In addition, historic features on the part of the site within the project area are unlikely to be more than 50 years old, and only a few scattered artifacts greater than 50 years old were recovered, often from different time periods-- a few scattered, almost entirely surface fragments of purple glass (1870s-1925), a Remington bullet casing (1962-present), a Coors beer can with removal pull tab without sharp edges (1965-1975), and Styrofoam (1941-present) fragments in STP 39. The thinly scattered surface and few subsurface artifacts do not establish the

existence of an historic site greater than 50 years old and are not viewed as a significant historic resource. In conclusion, both the prehistoric and historic components of SBR-4313-H situated in the project area are not considered significant historic resources under CEQA criteria. Nonetheless, given the general sensitivity of the site's location with important village sites in the general vicinity, construction monitoring is recommended for the northern third of the Project, i.e., north of the wash which crosses the center of the Project Site, to ensure potential impacts are reduced to a less than significant level. Therefore, no significant adverse impacts are identified or anticipated, and no additional mitigation measures are required.

- 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)?*

### **Less Than Significant Impact**

Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact 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, generally states:

- Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- 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.

As concluded in the TIA, the Proposed Project is anticipated to generate a total of approximately 2,927 daily trips, including 221 trips during the AM peak hour and 253 trips during the PM peak hour. Cumulative impacts associated with the Proposed Project would be mitigated to a less than significant impact with implementation of Mitigation Measures TC-1 through TC-5. Construction emissions from the Proposed Project were calculated to exceed the SCAQMD threshold for ROG. However, with implementation of Mitigation Measure AQ-1, which would extend painting activities during construction to 42 days, impacts to Air Quality would be reduced to less than significant, and the Proposed Project would comply SCAQMD's AQMP. Greenhouse gas emissions from the Proposed Project would exceed County thresholds. However, implementation of Mitigation Measures GHG-1 through GHG-5 would reduce potential impacts to GHGs to a less than significant level. Therefore, air quality and greenhouse gas impacts would not be cumulatively considerable.

Impacts associated with the Proposed Project would not be considered individually or cumulatively adverse or considerable. Impacts identified in this Initial Study can be

reduced to a less than significant impact. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

### **Less Than Significant Impact**

The Project Site is not located in an area that is susceptible to geologic hazards. Implementation of Mitigation Measures GEO-1 and GEO-2 would ensure that impacts due to geologic hazards would be reduced to a less than significant level. In addition, implementation of Mitigation Measure N-1 through N-7 would ensure that noise impacts are reduced to a less than significant level. Therefore, implementation of the Proposed Project would not have environmental effects that would cause substantial adverse effects on human beings. At a minimum, the Project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, and current or future land uses authorized by the Project approval. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

## **MITIGATION MEASURES**

Any mitigation measures that are not “self-monitoring” shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition compliance will be verified by existing procedure.

### **Biological Resources**

- BIO-1:** A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the *Staff Report on Burrowing Owl Mitigation* (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the *Staff Report on Burrowing Owl Mitigation* such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).
- BIO-2:** If the Project, including any Project related construction activity, results in take of Joshua trees (a CESA-listed species), the applicant shall seek appropriate authorization prior to Project implementation through an Incidental Take Permit if the species cannot be avoided and provide such documentation to the County Planning Division prior to issuance of a grading permit.
- BIO-3:** In the event relocation of Joshua trees is permissible, the Project Applicant shall prepare a relocation plan for CDFW approval and shall obtain a Relocation-Protected Plant Permit from the County of San Bernardino, prior to commencement of Project activities. Evidence of the CDFW approval shall be provided to the County Planning Division prior to issuance of a grading permit.
- BIO-4:** Construction of the access road and in-channel drop structures are considered an alteration of a State Streambed Water that falls under the jurisdictions of the CDFW and RWQCB. A Section 1600 Streambed Alteration Agreement from the CDFW and a Waste Discharge Requirement (WDR) Permit from the RWQCB shall be obtained prior to the issuance of grading/construction permits.
- BIO-5:** Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory

passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

### **Cultural Resources**

**CR-1:** An archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians (SMBMI). Ground-disturbing activities include, but are not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work. A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground-disturbing activities within culturally sensitive areas receive thorough levels of monitoring coverage.

A Monitoring and Treatment Plan that is reflective of the project mitigation and includes a map of areas sensitive for Tribal Cultural Resources provided by San Manuel Band of Mission Indians (SMBMI) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the SMBMI Cultural Resources Department. Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

**CR-2:** If a 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 Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding the treatment of the discovered resource(s). As outlined in CEQA, the Applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in place, and therefore the removal of the resource(s) is



necessary to mitigate impacts, a research design may be developed in consultation with SMBMI.

The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloging and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the 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 archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

**CR-3:** In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource. No further excavation or disturbance of the site within 100 feet of the identified resource shall occur until the County Coroner has determined makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

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).

**CR-4:** If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA)

**25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.**

### **Geology/Soils**

- GEO-1:** The Project Applicant shall incorporate appropriate geotechnical recommendations, as contained in the Final Geotechnical Report, into all building and grading plans provided to the County for review and approval prior to issuance of building and/or grading permits.
- GEO-2:** At the completion of rough grading, additional testing of engineering characteristics, such as expansion potential and ancillary testing, shall take place. Findings shall be summarized in a letter report and submitted to the County. Recommendations presented in the letter report and approved by the County shall be incorporated during final grading stages of the Project.
- GEO-3:** In the event excavations exceed three (3) feet, a qualified vertebrate paleontologist shall be present. All monitoring shall conform to the standards and protocols of the San Bernardino County Museum and approved by the County Planning Division.
- GEO-4:** The approved paleontologist shall collect sediment samples and make a determination regarding the small fossil potential in soils at the Project Site.
- GEO-5:** Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.

### **Greenhouse Gases**

- GHG-1:** The Project Proponent shall ensure that the following enhanced building materials are used during the construction of each building: insulation (rigid wall insulation R-13, roof/attic: R-38), window insulation (0.32 U-Factor, 0.25 SHGC); air infiltration - blower Door HERS Verified Envelope Leakage or equivalent; High Efficiency Water Heater (0.72 Energy Factor); Very High Efficiency Lights (100 percent of in-unit fixtures are high efficacy); Energy Star Refrigerator (new), Energy Star Dish Washer (new), and Energy Star Washing Machine (new); Solar Ready Homes (sturdy roof and solar ready service panel).
- GHG-2:** The Project Proponent/Applicant shall be responsible for overseeing the installation of water efficient showerheads (2.0 gallons per minute), water efficient toilets (1.5 gallons per minute), water efficient faucets (1.28 gallons per minute), water efficient dishwasher (6 gallons per cycle or less), and water efficient washing machine (water factor less than 5.5 gallons per cycle).
- GHG-3:** Prior to construction, the Project Proponent shall develop a Construction and Demolition Debris Diversion Program to include a minimum 10 percent recycling of construction debris to be implemented by the construction contractor during construction of the Project.

**GHG-4:** Prior to final inspection and issuance of occupancy permits, the Project Proponent shall implement a 75 percent Solid Waste Diversion Program by providing separated recycling bins on every floor of each building. In addition, large external recycling collection bins shall be provided at a central location for collection truck pick-up.

#### **Noise**

**N-1:** During all project site excavation and grading, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**N-2:** The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

**N-3:** Equipment shall be shut off and not left to idle when not in use.

**N-4:** The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.

**N-5:** The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.

**N-6:** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.

**N-7:** In order to meet HUD requirements, the Project Proponent shall ensure that windows proposed on the southern and western facades of the assisted care building shall have an STC rating of at least 27 to ensure that noise levels inside the proposed residential units do not exceed 45 DNL; and windows proposed on the western and northern facades of the independent living building shall have an STC rating of at least 28 to ensure that noise levels inside the proposed independent living building do not exceed 45 DNL.

#### **Transportation**

**TC-1:** Prior to issuance of building occupancy, the Project Proponent shall make the following improvements:

- Add northbound right turn overlap phasing for the intersection of Hesperia Road (NS) at Bear Valley Road (EW);
- Restripe to provide eastbound and westbound left turn lanes at the intersection of Ridgcrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW);
- Provide a second eastbound left turn lane for the intersection of Ridgcrest Road (NS) at Bear Valley Road (EW);

- Install a new traffic signal at the Project's East Driveway (NS) at Yates Road (EW). The proposed signal shall be coordinated with the existing signal at Park Road by hardline connection.
- For the intersection of Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW): 1) Restripe northbound approach to provide dual left turn lanes and one shared northbound through- right lane; 2) Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane; 3) Modify northbound-southbound signal phasing to protected left turn.
- The Project Proponent shall contribute on a fair share basis (based on total traffic volumes) toward the installation of a new traffic signal at the intersection of Peach Avenue (NS) at Bear Valley Road (EW).

**TC-2:** The Project Proponent shall contribute through an adopted traffic impact fee program in addition to any fair share contributions as shown in Figure 9 of the Traffic Impact Analysis dated October 9, 2020, for the following improvements:

- Installation of a new traffic signal at the intersection of Ridgecrest Road (NS) at Chinquapin Drive (EW).
- Installation of a new traffic signal at the intersection of Apatite Avenue (NS) at Bear Valley Road (EW).
- Installation of a new traffic signal at Ridgecrest Road (NS) at Green Tree Boulevard (EW in addition to the following: provide northbound left turn lane; provide shared northbound left/right lane; provide northbound right turn lane; provide eastbound right turn lane; provide westbound left turn.
- Provide third northbound through lane for the intersection at Hesperia Road (NS) at Green Tree Boulevard (EW). In addition fair share contributions shall also provide a northbound right turn lane; add northbound right turn overlap phasing; provide southbound left turn lane; provide third southbound through lane; provide southbound right turn lane; provide second eastbound left turn lane; provide two eastbound through lanes; provide two westbound left turn lanes; provide two westbound through lanes; add westbound right turn overlap phasing.

**TC-3:** For Buildout Year (2040) With Project conditions, the Project Proponent shall pay their fair share for improvements as recommended in the Traffic Impact Analysis dated October 9, 2020 toward the following improvements:

- Hesperia Road (NS) at Bear Valley Road (EW) - #1
  - Add northbound right turn overlap phasing.
- Ridgecrest Road (NS) at Chinquapin Drive (EW) - #2
  - Install a new traffic signal. Since the intersection is already operating at deficient Level of Service under Existing conditions, the project

should contribute its fair cost based on total traffic volumes. The deficient LOS at the Intersection of Ridgecrest Road and Chinquapin (Intersection #2) is only experienced by the existing residential traffic and turning movements from Chinquapin Drive where the project does not increase the existing turning traffic on Chinquapin Drive.

- Ridgecrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW) - #3
  - Restripe to provide eastbound and westbound left turn lanes.
- Ridgecrest Road (NS) at Bear Valley Road (EW) - #6
  - Provide a second eastbound left turn lane.
- Apple Valley Road (NS) at Yucca Loma Road (EW) - #8 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]
  - Provide a second northbound left turn lane.
  - Add southbound right turn overlap phasing.
  - Add eastbound right turn overlap phasing.
  - Provide westbound right turn lane.
- Apatite Avenue (NS) at Bear Valley Road (EW) - #9
  - Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.
- Project East Driveway (NS) at Yates Road (EW) - #11
  - Install a new traffic signal. The proposed signal on Yates at the Project East Driveway (Intersection #11) should be coordinated with the existing signal at Park Road (Intersection #7) by hard line connection.
- Ridgecrest Road (NS) at Green Tree Boulevard (EW) - #12 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]
  - Install a traffic signal.
  - Provide northbound left turn lane.
  - Provide shared northbound left/right lane.
  - Provide northbound right turn lane.
  - Provide eastbound right turn lane.
  - Provide westbound left turn.
- Hesperia Road (NS) at Green Tree Boulevard (EW) - #13 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]
  - Provide third northbound through lane.
  - Provide northbound right turn lane.

- Add northbound right turn overlap phasing.
- Provide southbound left turn lane.
- Provide third southbound through lane.
- Provide southbound right turn lane.
- Provide second eastbound left turn lane.
- Provide two eastbound through lanes.
- Provide two westbound left turn lanes.
- Provide two westbound through lanes.
- Add westbound right turn overlap phasing.
- Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) - #14
  - Restripe northbound approach to provide dual left turn lanes and one shared northbound through-right lane.
  - Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane.
  - Modify northbound-southbound signal phasing to protected left turn.
- Peach Avenue (NS) at Bear Valley Road (EW) - #15
  - Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.

**TC-4:** The Project Proponent shall implement the following site-specific circulation and access mitigations including:

- Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.
- The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department.
- Hesperia Road (NS) at Green Tree Boulevard (EW) - #13 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]
  - Provide third northbound through lane.
  - Provide northbound right turn lane.
  - Add northbound right turn overlap phasing.



- Provide southbound left turn lane.
- Provide third southbound through lane.
- Provide southbound right turn lane.
- Provide second eastbound left turn lane.
- Provide two eastbound through lanes.
- Provide two westbound left turn lanes.
- Provide two westbound through lanes.
- Add westbound right turn overlap phasing.
- Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) - #14
  - Restripe northbound approach to provide dual left turn lanes and one shared northbound through- right lane.
  - Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane.
  - Modify northbound-southbound signal phasing to protected left turn.
- Peach Avenue (NS) at Bear Valley Road (EW) - #15
  - Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.

**TC-4:** The Project Proponent shall implement the following site-specific circulation and access mitigations including:

- Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.
- The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department.

**TC-5:** During final plan check, County Planning Staff shall ensure that the yellow highlighted triangular areas as shown in Figure 35 of the Traffic Impact Analysis is clear of visual obstructions no more than two feet in height.

#### **Tribal Cultural Resource**

**TCR-1:** Prior to the issuance of a grading permit, the Applicant shall produce a letter from the Cultural Resources Management Department of the San Manuel Band of Mission Indians indicating that the Applicant has avoided impacts to sensitive tribal cultural resources (TCRs) and/or completed archaeological data recovery

of those resources to the Tribe's satisfaction. While preservation in place is the Tribe's preferred treatment of TCRs, should data recovery prove necessary, a qualified archaeologist shall create a research design in coordination with the Tribe, that shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site in a secure location. The long-term artifact treatment for cultural resources recovered during archaeological data recovery shall follow protocols established in CUL-2.

Draft copies of the archaeological data recovery report shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final report and updated site record are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

- TCR-2:** Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians. Ground-disturbance includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency. The plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

## **GENERAL REFERENCES**

California Department of Conservation. Seismic Hazards Program, California Geological Survey Interactive Map <https://maps.conservation.ca.gov/cgs/EQZApp/app/> Accessed April 9, 2020.

California Department of Conservation's Farmland Mapping and Monitoring Program <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed July 13, 2020.

California Department of Fish and Wildlife's California Natural Community Conservation Plans Map <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed July 15, 2020.

California Department of Toxic Substances Control's EnviroStor data management system <https://www.envirostor.dtsc.ca.gov/public/map/> accessed August 5, 2020.

Draft Environmental Impact Report San Bernardino Countywide Plan, June 2019 (State Clearinghouse No. 2017101033). <http://countywideplan.com/eir/> Accessed October 27, 2020.

FEMA Flood Map Service Center: Search By Address. Accessed October 2020.  
<https://msc.fema.gov/portal/search?AddressQuery=victorville%20#searchresultsanchor>

MDAQMD CEQA and Federal Conformity Guidelines, August 2016

Mojave Desert Air Quality Management District. California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2016.

## **PROJECT-SPECIFIC REFERENCES**

Converse Consultants, Preliminary Geotechnical Investigation Report, Mojave Narrows Medical Pavilion, January 26, 2018.

Ganddini, Noise Impact Analysis, Mojave Narrows Chateau Senior Living Facility Project, San Bernardino County, August 12, 2020.

Ganddini, Traffic Impact Analysis, Chateau Senior Living Facility, County of San Bernardino, October 9, 2020.

Jericho Systems, Inc., Biological resources assessment, Victorville Residential Care Facility, City of Victorville, County of San Bernardino, California, August 4, 2016

Jericho Systems, Inc., Updated Biological Resources Assessment, Victorville Residential Care Facility, City of Victorville – County of San Bernardino, May 1, 2017.

Jericho Systems, Inc., Updated Biological Resources Assessment, Victorville Residential Care Facility, City of Victorville – County of San Bernardino, May 22, 2018.

Jericho Systems, Inc., Updated Biological Resources Assessment, Victorville Residential Care Facility, Spring Valley Lake - Unincorporated Area of San Bernardino County, July 27, 2020.

Jericho Systems, Inc., Jurisdictional Delineation, Victorville Residential Care Facility, Spring Valley Lake - Unincorporated Area of San Bernardino County, September 28, 2020.

Lilburn Corporation, Phase I Environmental Site Assessment, Mojave Narrows Chateau Continuing Care Retirement Facility (APN 0479-131-09), Victorville Area, County of San Bernardino, California, December 2019.

McKenna et al., Phase I Cultural Resources Investigation for Proposed Victorville Residential Care Facility in Unincorporated San Bernardino County, California, October 4, 2017.

Ninyo & Moore, Infiltration Testing, Senior Wellness Facility, Mojave River Valley, San Bernardino County, California, July 9, 2020.

Tierra Environmental Services, Archaeological Resources Testing and Evaluation Report for Site CA-SBR-4313/H, Victorville Residential Care Facility Project, San Bernardino County, California, October 1, 2020.

Red Brick Solution, Hydrology Study, Mojave Narrows Senior Medical Pavilion, San Bernardino County, California, October 6, 2019

Red Brick Solution, Mojave River Watershed Water Quality Management Plan for Chateau Resort Continuing Care Retirement Community, Revision No. 4, April 25, 2019.

Red Brick Solution, Off-Site Storm Water Drainage Report, Mojave Narrows Senior Medical Pavilion, August 3, 2020.

# EXHIBIT B

## Conditions of Approval



# Conditions of Approval

Record: PROJ-2020-00143

**Primary APN: Application**

0479131090000

**Name:**

PROJ-2020-00143-  
Mojave Narrows  
Senior Facility

**Description:**

CONDITIONAL USE PERMIT FOR A CONTINUING CARE RETIREMENT COMMUNITY FACILITY: THIS INCLUDES A MEDICAL OFFICE BUILDING, SKILLED NURSING, OUTPATIENT REHABILITATION AND INDEPENDANT- ASSISTED LIVING CARE FACILITY.

## Informational

**Land Use Services - Land Development**

1. 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.
2. 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.
3. 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.



# Conditions of Approval

**Record:** PROJ-2020-00143

**System Date:** 08/24/2021

4. **BMP Enforcement:** In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
5. **Natural Drainage:** The natural drainage courses traversing the site shall not be occupied or obstructed.
6. **Continuous BMP Maintenance:** The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

## On-going

### **Land Use Services - Planning**

7. **Development Impact Fees:** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances
8. **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.
9. **Revisions:** Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
10. **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.
11. **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.
12. **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)
13. **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.



# Conditions of Approval

**Record:** PROJ-2020-00143

**System Date:** 08/24/2021

14. 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.
15. Performance Standards: The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste
16. 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.
17. 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.
18. Project Account: The Project account number is PROJ-2020-00143. 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 \$ 2,500.00 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.





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19. 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.
20. Project Location: The Project site is located north of Yates Road and west of Park Road, in the unincorporated area of Victorville.
21. Project Approval Description (CUP/MUP): This Conditional Use Permit is conditionally approved to construct a residential care facility that includes a two-story, 29,925 sq. ft. medical office building, a two-story, 24,723 sq. ft. commons (amenities/rehabilitation) building, a three-story 60,190 sq. ft. assisted living building, a three-story 47,769 sq. ft. independent living building, and a two-story 41,551 sq. ft. skilled nursing building, and a variance to reduce required parking, on approximately 17.73 acres, 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 on-site medical and rehabilitation facilities shall only serve project occupants and will not be open to the general public. 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.



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22. Expiration: This project permit approval shall expire and become void if it is not "exercised" within 36 months of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
- (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or
  - (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
  - (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
- The land use is determined by the County to be abandoned or non-conforming.
  - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

## **Public Health- Environmental Health Services**

23. Refuse Storage and Disposal: All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442- 2283.
24. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.

## **County Fire - Community Safety**

25. Access: The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. 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.

## **Prior to Land Disturbance**

### **Land Use Services - Building and Safety**

26. Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.
27. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.



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## Land Use Services - Land Development

28. WQMP Inspection Fee: The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
29. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
30. On-site Flows: On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
31. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
32. 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)
33. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
34. Drainage Easements: Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
35. 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 \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
36. Project Specific Conditions: Drainage Easement Vacation. Vacation of the existing San Bernardino County Drainage Easement (SBCDE) shall be approved by Highway Planning Technical Committee (HPTC), Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7940 to obtain additional information.
37. FEMA Flood Zone: The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C5820J dated 09/02/2016. There are no elevation requirements.



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## Land Use Services - Planning

38. Incidental Take Permit: If the Project, including any Project related construction activity, results in take of Joshua trees (a CESA-listed species), the applicant shall seek appropriate authorization prior to Project implementation through an Incidental Take Permit if the species cannot be avoided and provide such documentation to the County Planning Division prior to issuance of a grading permit. (Mitigation Measure BIO-2)
39. Relocation Permit: In the event relocation of Joshua trees is permissible, the Project Applicant shall prepare a relocation plan for CDFW approval and shall obtain a Relocation-Protected Plant Permit from the County of San Bernardino, prior to commencement of Project activities. Evidence of the CDFW approval shall be provided to the County Planning Division prior to issuance of a grading permit. (Mitigation Measure BIO-3)
40. Streambed Alteration Agreement: Construction of the access road and in-channel drop structures are considered an alteration of a State Streambed Water that falls under the jurisdictions of the CDFW and RWQCB. A Section 1600 Streambed Alteration Agreement from the CDFW and a Waste Discharge Requirement (WDR) Permit from the RWQCB shall be obtained prior to the issuance of grading/construction permits. (Mitigation Measure BIO-4)
41. Nesting Bird Survey: Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct preconstruction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive. (Mitigation Measure BIO-5)
42. Burrowing Owl Survey: A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August). (Mitigation Measure BIO-1)
43. Archaeological Monitor: An archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians (SMBMI). Ground-disturbing activities include, but are not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work. A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities within culturally sensitive areas receive thorough levels of monitoring coverage.

A Monitoring and Treatment Plan that is reflective of the project mitigation and includes a map of areas sensitive for Tribal Cultural Resources provided by San Manuel Band of Mission Indians (SMBMI) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the SMBMI Cultural Resources Department. Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan. (Mitigation Measure CR-1)

44. Inadvertent Finds: If a 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 Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding the treatment of the discovered resource(s). As outlined in CEQA, the Applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in place, and therefore the removal of the resource(s) is necessary to mitigate impacts, a research design may be developed in consultation with SMBMI.

The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloging and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the 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 archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI. (Mitigation Measure CR-2)

45. Human Remains: In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource. No further excavation or disturbance of the site within 100 feet of the identified resource shall occur until the County Coroner has determined makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

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). (Mitigation Measure CR-3)

46. Contact with County Coroner: If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological. (Mitigation Measure CR-4)

47. Additional Testing: At the completion of rough grading, additional testing of engineering characteristics, such as expansion potential and ancillary testing, shall take place. Findings shall be summarized in a letter report and submitted to the County. Recommendations presented in the letter report and approved by the County shall be incorporated during final grading stages of the Project. (Mitigation Measure GEO-2)
48. Paleontological Monitoring: In the event excavations exceed three (3) feet, a qualified vertebrate paleontologist shall be present. All monitoring shall conform to the standards and protocols of the San Bernardino County Museum and approved by the County Planning Division. (Mitigation Measure GEO-3)
49. Samples: The approved paleontologist shall collect sediment samples and make a determination regarding the small fossil potential in soils at the Project Site. (Mitigation Measure GEO-4)
50. Depositing of Fossils: Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations. (Mitigation Measure GEO-5)
51. Geotechnical Recommendations: The Project Applicant shall incorporate appropriate geotechnical recommendations, as contained in the Final Geotechnical Report, into all building and grading plans provided to the County for review and approval prior to issuance of building and/or grading permits. (Mitigation Measure GEO-1)
52. Building Materials: The Project Proponent shall ensure that the following enhanced building materials are used during the construction of each building: insulation (rigid wall insulation R-13, roof/attic: R-38), window insulation (0.32 U-Factor, 0.25 SHGC); air infiltration - blower Door HERS Verified Envelope Leakage or equivalent; High Efficiency Water Heater (0.72 Energy Factor); Very High Efficiency Lights (100 percent of in-unit fixtures are high efficacy); Energy Star Refrigerator (new), Energy Star Dish Washer (new), and Energy Star Washing Machine (new); Solar Ready Homes (sturdy roof and solar ready service panel). (Mitigation Measure GHG-1)
53. Water Efficient Facilities: The Project Proponent/Applicant shall be responsible for overseeing the installation of water efficient showerheads (2.0 gallons per minute), water efficient toilets (1.5 gallons per minute), water efficient faucets (1.28 gallons per minute), water efficient dishwasher (6 gallons per cycle or less), and water efficient washing machine (water factor less than 5.5 gallons per cycle). (Mitigation Measure GHG-2)
54. Debris Diversion: Prior to construction, the Project Proponent shall develop a Construction and Demolition Debris Diversion Program to include a minimum 10 percent recycling of construction debris to be implemented by the construction contractor during construction of the Project. (Mitigation Measure GHG-3)
55. Diversion Program: Prior to final inspection and issuance of occupancy permits, the Project Proponent shall implement a 75 percent Solid Waste Diversion Program by providing separated recycling bins on every floor of each building. In addition, large external recycling collection bins shall be provided at a central location for collection truck pick-up. (Mitigation Measure GHG-4)
56. Construction Equipment: During all project site excavation and grading, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. (Mitigation Measure N-1)

57. Noise Emissions: The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. (Mitigation Measure N-2)
58. Shut Off: Equipment shall be shut off and not left to idle when not in use. (Mitigation Measure N-3)
59. Staging Areas: The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. (Mitigation Measure N-4)
60. Music: The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction. (Mitigation Measure N-5)
61. Truck Deliveries: The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. (Mitigation Measure N-6)
62. HUD Requirements: In order to meet HUD requirements, the Project Proponent shall ensure that windows proposed on the southern and western facades of the assisted care building shall have an STC rating of at least 27 to ensure that noise levels inside the proposed residential units do not exceed 45 DNL; and windows proposed on the western and northern facades of the independent living building shall have an STC rating of at least 28 to ensure that noise levels inside the proposed independent living building do not exceed 45 DNL. (Mitigation Measure N-7)
63. Tribal Cultural Resources-1: Prior to the issuance of a grading permit, the Applicant shall produce a letter from the Cultural Resources Management Department of the San Manuel Band of Mission Indians indicating that the Applicant has avoided impacts to sensitive tribal cultural resources (TCRs) and/or completed archaeological data recovery of those resources to the Tribe's satisfaction. While preservation in place is the Tribe's preferred treatment of TCRs, should data recovery prove necessary, a qualified archaeologist shall create a research design in coordination with the Tribe, that shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. All plans for analysis shall be reviewed and approved by the Applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site in a secure location. The long-term artifact treatment for cultural resources recovered during archaeological data recovery shall follow protocols established in CUL-2. (Mitigation Measure TCR-1)

*Draft copies of the archaeological data recovery report shall be prepared by the archaeologist and submitted to the Applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final report and updated site record are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.*

64. Tribal Cultural Resources-2: Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within culturally-sensitive portions of the proposed project area, as delineated by the San Manuel Band of Mission Indians. Ground-disturbance includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency. The plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan. (Mitigation Measure TCR-2)
65. GHG - Construction Standards: The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
  - a) Implement the approved Coating Restriction Plans.
  - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
  - c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer

models. - use GPS for grading to maximize efficiency.

- d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
- e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

66. 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.





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67. 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 Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
    1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on- going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
    2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
    3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
  - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
    1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
    2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
68. Corner Records Required Before Grading: 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.
69. Monument Disturbed by Grading: 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 pursuant to Section 8771(b) Business and Professions Code.

## Public Health- Environmental Health Services

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



# Conditions of Approval

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## Prior to Issuance

### Outstanding

#### County Fire - Community Safety

71. Combustible Protection: Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
72. 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. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
73. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
74. Primary Access Paved: Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
75. Fire Flow Test: 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 produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
76. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

#### Land Use Services - Building and Safety

77. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
78. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

#### Land Use Services - Land Development

79. Road Dedication/Improvements: The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. Yates Road (Major Highway - Modified)
  - Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 54 feet.
  - Street Improvements. Design curb and gutter with match up paving 42 feet from centerline.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.



# Conditions of Approval

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80. 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.
81. 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.
82. 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.
83. 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.
84. 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.
85. Regional Transportation Fee: This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Victorville Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$4.25 per square foot for Institutional Use, which includes the 47,769 square foot building, the 60,190 square foot building, the 41,551 square foot building, the 24,723 square foot building, and the 29,952 square foot building for a total of 204,185 square feet per the site plan dated November 3, 2020. Therefore, the estimated Regional Transportation Fees for the Project is \$867,786.25. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>
86. Project Specific Conditions: Special Road Design. This project requires coordination with the County/ City of Victorville project for improvements on Green Tree Blvd/ Yates Rd. Please contact Transportation Planning Division, Department of Public Works, at (909) 387-8166, for information regarding the required ultimate right-of-way and street design standard.
87. 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 the County/City of Victorville project design road standard, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
88. Utilities: Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.



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## Land Use Services - Planning

89. 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:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - All sign lighting shall not exceed 0.5 foot-candle.
  - No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
  - Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

## Public Health- Environmental Health Services

90. Sewer Service Verification Letter: Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
91. Sewage Disposal: Method of sewage disposal shall be CSA 42 Muni Agency, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
92. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
93. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
94. Water Purveyor: Water purveyor shall be CSA 42 or EHS approved.
95. Water and Sewer Service Verification: Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, (2) Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.



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96. Food Establishment Plan Check Required: Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
97. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.

## **Prior to Final Inspection**

### **Outstanding**

#### **County Fire - Community Safety**

98. Fire Alarm - Automatic: An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
99. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
100. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
101. Key Box : An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
102. Illuminated Site Diagram: The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.
103. 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.
104. Fire Sprinkler-NFPA #13: An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
105. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.



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106. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

## **Prior to Occupancy**

### **Land Use Services - Land Development**

107. Project Specific Conditions: Drainage Easement Vacation. A proof of completion of the vacation process shall be provided to the Land Development Division prior to occupancy.
108. WQMP Improvements: All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.
109. 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.
110. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
111. Road Improvements: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

### **Land Use Services - Planning**

112. GHG - Installation/Implementation Standards: The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
- a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
  - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
  - c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.
113. 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").
114. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
115. 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.





# Conditions of Approval

**Record:** PROJ-2020-00143

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116. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
117. 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 PROJ-2020-00143.
118. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

## **Public Works – Traffic Division**

119. Transportation Improvements: Prior to issuance of building occupancy, the Project Proponent shall make the following improvements and provide confirmation through Public Works:
  - Provide a second eastbound left turn lane for the intersection of Ridgecrest Road (NS) at Bear Valley Road (EW);
  - Install a new traffic signal at the Project's East Driveway (NS) at Yates Road (EW). The proposed signal shall be coordinated with the existing signal at Park Road by hardline connection.
  - Installation of a new traffic signal at the intersection of Ridgecrest Road (NS) at Chinquapin Drive (EW). (Mitigation Measure TC-1 and TC-2)
120. Transportation Fair Share Fee Program Improvements: The Project Proponent shall contribute through an adopted traffic impact fee program in addition to any fair share contributions as shown in Figure 9 of the Traffic Impact Analysis dated August 4, 2021, for the following improvements and provide confirmation through Public Works:
  - Installation of a new traffic signal at the intersection of Apatite Avenue (NS) at Bear Valley Road (EW). (Mitigation Measure TC-2)
121. Transportation Fair Share Payment Improvements: For Buildout Year (2040) With Project conditions, the Project Proponent shall pay their fair share for improvements as recommended in the Traffic Impact Analysis dated October 9, 2020 toward the following improvements:
  - Ridgecrest Road (NS) at Bear Valley Road (EW): Provide a second eastbound left turn lane.
  - Apatite Avenue (NS) at Bear Valley Road (EW): Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes. (Mitigation Measure TC-3)
122. Transportation Site Improvements: The Project Proponent shall implement the following site-specific circulation and access mitigations including:
  - Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.
  - The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department. (Mitigation Measure TC-4)
123. Transportation-Plan Check: During final plan check, County Planning Staff shall ensure that the yellow highlighted triangular areas as shown in Figure 35 of the Traffic Impact Analysis is clear of visual obstructions no more than two feet in height. (Mitigation Measure TC-5)

## **Public Health- Environmental Health Services**

124. Medical Waste Generator Permit: A Medical Waste Generator Permit, if applicable shall, be required. For information, contact DEHS at: 1-800-442-2283.

# EXHIBIT C

## Modified Traffic Mitigation Measures



## Transportation

**TC-1:** Prior to issuance of building occupancy, the Project Proponent shall make the following improvements:

- ~~Add northbound right turn overlap phasing for the intersection of Hesperia Road (NS) at Bear Valley Road (EW);~~
- ~~Restripe to provide eastbound and westbound left turn lanes at the intersection of Ridgecrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW);~~
- Provide a second eastbound left turn lane for the intersection of Ridgecrest Road (NS) at Bear Valley Road (EW);

- Install a new traffic signal at the Project's East Driveway (NS) at Yates Road (EW). The proposed signal shall be coordinated with the existing signal at Park Road by hardline connection.
- ~~For the intersection of Tamarisk Road I Avenue (NS) at Bear Valley Road (EW): 1) Restripe northbound approach to provide dual left turn lanes and one shared northbound through-right lane; 2) Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane; 3) Modify northbound-southbound signal phasing to protected left turn.~~
- ~~The Project Proponent shall contribute on a fair share basis (based on total traffic volumes) toward the installation of a new traffic signal at the intersection of Peach Avenue (NS) at Bear Valley Road (EW).~~

August 4, 2021

TC-2: The Project Proponent shall contribute through an adopted traffic impact fee program in addition to any fair share contributions as shown in Figure 9 of the Traffic Impact Analysis dated October 9, 2020, for the following improvements:

remove from TC-2  
and add it to TC-1

- Installation of a new traffic signal at the intersection of Ridgecrest Road (NS) at Chinquapin Drive (EW).
- Installation of a new traffic signal at the intersection of Apatite Avenue (NS) at Bear Valley Road (EW).
- ~~Installation of a new traffic signal at Ridgecrest Road (NS) at Green Tree Boulevard (EW) in addition to the following: provide northbound left turn lane; provide shared northbound left/right lane; provide northbound right turn lane; provide eastbound right turn lane; provide westbound left turn.~~
- ~~Provide third northbound through lane for the intersection at Hesperia Road (NS) at Green Tree Boulevard (EW). In addition fair share contributions shall also provide a northbound right turn lane; add northbound right turn overlap phasing; provide southbound left turn lane; provide third southbound through lane; provide southbound right turn lane; provide second eastbound left turn lane; provide two eastbound through lanes; provide two westbound left turn lanes; provide two westbound through lanes; add westbound right turn overlap phasing.~~

TC-3: For Buildout Year (2040) With Project conditions, the Project Proponent shall pay their fair share for improvements as recommended in the Traffic Impact Analysis dated October 9, 2020 toward the following improvements:

- ~~Hesperia Road (NS) at Bear Valley Road (EW) - #1~~
  - ~~Add northbound right turn overlap phasing.~~
- ~~Ridgecrest Road (NS) at Chinquapin Drive (EW) - #2~~
  - ~~Install a new traffic signal. Since the intersection is already operating at deficient Level of Service under Existing conditions, the project~~

should contribute its fair cost based on total traffic volumes. The deficient LOS at the Intersection of Ridgecrest Road and Chinquapin (Intersection #2) is only experienced by the existing residential traffic and turning movements from Chinquapin Drive where the project does not increase the existing turning traffic on Chinquapin Drive.

- ~~Ridgecrest Road (NS) at Bluff Crest Street/Vista Point Drive (EW) - #3~~
  - ~~Restripe to provide eastbound and westbound left turn lanes.~~
- Ridgecrest Road (NS) at Bear Valley Road (EW) - #6
  - Provide a second eastbound left turn lane.
- ~~Apple Valley Road (NS) at Yucca Loma Road (EW) - #8 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]~~
  - ~~Provide a second northbound left turn lane.~~
  - ~~Add southbound right turn overlap phasing.~~
  - ~~Add eastbound right turn overlap phasing.~~
  - ~~Provide westbound right turn lane.~~
- Apatite Avenue (NS) at Bear Valley Road (EW) - #9
  - Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.
- ~~Project East Driveway (NS) at Yates Road (EW) - #11~~
  - ~~Install a new traffic signal. The proposed signal on Yates at the Project East Driveway (Intersection #11) should be coordinated with the existing signal at Park Road (Intersection #7) by hard line connection.~~
- ~~Ridgecrest Road (NS) at Green Tree Boulevard (EW) - #12 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]~~
  - ~~Install a traffic signal.~~
  - ~~Provide northbound left turn lane.~~
  - ~~Provide shared northbound left/right lane.~~
  - ~~Provide northbound right turn lane.~~
  - ~~Provide eastbound right turn lane.~~
  - ~~Provide westbound left turn.~~
- ~~Hesperia Road (NS) at Green Tree Boulevard (EW) - #13 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]~~
  - ~~Provide third northbound through lane.~~
  - ~~Provide northbound right turn lane.~~

- ~~Add northbound right turn overlap phasing.~~
- ~~Provide southbound left turn lane.~~
- ~~Provide third southbound through lane.~~
- ~~Provide southbound right turn lane.~~
- ~~Provide second eastbound left turn lane.~~
- ~~Provide two eastbound through lanes.~~
- ~~Provide two westbound left turn lanes.~~
- ~~Provide two westbound through lanes.~~
- ~~Add westbound right turn overlap phasing.~~
- ~~Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) - #14~~
  - ~~Restripe northbound approach to provide dual left turn lanes and one shared northbound through-right lane.~~
  - ~~Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane.~~
  - ~~Modify northbound-southbound signal phasing to protected left turn.~~
- ~~Peach Avenue (NS) at Bear Valley Road (EW) - #15~~
  - ~~Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.~~

TC-4: The Project Proponent shall implement the following site-specific circulation and access mitigations including:

- Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.
- The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department.
- ~~Hesperia Road (NS) at Green Tree Boulevard (EW) - #13 [Part of the Green Tree Boulevard Extension Transportation Improvement Project]~~
  - ~~Provide third northbound through lane.~~
  - ~~Provide northbound right turn lane.~~
  - ~~Add northbound right turn overlap phasing.~~

- ~~Provide southbound left turn lane.~~
- ~~Provide third southbound through lane.~~
- ~~Provide southbound right turn lane.~~
- ~~Provide second eastbound left turn lane.~~
- ~~Provide two eastbound through lanes.~~
- ~~Provide two westbound left turn lanes.~~
- ~~Provide two westbound through lanes.~~
- ~~Add westbound right turn overlap phasing.~~
- ~~Tamarisk Road-I Avenue (NS) at Bear Valley Road (EW) - #14~~
  - ~~Restripe northbound approach to provide dual left turn lanes and one shared northbound through-right lane.~~
  - ~~Restripe southbound approach to provide a left turn lane and one shared northbound through-right lane.~~
  - ~~Modify northbound-southbound signal phasing to protected left turn.~~
- ~~Peach Avenue (NS) at Bear Valley Road (EW) - #15~~
  - ~~Install a new traffic signal. Since a traffic signal is already warranted under Existing conditions, the project should contribute its fair cost based on total traffic volumes.~~

**TC-4:** The Project Proponent shall implement the following site-specific circulation and access mitigations including:

- Yates Road along the project boundary shall be constructed at the ultimate half-section width, including landscaping and parkway improvements in conjunction with development, or as otherwise approved by the County of San Bernardino Public Works Department.
- The proposed project driveways shall be constructed in conformance with County of San Bernardino standards, including provisions for sight distance requirements and truck turning radii, or as otherwise approved by the County of San Bernardino Public Works Department.

**TC-5:** During final plan check, County Planning Staff shall ensure that the yellow highlighted triangular areas as shown in Figure 35 of the Traffic Impact Analysis is clear of visual obstructions no more than two feet in height.

# EXHIBIT D

## Public Comment

From: Sandra Seeley  
9002 SVL BOX  
14099 Driftwood Drive  
760-955-5683

November 25, 2020

To: Jim Morrissey, Contract Planner  
909-387-4234  
County of San Bernardino  
Land Use Services Department - Planning Division  
385 North Arrowhead Avenue, First Floor  
San Bernardino, Ca 92415-0187

I just received the letter about Mojave Narrows Chateau Residential Care Facility. I'm appalled at the very idea of putting two and three story buildings in our beautiful residential neighborhood. Not with standing it being build right next to the park.

When I purchased my home I paid extra to have a beautifully view. Now they are wanting to build three story buildings looking right into my living room windows? Big commercial building should be put in industrial or freeways areas. The traffic and lighting would be unbearable!

Who is going to pay for my moving expenses and loss of equity in my home? No I don't want these buildings built in our residential neighborhood. I have contacted Spring Valley Lake Association and they are going to help me. If this project is approved I will get a lawyer.

Please feel free to contact me with any other updates.

Sandra Seeley

## Biggs, Lupe

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**From:** Sandy See <friend92392@yahoo.com>  
**Sent:** Sunday, December 13, 2020 5:32 PM  
**To:** Morrissey, Jim  
**Subject:** Mojave Narrow Project

Project No: P201800062/PROJ2020-00143      Mojave Narrows

San Bernardino County, Jim Morrissey,

Please add this to the email about the project:

Some of my concerns are the big 60 to 70 year old trees along Yates Road behind my house It is a drainage area that keeps them growing and if you remove them our view will be of two and three story buildings with lights like a shopping mall. You could leave the trees and put the drainage ditch behind them. That would leave the area with a natural look like intended. Will you please negotiate to leave the trees? The builder of Spring Valley Lake gave San Bernardino County millions of dollars to keep our area nice they owe it to us to do so. The lighting was the other concern.

Sandra Seeley



December 15, 2020

*Via US Mail*

*Via Email: [jim.morrissey@lus.sbcounty.gov](mailto:jim.morrissey@lus.sbcounty.gov)*

Mr. Jim Morrissey  
Contract Planner  
San Bernardino County Land Use Services Department  
385 North Arrowhead Ave, First Floor  
San Bernardino, Ca 92415-0187

**Re: Mojave Narrows Chateau Residential Care Facility  
Victorville, California**

Dear Mr. Morrissey,

My name is Mr. Joseph W. Brady, CCIM, SIOR, President of Joseph W. Brady, Inc., dba The Bradco Companies, the longest standing, full service, commercial, industrial, office, retail and land brokerage firm servicing the entire High Desert region.

I am also a homeowner of two properties in Spring Valley Lake otherwise known as 12985 Rain Shadow Road (my primary residence) and 12885 Rain Shadow (a rental).

Last week while doing a walk, through Spring Valley Lake, I encountered a nice lady by the name of Ms. Sandra Seeley who is a homeowner at 14099 Driftwood Ave. When I inquired to her about having a great Christmas, she said to me she was very concerned about a proposed project that I believe is led by Dr. Venkat Vangala and his wife Niru Vangala who are also a residents of Spring Valley Lake.

While Ms. Seeley was not opposed to the project, she was concerned about some aspects of that project and when I noticed the notification, having been sent to her, I recognized there was a short time frame for her or anyone else to object or make suggestions to the submittal.

Additionally, I asked Ms. Seeley if she had spoke to Spring Valley Lake Homeowners Association, its General Manager, Mr. Alfred Logan, or more importantly its President Mr. Brian Bickhart. She told me in some recent emails she attempted to email Mr. Bickhart but had received no reply as of Saturday December 12, 2020. She did say she had made a personal visit to the Spring Valley Lake Homeowners association office located on Spring Valley Lake Parkway. She spoke to young lady in the office and as assured she would be back.

Having worked in the development business for nearly 40-years, I understand people's concerns about projects that are built near their homes that could impede their privacy, their value, etc. I do not believe that Ms. Seeley is attempting to derail this project, but I think attempting to get a better understanding from the developer through San Bernardino County on some of the issues. I know that in exchanging emails with her she is concerned about:



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[www.TheBradcoCompanies.com](http://www.TheBradcoCompanies.com) • email: [info@TheBradcoCompanies.com](mailto:info@TheBradcoCompanies.com)  
Joseph W. Brady Inc., is a California Licensed Real Estate Broker DRE LIC #01057618



Individual Member



1. Is the developer going to leave the big 60-70-year-old trees along H Road?
2. She is concerned about lighting from the buildings and what impact it could have on her other homeowners near there.
  - a. I told her that there is a way that developers can now light their parking lots and the exterior of their buildings without inhibiting or having any impact on the adjoining property owners.

The reason for my formal letter, is my hope that you and San Bernardino County will extend the approval process and ensure Mr. Alfred Logan as General Manager and Mr. Brian Bickhart as President of the Homeowners Association are fully advised of this project, its impacts to Spring Valley and to Homeowners such as Ms. Seeley and her family. I am under no means under any type of a contract to represent anyone in this.

Having dealt with government as much as I do, I found it rather easy to communicate with you and your great organization. We have had a long-standing working relationship with Ms. Terri Rahhal, your Director of San Bernardino County Land Use Services and with many of the Senior Leaders within San Bernardino County.

I would hope that you and Mr. Logan, General Manager of Spring Valley Lake and Mr. Bickhart as President can reach out to Ms. Sandra L. Seeley to answer her questions. She can be reached:

1. Home: (760) 9555-5685
2. Cell: (760) 221-3583
3. Email: [friend92392@yahoo.com](mailto:friend92392@yahoo.com)
4. Mailing Address: 9002 SVL box

I have taken the liberty of copying Mr. Logan, Mr. Bickhart as well as the other six members of the Board of Spring Valley Lake Homeowners Association so they are fully aware of Ms. Seeley's concern.

I thank you in advance for your professional courtesies. I can be reached at my office (760) 951-5111 x101, via email to [jbrady@thebradcocompanies.com](mailto:jbrady@thebradcocompanies.com), or on my cell (between 9:00 AM and 6:00 PM daily) at (760) 954-4567. Feel free to give me a call.

Very truly yours,



Joseph W. Brady, CCIM, SIOR  
President  
The Bradco Companies  
DRE Lic. No: 00773589

CC: Ms. JoAnne Romero  
Vice President of the Board  
Spring Valley Lake Association  
Via Email: [joaromero@verizon.net](mailto:joaromero@verizon.net)  
Via Email: [jromero@svla.com](mailto:jromero@svla.com)



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Individual Member



Mr. Brian Hurst  
Treasurer of the Board  
Spring Valley Lake Association  
Via Email: [hurstteam@gmail.com](mailto:hurstteam@gmail.com)  
Via Email: [bhurst@svla.com](mailto:bhurst@svla.com)

Mr. Lewis E. Ponce  
Secretary of the Board  
Spring Valley Lake Association  
Via Email: [lponce@svla.com](mailto:lponce@svla.com)

Ms. Cheri Boyd  
Director of the Board  
Spring Valley Lake Association  
Via Email: [cheri.boyd@swgas.com](mailto:cheri.boyd@swgas.com)  
Via Email: [cboyd@svla.com](mailto:cboyd@svla.com)

Mr. Robert Read Jr.  
Director of the Board  
Spring Valley Lake Association  
Via Email: [chadebj@yahoo.com](mailto:chadebj@yahoo.com)  
Via Email: [rread@svla.com](mailto:rread@svla.com)

Mr. Bill Scott  
Director of the Board  
Spring Valley Lake Association  
Via Email: [linda.scott948@gmail.com](mailto:linda.scott948@gmail.com)  
Via Email: [bscott@svla.com](mailto:bscott@svla.com)

Mr. Alfred Logan  
General Manager  
Spring Valley Lake  
Via Email: [alogan@svla.com](mailto:alogan@svla.com)

Mr. Brian Bickhart  
President  
Spring Valley Lake Homeowners Association  
Via Email: [bebickart@svla.com](mailto:bebickart@svla.com)  
Via Email: [briansappraisal@hotmail.com](mailto:briansappraisal@hotmail.com)  
Via Email: [Board@svla.com](mailto:Board@svla.com)  
Via Email: [info@svla.com](mailto:info@svla.com)

*P:\Administrative Files\Spring Valley Lake 2019-2020\Mr. Jim Morrissey 12-15-2020tt.docx*



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Joseph W. Brady Inc., is a California Licensed Real Estate Broker DRE LIC #01057618



Individual Member



## Biggs, Lupe

---

**From:** Sandy See <friend92392@yahoo.com>  
**Sent:** Wednesday, December 16, 2020 10:22 AM  
**To:** Morrissey , Jim  
**Subject:** Mojave narrows residential and medical complex

Hi Jim, I have spoke with Mary Brown project manager, David Larson engineer, also both the Vangala's and they are all very nice people. After talking with some on the SVL Board of Directors I got feedback saying they didn't know about the project either. And certainly agreed that medical complex buildings for the residents with skilled nursing rehabilitation etc. should not be on land zoned for housing. The traffic, lighting and ambulance noise would be unbearable. This type of facility should be somewhere else. Face it would you like this in your backyard to hear and look at day and night?

If this project goes forward other problem: The Engineer for the plan said he would leave the trees and put the drainage ditch behind them to keep the area natural looking but it was the county that wanted them removed. Something about a 4 to 1 slope required he wanted a 2 to 1 slope to save the tree roots. He said maybe he could just do the 2 to 1 slope near the trees only. And yet other are telling me they think the county wants to take another 20 feet into the tree area for road for walkways. The road already has four lanes of traffic and a good 15 to 20 feet to the trees. We need to leave the trees!

Please add this to your public comments and keep me informed. Thank you, Sandra Seeley

## Biggs, Lupe

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**From:** Sandy See <friend92392@yahoo.com>  
**Sent:** Friday, December 18, 2020 9:23 AM  
**To:** Morrissey , Jim  
**Subject:** Mojave Narrows facility

Hi Jim Morrissey,

I hope you have been receiving my emails. I've been speaking to many people in Spring Valley Lake and most of them know nothing about this project. I feel all the residents should be informed of this Mojave Narrows assisting living and medical facility. It looks like money and politics are going on here. Nothing has been put in The SVLA Breeze, our monthly newspaper about the project. Both sides of this disagreement should be printed in our newspaper to let all of the residents know what is going on. The SVL Board should get feedback and put it to a vote from all our residents not just the board. After all they are supposed to represent the majority view. This is going to affect our whole community!

I realize there is a lot of money to be made by contractors and doctors that are already looking forward to the groundbreaking. However this project should be stopped until all the community is aware of it. This is a big High Desert and the facility can be built in a lot of better and more appropriate locations away from planned communities.

Please put this letter in with a the other comments you requested from interested persons

Thank you, Sandra Seeley.

## Biggs, Lupe

---

**From:** Sandy See <friend92392@yahoo.com>  
**Sent:** Monday, December 21, 2020 1:46 PM  
**To:** Morrissey , Jim  
**Subject:** Mojave Narrows Care Facility

Dec. 21, 2020

Mojave Narrow Care Facility

Project No.: P201800062/PROJ-2020-00143

Hi Jim Morrissey,

I know you said the project parcel lot 520 was zoned for housing and senior living would be fine. However two and three story living and medical buildings fully staffed for the facility residents is not housing, it is a full-blown business in a residential area. Further more why any senior would want to live that close to a railroad track is unbelievable to me unless they were all drug up.

I don't agree with this project for many more reasons as stated in my other emails and as it borders my property, I should have a say so in it's constriction.

Thank you, Sandra Seeley

## Biggs, Lupe

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**From:** La Trisha Thompson <thompsonrebirth1@gmail.com>  
**Sent:** Monday, December 21, 2020 2:52 PM  
**To:** Morrissey, Jim  
**Subject:** Mohave Narrows Chateau Facility

Dear Mr. Mojrrissey,

My name is La Trisha Thompson and I own my home in Spring Valley Lake within Victorville, CA. It has come to my attention that there is a plan to build a large set of structures including 2 and 3 story buildings, a maintenance facility, and parking lots along Yates Rd and back behind the intersection of Bear Valley Rd and Spring Valley Parkway. I am told that many of the trees along Yates Rd would be pulled up to prepare for this project.

I must express my concern regarding this project. Part of what drew me to this community was having a view of wide open spaces as well as it's small size. Tearing out the trees and creating large buildings and medical facilities will drastically change the view, increase traffic flow, and possibly lower my property value. I am opposed to this project and respectfully ask you to consider placing it somewhere else, preferably farther away from Spring Valley Lake.

Respectfully,

La Trisha Thompson  
909-235-8110

## Biggs, Lupe

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**From:** Mike Shaar <mshaar30@yahoo.com>  
**Sent:** Monday, December 21, 2020 11:18 PM  
**To:** Morrissey , Jim  
**Subject:** RE: Mojave Narrows Chateau (PN: P201800062/PROJ-2020-00143)

I own a house in Spring Valley Lake on Driftwood Dr.

I do think that the above referenced project will have a negative impact on my property and I do not agree with it.  
Thanks for your understanding.

**Maen Shaar**



## Biggs, Lupe

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**From:** Sandy See <friend92392@yahoo.com>  
**Sent:** Tuesday, December 22, 2020 1:08 PM  
**To:** Morrissey , Jim  
**Subject:** Please read Mojave Narrows

Hi Jim, Thank you for all your help and information about the project. I want to let you know that I have decided to stay in my home of 20 years and fight to keep the project from going forward. Please let me know of any meetings I can attend regarding this matter.

Thanks again, Sandra Seeley

**From:** [Scott Webb](#)  
**To:** [Morrissey , Jim](#)  
**Cc:** [Anwar Wagdy](#)  
**Subject:** RE: PROJ-2020-00143  
**Date:** Thursday, January 14, 2021 1:09:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)

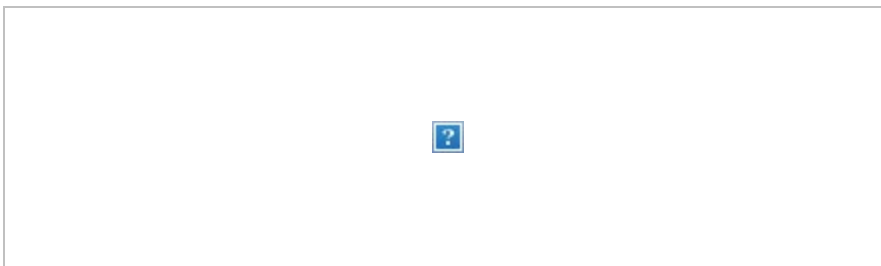
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Hi Jim,

Thank you for the email notification of this proposal. After reviewing the proposal, we have the following comments:

- The Initial Study states that the proposal requires a CUP within the underlying County RM (Multiple Residential) District. I was unable to find this CUP allowance within the County's Development Code for all the components of the development, particularly the medical facilities. Based on the large square footages of these medical facilities, I assume these facilities will be open to the general public, not just the 152 residents at the skilled nursing facility and independent living facility. Please confirm and address.
- The subject property is within the City of Victorville's Sphere of Influence with a current General Plan designation of Open Space. This designation conflicts with the proposal and is not discussed within the Land Use and Planning Section of the Initial Study. Please address.
- A great majority of the off-site improvements are identified as Fair Share contribution, but it's not implied to who is legal responsibility for contribution. Please provide more information on how the fair share contribution will be facilitated?

Best regards,



---

**From:** Morrissey , Jim <Jim.Morrissey@lus.sbcounty.gov>  
**Sent:** Monday, January 4, 2021 10:48 AM  
**To:** Scott Webb <SWebb@victorvilleca.gov>  
**Subject:** RE: PROJ-2020-00143

[EXTERNAL EMAIL]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning;

That's OK. Thanks.

**Jim Morrissey**

Planner

**Land Use Services Department**

Phone: 909-387- 4234

Fax: 909-387-3223

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor

San Bernardino, CA 92415-0187



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**From:** Scott Webb <[SWebb@victorvilleca.gov](mailto:SWebb@victorvilleca.gov)>

**Sent:** Monday, January 04, 2021 9:59 AM

**To:** Morrissey , Jim <[Jim.Morrissey@lus.sbcounty.gov](mailto:Jim.Morrissey@lus.sbcounty.gov)>

**Cc:** Warrick, Chris - LUS <[Chris.Warrick@lus.sbcounty.gov](mailto:Chris.Warrick@lus.sbcounty.gov)>

**Subject:** RE: PROJ-2020-00143

Hi Jim,

Would you be able to extend our comment period to the 15<sup>th</sup> of this month. We need this review time, due to the holiday break and just learning of the project's NOI on 12/16.

Best regards,



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**From:** Morrissey , Jim <[Jim.Morrissey@lus.sbcounty.gov](mailto:Jim.Morrissey@lus.sbcounty.gov)>

**Sent:** Wednesday, December 16, 2020 2:25 PM

**To:** Scott Webb <[SWebb@victorvilleca.gov](mailto:SWebb@victorvilleca.gov)>

**Cc:** Warrick, Chris - LUS <[Chris.Warrick@lus.sbcounty.gov](mailto:Chris.Warrick@lus.sbcounty.gov)>

**Subject:** PROJ-2020-00143

[EXTERNAL EMAIL]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon;

Thank you for speaking with me about the Mojave Narrows Residential Care Facility. As I mentioned, I was reviewing some correspondence from the past planner and noticed he indicated he would put you on the list for future correspondence.

We have transitioned our system to all electronic and I don't know if you have received our information. You indicated the City was reviewing some of the traffic documentation. I have provided a link below. The name of the project is Mojave Narrows Chateau.

Since it did not seem that you had received any notice, it would be appropriate to extend the comment period into the first week in January, on about the 6<sup>th</sup> of January. Let me know if that works for you.

<http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx>

**Jim Morrissey**

Planner

**Land Use Services Department**

Phone: 909-387- 4234

Fax: 909-387-3223

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0187



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# EXHIBIT E

## Findings

**PROJECT:** Conditional Use Permit to establish a Residential Care Facility with five buildings, including a two-story, 29,952 sq. ft. medical office building, a two-story 24,723 sq. ft. commons building for amenities and rehabilitation, a three-story 60,190 sq. ft. assisted living building, a three-story 47,769 sq. ft. independent living building, and a two-story 41,551 sq. ft. skilled nursing building on approximately 17.72 acres, subject to a Major Variance for the reduction in the amount of parking.

**FINDINGS: CONDITIONAL USE PERMIT.** The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040 and supporting facts for the Project's Conditional Use Permit:

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,** because the subject property is of generally adequate size, but of an irregular configuration with unique site characteristics that permits the proposed use and all proposed structures and activity areas to meet required setbacks, allow for required vehicle maneuvering, and provide adequate landscape areas and features consistent with the requirements of the Development Code. However, the property constraints caused by the parcel configuration and placement and size of the drainage channel have caused the applicant to request a variance for the amount of parking based upon conditions applicable to the subject property and the intend use that do not apply to other properties in the same vicinity and land use zoning district.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** Yates Road is currently a paved four (4) lane roadway that will provide physical access to the Project site, and the proposed conditions of approval will require additional road improvements to ensure safe pedestrian access and vehicular transit in the area. Additional traffic improvements will be provided as environmental mitigation measures, including additional traffic signals, turning lanes, and contribution of fees for the installation of additional traffic signals.
3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The proposed Project is on a parcel that is adjacent to a County regional park and regularly used railroad line. Additional vehicle trips will be generated by the use and additional turning lanes and traffic signals will be installed to ensure adequate and safe vehicular movement. One traffic signal will be installed to provide access into the site and fees will be contributed to a traffic impact fee program for the installation of another signal over 2.5 miles from the Project site on Bear Valley Road. Residents in the Spring Valley Lake development on the south side of Yates Road have expressed concern about lighting from the site due to their elevation above the site and current view of the property. However, exterior lighting will be shielded to prevent off-site effects, although some illumination may be seen from windows and vehicles using the site. However, existing trees along Yates Road will be maintained that will further reduce or obscure illumination generated from the property. The closest residential areas exist to the south, approximately 300 feet from the closest building. The conditions of approval will ensure

that the Project will conform to performance standards, including those for noise and vibration, to reduce potential impacts to the nearby residences. In addition, the use will not substantially 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, as confirmed below:**

**Policy LU-2.4 Land Use Map consistency.**

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

Policy Implementation: The proposed Project is permitted, subject to a Conditional Use Permit, within the RM (Multiple Residential) Zone. The proposed Project will be required to comply with the development criteria of the RM Zone, for parking design, landscaping, and building setbacks in ensure compatibility with other surrounding uses.

**Policy LU-2.1 Compatibility with Existing Uses**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhood. We also require that new residential development are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Policy Implementation: The proposed Project is a large scale development on a 17.75 acre parcel of land. The proposed buildings are located on various portions of the property, with the closest building over 300 feet from residences in the Spring Valley Lakes development on the opposite side of Yates Road. The elevation of the subject property is notably lower than that of the existing residences on the south side of Yates Road, which are five to six feet above Yates Road. Residents expressed a concern about the preservation of existing trees along the roadway to assist in buffering their view of the Project site. These trees will remain and assist in buffering views of the site.

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 appropriate road improvements, provide adequate water and sewer facilities, and extend adequate utilities to the property, in accordance with the conditions of approval.
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 ensure appropriate site improvements, street design, traffic improvements, and utilities are incorporated into the new development to meet projected needs. In addition, the

conditions will ensure the Project will meet the adopted County performance standards for noise, lighting, and Project operation.

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**, because the proposed Project has a number of buildings that could provide for solar facilities, depending upon its feasibility to incorporate this feature into the Project.

**PROJECT:** A Major Variance to reduce the required parking spaces for the two-story 24,723 sq. ft. commons and rehabilitation building from 98 parking spaces to 38 parking spaces, the three-story 60,190 sq. ft. assisted living building from 88 parking spaces to 78 parking spaces, and the two-story 41,551 sq. ft. skilled nursing building from 106 parking spaces to 99 parking spaces; and reduce the required parking ratio for the three-story 47,769 sq. ft. independent living building from 2.5 parking spaces per unit to 2.0 parking spaces per unit

**FINDINGS: MAJOR VARIANCE.** The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.17.060 and supporting facts for the Project's Major Variance:

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** because the Project would not warrant the amount of parking required based upon the intended use and proposed occupants. The proposed Rehabilitation Building would have parking solely for the number of employees, due to the individuals being located on-site. Assisted Living (88 rooms) and Independent Living (52 units) would have parking based upon the number of employees per maximum shift, plus an additional 101 spaces. The Independent Living portion of the facility would have a reduction in parking from 2.5 spaces per unit to 2.0 spaces per unit.

San Bernardino County has parking requirements for certain types of licensed and unlicensed facilities, neither of which apply to a senior development that is similar to the proposed Project. The County also has requirements for medical facilities that use square footage to determine the number of parking spaces and which have been applied to the Rehabilitation Building. However, this facility is proposed for on-site individuals only, not the general public and parking is accounted for through their on-site residence.

The proposed Project buildings have the ability to utilize solar facilities, depending upon the feasibility of that operation as it relates to the needs of the facility.

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**, because the subject property is irregular in shape and is required to provide a large drainage channel along the southern boundary of the site occupying approximately 6.05 acres in order to handle regional off-site drainage flows, both of which has affected the design and land area of the site necessary to meet required parking requirements preventing the applicant from utilizing the property to the same extent as other property owners in the same land use zoning district. As a separate and independent



justification to the property's site features, the requested variance is based on the intended use of the site as a large residential care facility by seniors, as well as temporary or permanently disabled individuals, with amenities that are conditioned and intended to serve the on-site residents only and not the public-at-large. Due to the intended and restricted use of the proposed facilities to on-site residences, the operational number of required parking spaces for each facility overlap and are accounted through parking spaces required for on-site residence. The requested variance is based upon the number of employees rather than applying square footage criteria, since the intended use and users of the proposed facilities would be for existing on-site residents only and not the public-at-large, similar to parking ratios for senior units in surrounding jurisdictions. required County parking requirements.

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 other similar properties do not have the same site constraints or parcel configuration.
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 County Policy Plan encourages residential uses and environmentally suitable development and the use is consistent with the development objectives of the Medium Density Residential land use category and Multiple Residential Land Use Zoning District.

#### **ENVIRONMENTAL FINDINGS:**

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

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

# EXHIBIT F

## Site Plan



