



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: August 23, 2018

Project Description

APN: 0539-223-03
Applicant: Chris Sabbah, Capstone Builders
Community/Supervisor District: Newberry Springs/First Supervisorial District
Location: 39263 Harvard Road
Project No: P201600545
Staff: Jim Morrissey
Rep: Same as Applicant
Proposal: (1) Tentative Parcel Map 19986 to create a 0.99 acre lot;
 (2) Conditional Use Permit (CUP) to renovate the former site of a gas station and 3,684 square foot convenience store to include a retail coffee shop and ice cream shop and add five pump islands, and
 (3) Minor Variance to reduce the front and side yard setbacks from 25' to 15' and 10' to 7.5', respectively.

Vicinity Map -



10 Hearing Notices Sent:

Report Prepared By: Jim Morrissey

SITE INFORMATION:

Parcel Size: 0.99 Acres (43,200 square feet)
Terrain: The existing facility is currently unoccupied, closed and situated on flat terrain.
Vegetation: Sparse vegetation due to existing site improvements.

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Unoccupied Commercial Building	Rural Commercial (CR)
North	Vacant Parcel	Rural Commercial (CR)
South	Vacant Parcel	Rural Commercial (CR)
East	Vacant Parcel	Rural Commercial (CR)
West	Vacant Parcel	Rural Commercial (CR)

City Sphere of Influence:
 Water Service:
 Sewer Service:

Agency
 None
 Private Well
 Private Septic Tank

Comment
 None
 EHS Approved
 EHS Approved

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Tentative Parcel Map, Conditional Use Permit, and Minor Variance. ¹

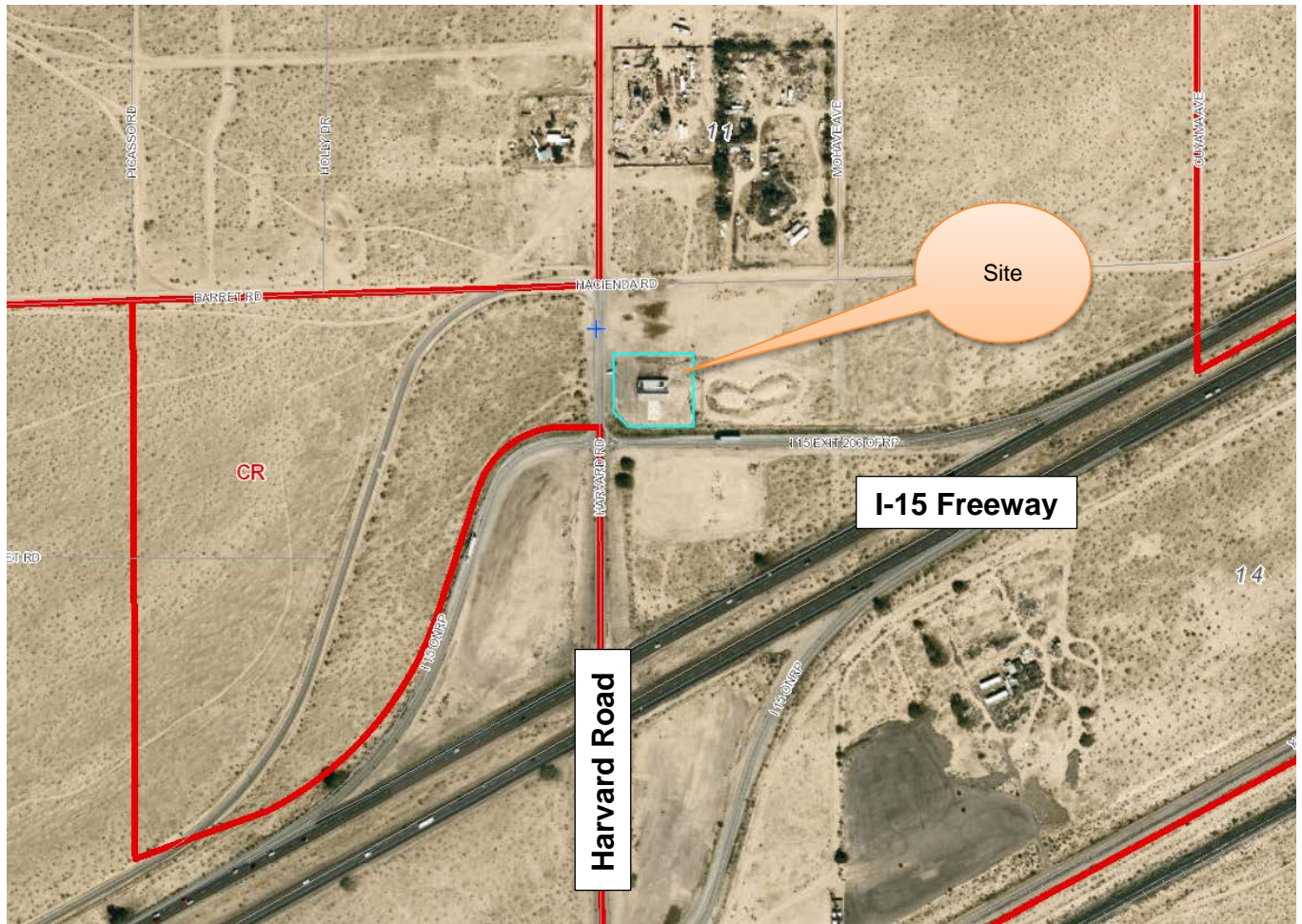
¹. In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

VICINITY MAP:
Aerial View of the Community and Project Site



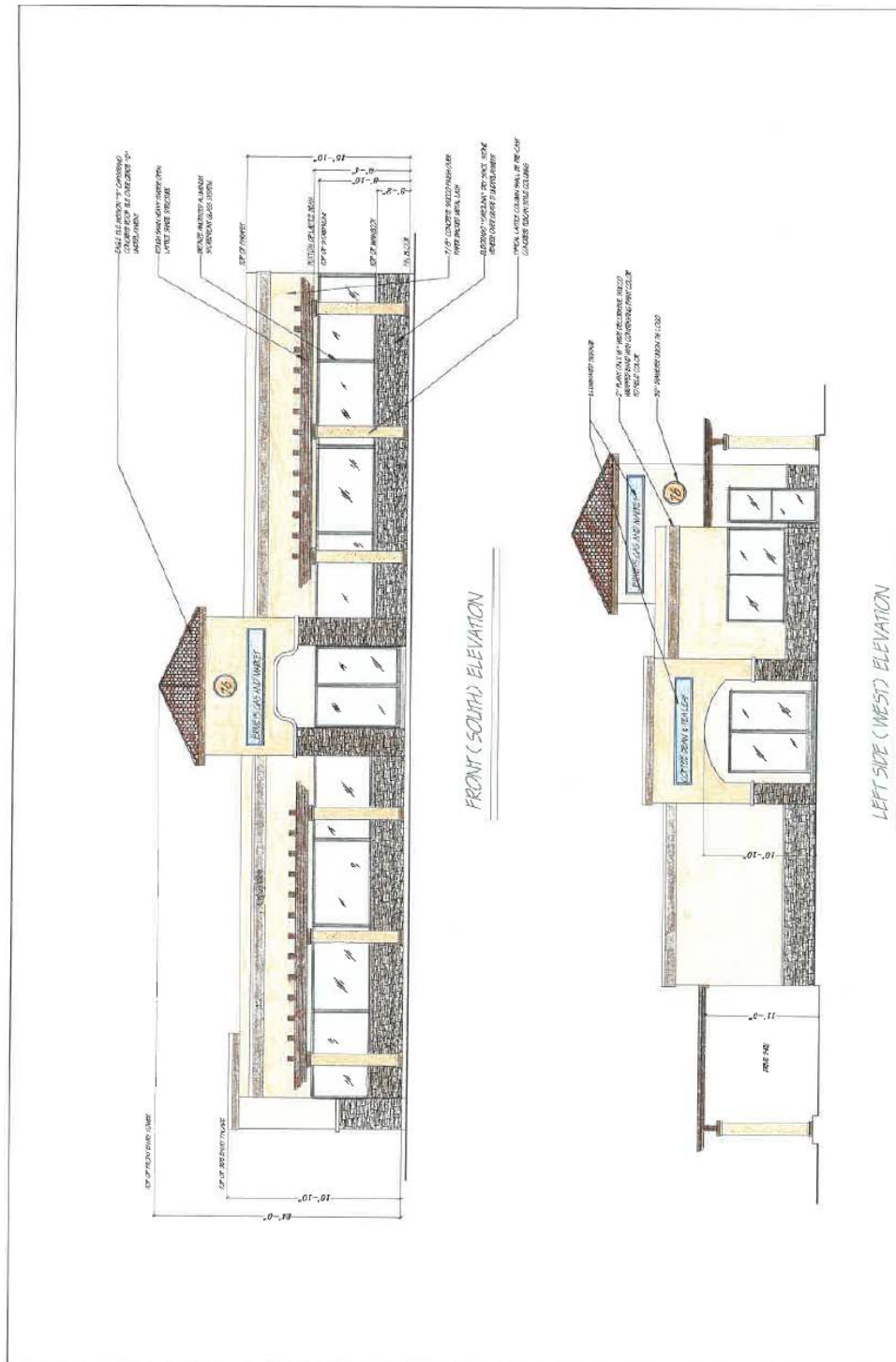
(Imagery County LUS GIS Mapping)

OFFICIAL LAND USE DISTRICT MAP
LUS GIS Viewer showing the Project site zoned
Rural Commercial (CR)





Jeremy's Travel Plaza Building Elevations



SITE PHOTOS

Looking north along Harvard Road at the existing building from the Harvard Road/I-15 Freeway overpass.



Looking southeast across project site.



Looking northwest across the project site from the southerly project boundary.



Looking east across the project site from Harvard Road.



SUMMARY & BACKGROUND

The proposed Project consists of renovating an existing but unoccupied 3,684 square foot commercial building on a .99 acre parcel that once operated as a gas station and convenience store. The existing grounds and commercial structure will be upgraded and remodeled to accommodate a drive-through coffee shop, convenience market and ice cream parlor, as well as furnished with five two-pump gasoline stations, for a total of ten (10) fueling points housed within a new 4,012 square foot canopy. The gross building/structure coverage will total 7,696 square feet.

The Project is located within the Rural Commercial (CR) Land Use Zoning District. Although no expansion of the existing retail structure is proposed, structural improvements and internal floor remodeling are needed to accommodate the proposed business uses. The proposed new fuel canopy will overlay the building footprint of the site's demolished fuel canopy.

The CR zoning district allows fueling stations, commercial retail, restaurants, recycling facilities, personal services, office and professional services, lodging, vehicle service repair services, and similar and compatible uses. Pursuant to Chapter 82.05 (Commercial Land Use Zoning Districts) of the San Bernardino County Development Code, fueling/service stations are permitted in the CR zone subject to approval of a Conditional Use Permit (CUP).

The Project will satisfy the applicable development standards of the Development Code, subject to conditions of approval and the approval of a Minor Variance and Parcel Map. A Minor Variance is necessary to reduce the required front yard landscape setback from 25 feet to 15 feet and reduce the required 10-foot landscape side yard setback on the north side of the building to 7.5 feet. The current street right of way design is 10 feet wider on the applicant's side of the street than the standard county roadway design criteria. As such, the typical property would be 10 feet wider than what currently exists. Please refer to the exhibits in Figure 1 on the following page. Because of its size, shape, topography, location and/or surroundings, the applicant would suffer a unique hardship under the general zoning regulations governing landscape setbacks that would create disparities between the Project site and other properties in the area. The proposed reduced setback for the Project is consistent with the 40% maximum reduction in size the Development Code permits for a Minor Variance, pursuant to section 85.17.040. The Project does comply with standards defined for parking, landscaping and lot coverage.

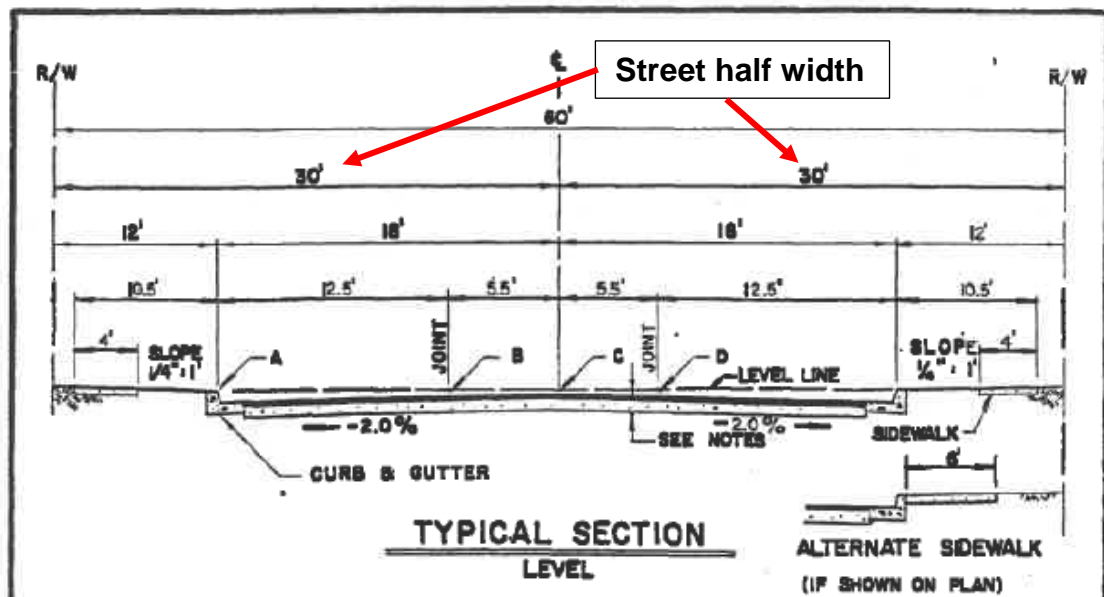
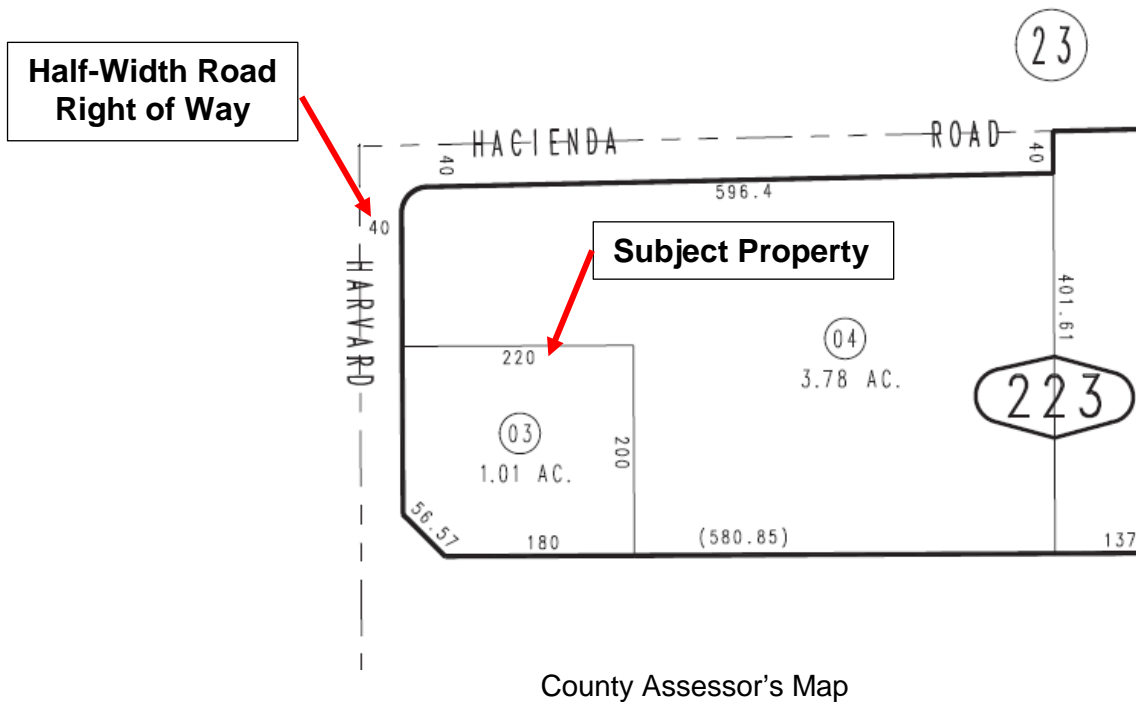
Planning staff and related agencies reviewed the completed application and submittal materials upon Project acceptance. The site contains 26 parking spaces and one loading zone. The use will operate annually 24 hours a day, seven (7) days per week. Fuel trucks and deliveries are scheduled for 10 trucks per week utilizing both three (3) axle fuel trucks and six (6) axle or tandem fuel trucks. Standard supply deliveries will be made by three (3) axle delivery vans. The site design allows for stormwater collection, treatment and percolation located in basins at the northwest and northeast corners of the property.

PREVIOUS ACTIONS

The Project's Minor Use Permit (MUP) was initially considered at a noticed public hearing by the Zoning Administrator on July 13, 2017. The staff recommendation for approval of the MUP was challenged by the adjoining property owner on the grounds that the Project did not merit a CEQA Class 1 (Existing Facilities) Exemption, pursuant to CEQA Guidelines Section 15301, and an Initial Study/Mitigated Negative Declaration (IS/MND) was necessary to be prepared to fully evaluate the Project's environmental impacts. The item was tabled by the Zoning Administrator,

and the applicant was informed that the Project proposal would need to be forwarded to the Planning Commission for consideration as a CUP.

Figure 1



County Local Street Section Design for a 60 foot right of way

PUBLIC NOTICES

The Planning Division sent out public notices to surrounding property owners within the required radius of the site, and placed a legal advertisement in the local newspaper, in compliance with the County's 10-day public hearing notification requirements for both the Zoning Administrator hearing on July 13, 2017, and the hearing at issue. The Planning Division received comment letters dated January 12, 2017 and January 15, 2017 in response to the original project notice, and another dated July 25, 2017, collectively attached as "Exhibit C," opposing the Project on the grounds summarized in the following four bullet points:

- Comment: The Project site does not meet the minimum 2.5 acres per the Development Code in the Rural Commercial Zone, per Section 82.05.030. As a consequence of the existing lot size, the new development may have impacts providing adequate on-site sewage disposal, adhering to minimum setback requirements, inadequate vehicular circulation, and storm water retention/detention.

Response: Staff initially presumed the lot was a legal nonconforming parcel. However, although the Project was located on an existing Assessor Parcel, Staff subsequently determined the parcel was not legally subdivided. As a result, Staff requested, and the applicant prepared, an application for a Conditional Certificate of Compliance to determine the parcel's legality and to determine the actions necessary to address the issue. Based upon that review, the filing of a Tentative Parcel Map was required, and is now included with the application. A parcel size less than 2.5 acres is permitted to be developed with the filing and approval of a concurrent subdivision application.

- Comment: The Project is a significant change of use from its earlier application, which includes added fueling stations, and an ice cream shop. Moreover, the expanded services would encroach upon the "grandfather" clause or policy, whereby the "grandfather" status should be revoked and the new code requirements applied.

Response: The proposed Project is consistent with the previous retail convenience store and fueling station that once operated on the site. Although the proposed Project also proposes a coffee shop and ice cream parlor in conjunction with the retail component of the operation, the building is not being expanded to provide for this use and the current Project proposal requires the approval of a CUP. A new fueling canopy is proposed, and is included in the proposed CUP approval.

The Development Code requires a MUP or CUP to establish general retail uses, including convenience stores and coffee shops. The Development Code also requires a CUP if an MUP is referred to the Planning Commission by the Zoning Administrator.

- Comment: The additional services will have a substantial impact and diminish the rural characteristics of the community, reflected in the Development Code minimum lot size.

Response: The proposed commercial architecture and layout are designed to be generally consistent with the existing layout and previously commercial operation and would be

sensitive to the rural character of the area as shown in the building elevations. The building design is in harmony with the arid desert character of its surroundings.

- Comment: The Project is not exempt under CEQA.

Response: The Project's environmental determination of an Exemption was challenged during the Zoning Administrator hearing on July 13, 2017. Although staff believes the exemption is still appropriate, issues raised during the public hearing warranted the additional review afforded by the preparation of an Initial Study. An IS/MND was prepared and made available for public review, including posting of the document on the County's website, distribution of the IS/MND to the State Clearinghouse for a 30 day review, and distribution of the Notice of Availability to the neighboring property owners.

ENVIRONMENTAL DETERMINATION

An IS/MND, attached as Exhibit D, was prepared to evaluate the environmental impacts of the Project. As a result of this analysis, it was determined that mitigation measures incorporated as part of the Project's conditions of approval will reduce impacts to less than significant.

The IS/MND was posted on the County website on November 22, 2017, and transmitted to the State Clearinghouse for the required 30 day review and comment period, extending between November 30, 2017, and January 3, 2018. Notices of Intent and Notices of Availability (NOI/NOA) were mailed to property owners within 300 feet of the project. The Planning Department received comments from the following agencies/entities during the thirty (30) day review period. Summaries of the comments and responses are listed below. The attached Response to Comments provides the detailed responses.

1. California Department of Fish and Wildlife

- Comment: Analyze desert tortoise, burrowing owl, and desert fit fox.

Response: The site has been improved for a number of years, with an existing structure, pavement, and concrete and has been used in a manner similar to what is proposed. The site has been fenced for a number of years, except along Harvard Road. As a completely disturbed site with pavement, no studies have been required.

- Comment: Analyze the ephemeral desert washes on the property.

The site is improved. Based upon a review of the area's U.S.G.S Map, FEMA Flood Plain Map, and a site visit, the site is not known to be within an identified drainage course.

- Comment: The document should adequately address any drainages in addition to the detention basin.

Response: The Project site is less than one acre in size and not located within the boundaries of the MS4 permit for preparation of water quality management plans. Applicable measures for addressing stormwater runoff and erosion control will be implemented through the California Green Building Standards Code, as well as conditions of approval.

2. Lahontan Regional Water Quality Control Board

- Comment: Site has been used as a gasoline and diesel retail station. Leaking from tanks may have occurred. Project should include Low Impact Development design for the capture, treatment, and infiltration of stormwater.

Response: The Project has been reviewed by County Fire Hazardous Materials Division. No issues were raised about any previous leaks. Conditions of approval require review and approval of new tank installation.

- Comment: Land disturbance greater than one acre may require a stormwater permit, including the General Construction Storm Water Permit.

Response: The Project site is less than one acre in size and not within the MS4 Permit boundary. Therefore, Project is not subject to this permit.

- Comment: The Project may affect an ephemeral stream and associated impacts. A 401 water quality certification may be required.

Response: The Project site is not within a drainage course.

3. Letter from Mirau, Edwards, Cannon, Lewin & Tooke (the adjoining property owner's attorney)

- Comment: Parcel is not legal and is of inadequate size.

Response: The applicant has processed a Conditional Certificate of Compliance to confirm the validity of the parcel and, based upon that review and determination, a Tentative Parcel Map has been required and filed to create a legal parcel. The existing Rural Commercial (CR) Land Use District requires a 2.5-acre minimum lot size. However, the Development Code provides that the lot size may be less if a subdivision application is filed concurrently with a CUP, which is applicable in this case.

- Comment: Traffic impact from adjoining project was not included.

Response: The applicant's traffic engineer submitted a letter, dated January 24, 2018, which indicated that the Traffic Study identified other development trip generation, along with morning and peak hour intersection volumes. The Traffic Study also included a growth increment for Year 2040 roadway volumes based upon the San Bernardino Transportation Analysis Model.

- Comment: Air quality analysis fails to take into account cumulative impacts of the adjacent project.

Response: Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed MDAQMD thresholds for project-

specific impacts would be considered cumulatively considerable. Since the proposed Project does not exceed daily thresholds, it would not cause a cumulatively considerable increase and a cumulative analysis is not required.

- Comment: Well and septic system are not operable.

Response: The proposed Project would need to meet recent State legislation for water systems and submit a Preliminary Technical Report for review by the State Water Board and County Environmental Health Division. The County also has Well Certification Procedures to determine well system adequacy. Septic systems that discharge greater than 250 gallons per day would need to install an Advanced/Alternate Treatment Unit (ATU) and a percolation report would need to be submitted for review and acceptance.

- Comment: The site has been abandoned and building is in disrepair.

Response: The exterior of the structure is in disrepair, but the interior, based upon applicant provided photos, is structurally sound. The existing pump islands are visible, but the new islands would be relocated further south.

- Comment: The site has potential habitat for Desert tortoise and burrowing owl.

Response: The site has been improved for years/decades and has been fenced for years, based upon the review of historical aerial photos and applicant provided site photos. As such, no on-site habitat exists.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **APPROVE** the Tentative Parcel Map, Conditional Use Permit, and Minor Variance to renovate the former gas station and convenience store and install a five pump island station and provide for a reduced front yard and side yard landscape setback, subject to conditions of approval.
3. **ADOPT** the Findings as contained in the Staff Report; and
4. **FILE** the Notice of Determination

Attachments:

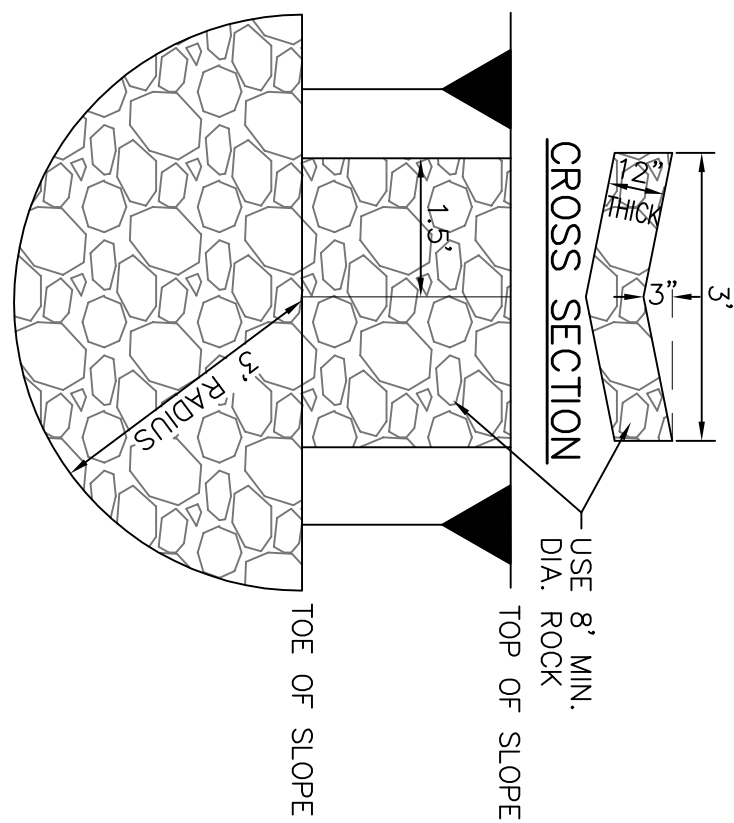
EXHIBIT A: Site Plan
EXHIBIT B: Tentative Parcel Map 19986
EXHIBIT C: Findings for Conditional Use Permit, Minor Variance, and Tentative Parcel Map
EXHIBIT D: Conditions of Approval
EXHIBIT E: Project Comment Letters
EXHIBIT F: Initial Study
EXHIBIT G: CEQA Comment Letters
EXHIBIT H: Response to Comments
EXHIBIT I: Traffic Response Letter

EXHIBIT A

Site Plan

HACIENDA ROAD

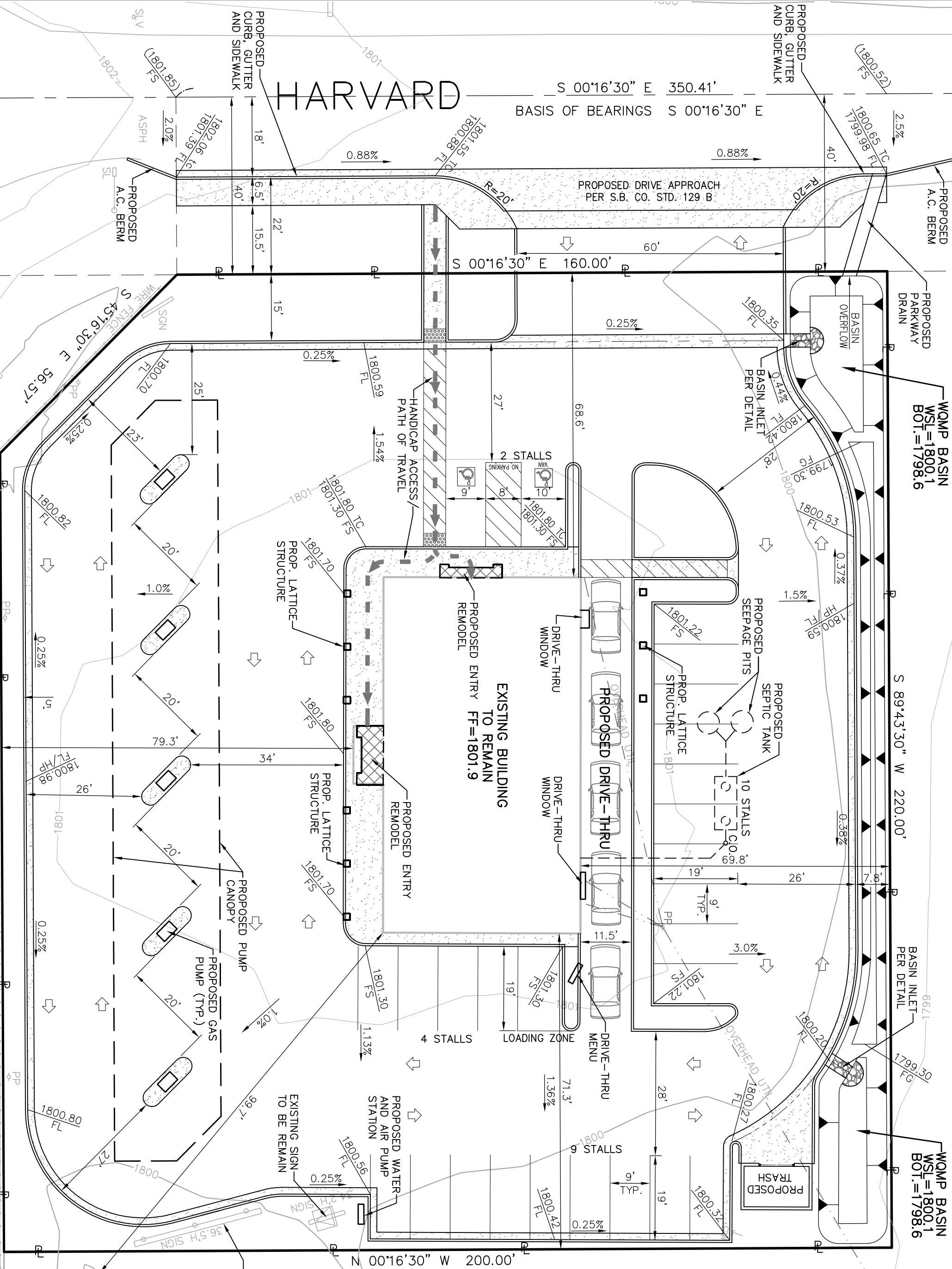
P.O.C.
NORTHWEST CORNER
SEC. 14 T1S 10 N, R 3 E
(BRASS DISK IN WELL)



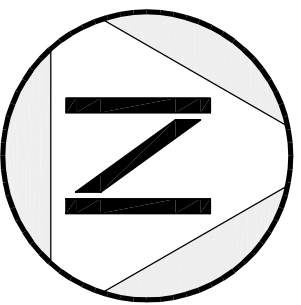
WOMP BASIN INLET DETAIL

NO SCALE

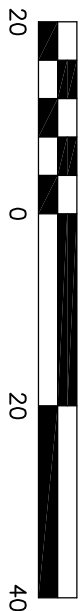
APN: 0539-223-04
LAND USE: CR - RURAL COMMERCIAL
VACANT



U.S. STATE 15 HIGHWAY SOUTHBOUND OFFRAMP



SCALE: 1"=20'



UTILITY COMPANIES FOR THIS PROJECT:

TELEPHONE:	ELECTRIC:
VERIZON P.O. BOX 641 SAN BERNARDINO, CA 92401 PH: (909) 482-6711	SOUTHERN CALIFORNIA EDISON CO. 2921 JENSEN STREET REDLANDS, CA 92373 PH: (909) 335-7191
CABLE TELEVISION:	GAS:
SATELLITE SYSTEM	PROPANE
SEWER:	WATER:
PRIVATE SEPTIC	PRIVATE WELL

LOT COVERAGE:

TOTAL SITE	43,200 S.F.
BUILDING AREA	3,684 S.F. = 8.1%
PUMP & PARKING CANOPY AREA	4,012 S.F. = 9.3%
PARKING/DRIVEWAY/WALKWAYS	28,485 S.F. = 66.3%
LANDSCAPING AREA	7,020 S.F. = 16.3%

FOR OFFICIAL USE ONLY

IN THE COUNTY OF SAN BERNARDINO
SITE PLAN
JEREMY'S MINI-MART
A.P.N. 0539-223-03

PORTION OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 3 EAST, S.B.B.&M, COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA.

SITITECH, INC.

JUNE, 2018

NOTES:

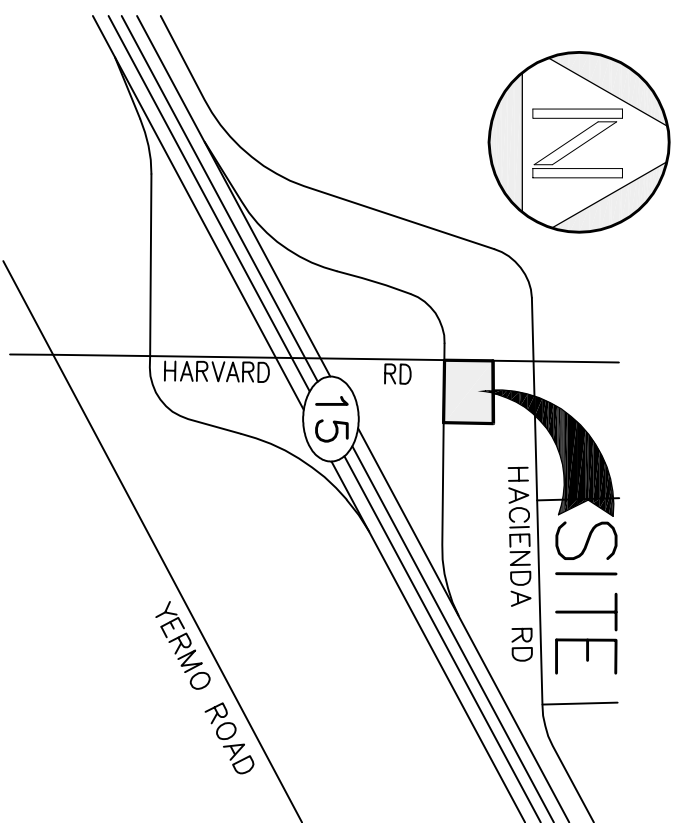
- EXISTING AND PROPOSED LAND USE DISTRICT IS: CR - RURAL COMMERCIAL
- EXISTING AND PROPOSED ADJACENT LAND USE: CR - RURAL COMMERCIAL
- ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
TRACT NO. 5655 PORTION LOT 69 - COMMENCING AT NORTHWEST CORNER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 3 EAST; THENCE SOUTH 00° 16' 30" EAST A DISTANCE OF 350.41 FEET ALONG THE WEST LINE OF SAID SECTION 14; THENCE NORTH 89° 43' 30" EAST 40.00 FEET TO THE EAST LINE OF SAID HARVARD ROAD BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 45° 16' 30" EAST 56.57 FEET; THENCE NORTH 89° 43' 30" EAST 180.00 FEET; THENCE NORTH 00° 16' 30" WEST PARALLEL WITH THE EAST LINE OF SAID HARVARD ROAD A DISTANCE OF 200.00 FEET; THENCE SOUTH 89° 43' 30" WEST A DISTANCE OF 160.00 FEET TO THE TRUE POINT OF BEGINNING.
ROAD: THENCE SOUTH 00° 16' 30" EAST A DISTANCE OF 160.00 FEET TO THE TRUE POINT OF BEGINNING.
APN: 0539-223-03
- ALL PROPOSED BUILDINGS SHALL MEET SAN BERNARDINO COUNTY DEVELOPMENT CODE REQUIREMENTS.
- MAXIMUM USE: SEE ARCHITECTURAL PLANS
- ALL PROPOSED INFRASTRUCTURE IMPROVEMENTS SHALL MEET SAN BERNARDINO COUNTY DEVELOPMENT CODE REQUIREMENTS PER CHAPTER 83.10.
- SIGNAGE PER ARCHITECTURAL PLANS.
- NO KNOWN PROTECTED PLANTS EXIST ON SITE.
- HOURS OF OPERATION: 24 HOURS A DAY, 7 DAYS A WEEK.
- GRADING IS PROPOSED AS A PART OF THIS PROJECT.
- NO KNOWN EASEMENTS EXIST ON SITE.
- OUTDOOR LIGHTING PER ARCHITECTURAL PLANS.
- LOT COVERAGE: TOTAL LOT COVERAGE FOR THIS PROJECT IS LESS THAN 10%
- SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND DETAILS.

PARKING SPACE ANALYSIS:

Land Use/Req'd mt.	Parking Rate	Bldg. Size/Rate	# of Stall Req'd.
CONVENIENCE STORE	1 Std/ 250 S.F.	3,684 SQ.FT.	15
Handicap Stalls (HC)	1-25 REGULAR STALL BRACKET (REOD)		1
TOTAL PARKING STALLS REQUIRED:		15 Regular 1 Handicap 1 Loading 17 Total
PARKING STALLS PROVIDED:			{ 23 = STD. 9'x19' { 1 = Van Handicap { 1 = Reg. Handicap { 1 = Loading Zone
TOTAL PARKING STALLS PROVIDED:			26

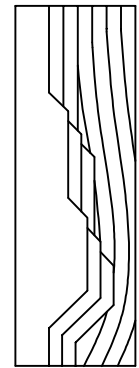
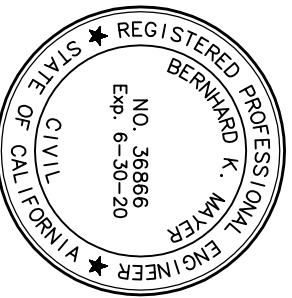
VICINITY MAP

NO SCALE



OWNER/APPLICANT:
CAPSTONE BUILDERS
ATTN: CHRIS SABBAH
127 EAST STATE ST.
REDLANDS, CA 92373
(909) 557-5674

ENGINEER/MAP PREPARER:
SITITECH, INC.
38248 POTATO CANYON RD.
OAK GLEN, CA. 92359
PH: (909) 864-3180



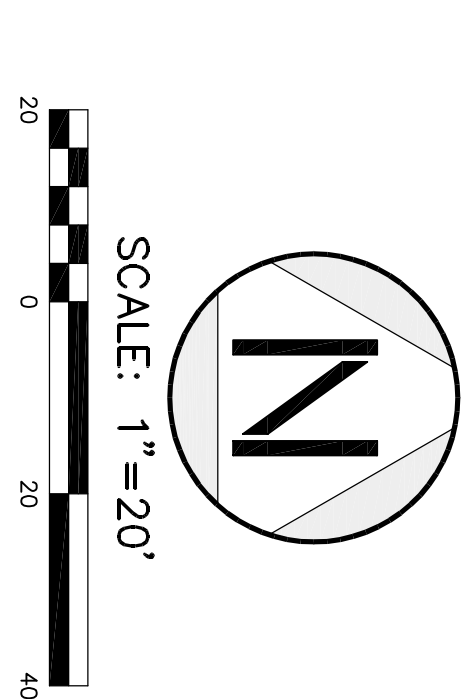
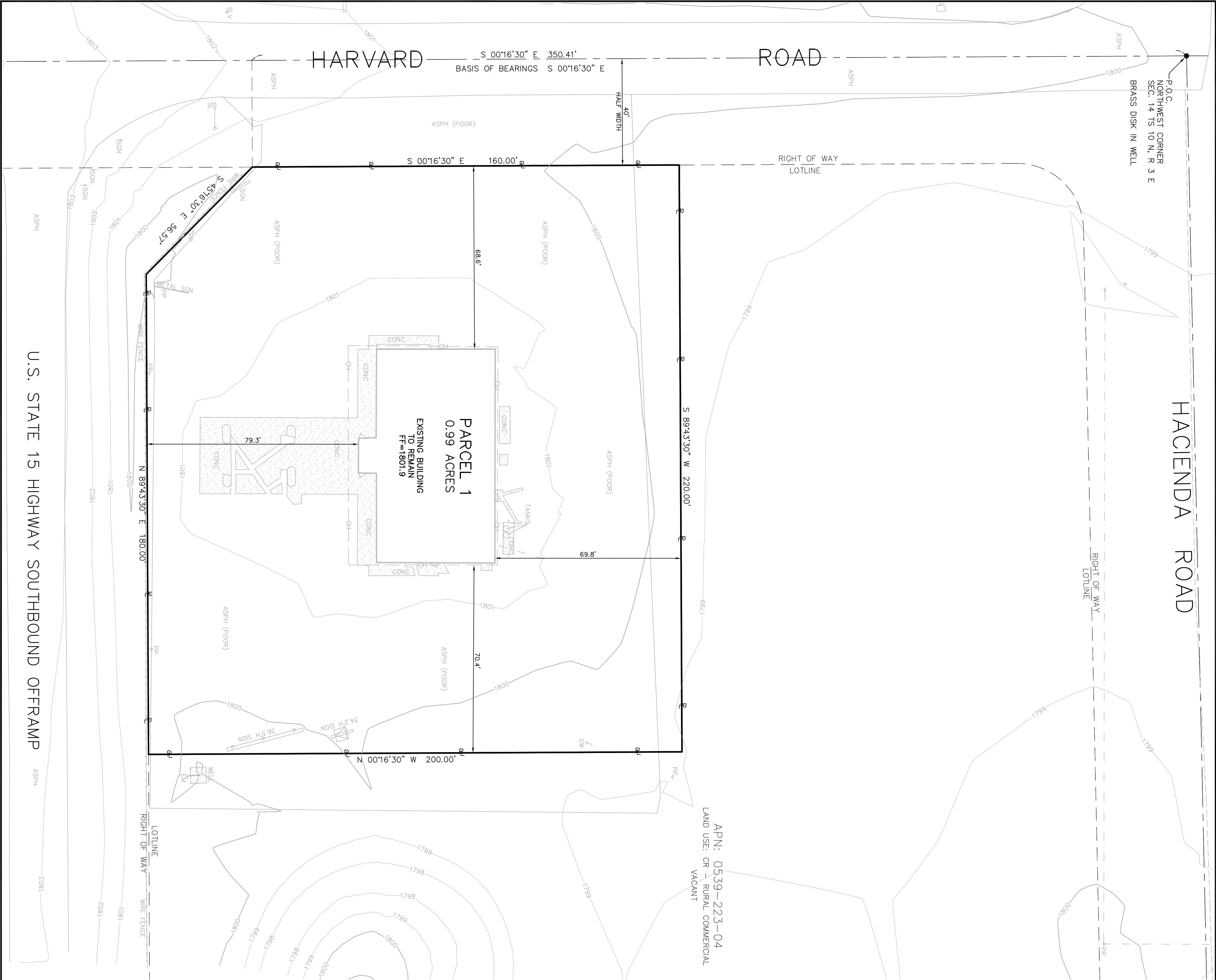
SITITECH INC.
38248 POTATO CANYON RD., OAK GLEN, CALIFORNIA 92359
PH: (909)864-3180, FAX: (909)864-0650

BERNHARD K. MAYER R.C.E., 36666 06/27/2018
L.S. 7319 DATE

SHEET NO.: SG-1

EXHIBIT B

Tentative Parcel Map 19986



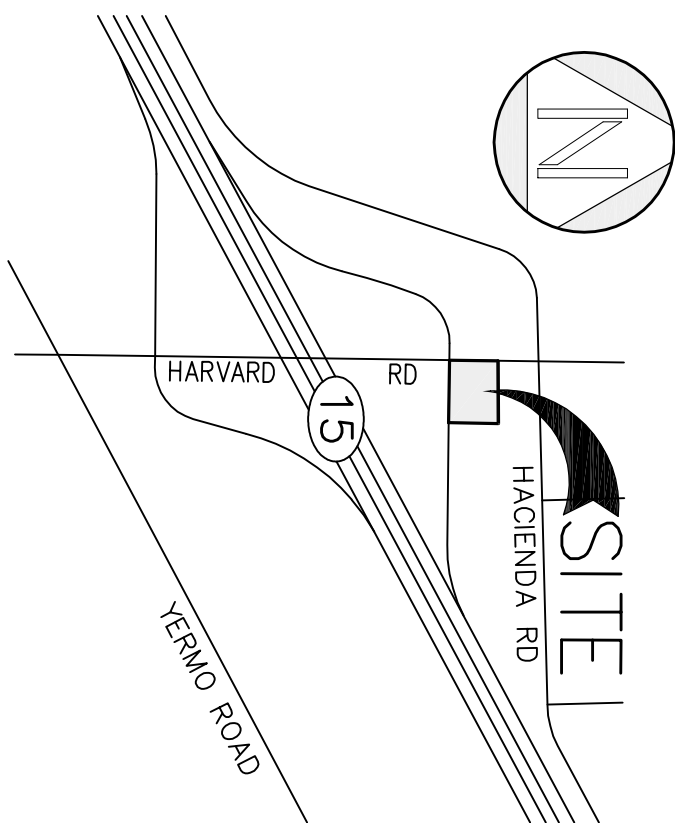
UTILITY COMPANIES FOR THIS PROJECT:

TELEPHONE:	ELECTRIC:
VERIZON P.O. BOX 641 SOUTHERN CALIFORNIA EDISON CO. SAN BERNARDINO, CA 92401 PH: (909) 482-6711	SOUTHERN CALIFORNIA EDISON CO. SOUTHERN CALIFORNIA EDISON CO. REDLANDS, CA 92373 PH: (909) 335-7191
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SATELLITE SYSTEM	PROPANE
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LOT COVERAGE:

TOTAL SITE	43,200 S.F.
BUILDING AREA	3,684 S.F. = 8.1%
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PARKING/DRIVEWAY/WALKWAYS	28,485 S.F. = 66.3%
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VICINITY MAP
NO SCALE



IN THE COUNTY OF SAN BERNARDINO
TENTATIVE
PARCEL MAP NO. 19986
PORTION OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 3
EAST, S.B.B.&M, COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA.
SITE TECH, INC.
AUGUST, 2018

NOTES:

- THIS PARCEL MAP CONTAINS 1 PARCEL ON 0.99 ACRES FOR AN OVERALL DENSITY OF APPROXIMATELY 1 PARCEL PER ACRE.
THIS PARCEL MAP IS BEING PREPARED TO DOCUMENT A CERTIFICATE OF COMPLIANCE REQUEST FOR THIS PROJECT.
- EXISTING AND PROPOSED LAND USE DISTRICT IS: CR - RURAL COMMERCIAL.
- THE LAND USE OF THE SURROUNDING PROPERTY TO THIS PROJECT IS AS FOLLOWS
TO THE NORTH: VACANT/ RURAL COMMERCIAL (CR)
TO THE SOUTH: I-15 FREEWAY OFF-RAMP
TO THE EAST: VACANT/ RURAL COMMERCIAL (CR)
TO THE WEST: VACANT/ RURAL COMMERCIAL (CR)
- LEGAL DESCRIPTION:
ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
TRACT NO. 5655 PORTION LOT 65 - COMMENCING AT NORTHWEST CORNER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 3 EAST; THENCE SOUTH 00° 16' 30" EAST A DISTANCE OF 350.44 FEET TO THE WEST LINE OF SAID SECTION 14; THENCE NORTH 89° 43' 30" EAST 20.00 FEET TO THE EAST LINE OF SAID HARVARD ROAD BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 45° 18' 30" EAST 56.57 FEET; THENCE NORTH 89° 43' 30" EAST 180.00 FEET; THENCE NORTH 00° 16' 30" WEST PARALLEL WITH THE EAST LINE OF SAID HARVARD ROAD A DISTANCE OF 200.00 FEET; THENCE SOUTH 89° 43' 30" WEST A DISTANCE OF 220.00 FEET TO THE EAST LINE OF SAID HARVARD ROAD; THENCE SOUTH 00° 16' 30" EAST A DISTANCE OF 160.00 FEET TO THE TRUE POINT OF BEGINNING.
A.P.N.: 0539-223-03

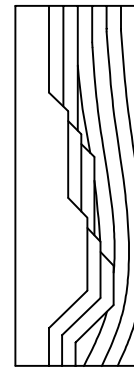
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- SIGNAGE PER ARCHITECTURAL PLANS.
- NO KNOWN PROTECTED PLANTS EXIST ON SITE.
- GRADING IS PROPOSED AS A PART OF THIS PROJECT.
- NO KNOWN EASEMENTS EXIST ON SITE.
- LOT COVERAGE: BUILDING LOT COVERAGE FOR THIS PROJECT IS LESS THAN 10%.
- SEE SITE PLAN/ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS.
- THERE ARE NO NEW ROADS PROPOSED AS A PART OF THIS PROJECT.
- THIS TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE SUBDIVIDER.

PARKING SPACE ANALYSIS:

Land Use/Req./mt.	Parking Rate	Bldg. Size/Rate	# of Stall Req'd.
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TOTAL PARKING STALLS PROVIDED:			26

OWNER/APPLICANT:
CAPSTONE BUILDERS
ATTN: CHRIS SABBABH
1277 EAST STATE ST.
REDLANDS, CA 92373
(909) 557-5674

ENGINEER/MAP PREPARER:
SITE TECH, INC.
8061 CHURCH STREET
HIGHLAND, CA 92346
P.O. BOX 592
PH: (909) 864-3180



SITE TECH, INC.
8061 CHURCH ST., HIGHLAND, CA 92346 P.O. BOX 592
PH: (909) 864-3180, FAX: (909) 864-0650

BERNHARDT K. MAYER R.C.E., 36666 DATE 08/01/2018
L.S. 7319

A.P.N.: 0539-223-03

EXHIBIT C

Findings for Conditional Use Permit, Minor Variance, and Tentative Parcel Map

**COMBINED FINDINGS FOR CONDITIONAL USE PERMIT,
MINOR VARIANCE, AND TENTATIVE PARCEL MAP**

CONDITIONAL USE PERMIT FINDINGS

This Conditional Use Permit (CUP) is proposed to renovate the former site of a gas station and convenience store and add five pump islands located in Newberry Springs. The 3,684 square foot commercial structure will contain a convenience store, retail coffee shop and ice cream shop. The combined commercial and canopy square footage totals 7,696 square feet.

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open spaces, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project has undergone extensive review by the County. The site plan has been revised in accordance with comments from department staff to ensure the Project complies with the County Development Code. Subject to approval of a Minor Variance, all site design criteria meet or exceed the requirements of the Development Code for the proposed land use and the existing Land Use District. The proposed site plan displays adequate parking, landscaping, and accessibility. The project incorporates conditions of approval which apply as an extension of the design review process.

- 2. The site for the proposed facility has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

The site is accessed from Harvard Road utilizing existing driveways. The applicant has maintained dedications as required by Land Development to ensure adequate access right-of-way access off Harvard Road.

- 3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the adjacent commercial property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The proposed use is a reestablishment of a prior use. The proposed development will be conditioned to adhere to the performance standards, including those for noise and vibration. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

The project incorporates mitigation measures and conditions of approval to ensure noise and vibration do not encroach or affect adjoining properties. The site will not hamper the installation and use of solar energy systems.

4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable community or specific plan.

The site plan together with the provisions for design and improvement are consistent with the County General Plan. The Project specifically implements the following goal:

GOAL LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Goal Implementation Policy LU 1.1: Develop a well-integrated mix of residential, commercial, industrial and public uses that meet the social and economic needs of the Desert.

Project Implementation: The proposed Project would involve the reestablish a commercial enterprise on a single parcel. A substantial portion of the area around the intersection is within the CR District. However, no other commercial uses currently exist. As such, the proposed use provides an opportunity for the area to create a mix of land uses, where no commercial currently exists.

Goal Implementation Policy LU 1.2: The design and siting of new development will meet locational development standards to ensure compatibility of the new development with adjacent land uses and community character.

Project Implementation: The proposed Project would reestablish a commercial enterprise adjacent a freeway interchange on property that is General Planned and Zoned for commercial use.

Goal Implementation Policy LU 1.3: Promote a mix of land uses that are fiscally self-sufficient.

Project Implementation: Commercial uses typically generate sufficient funds through the generation of sales, property, and gas taxes to off-site potential costs associated with increased service needs.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels.

The developer will be required to provide for street and other right-of-way improvements along Harvard Road, consisting of AC Dike and driveway approach. The proposed Project will use an existing well and install a new septic system, both of which must meet County design standards.

6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.

The conditions of approval include measures to reduce air quality, noise, and traffic impacts and enforce County performance standards.

7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

The design of the building, along with adequate building setbacks, provides the future opportunity to construct rooftop solar facilities.

8. The Project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.

The Project's initial Minor Use Permit (MUP) was considered at a noticed public hearing by the Zoning Administrator on July 13, 2017. The MUP was not approved, as staff recommendation was challenged on the grounds that the Project did not merit a CEQA Class 1 (Existing Facilities) Exemption, pursuant to Section 15301. Due to this controversy, the Project was subsequently processed as a Conditional Use Permit for review by the Planning Commission and an MND/IS was posted on the County website, and transmitted to the State Clearing house for the required 30 day review and comment period. Notices of Intent and Notices of Availability (NOI/NOA) were mailed to property owners within 300 feet of the project. The Planning Department received comments during the thirty (30) day review Period and have prepared Response to Comments in a separate attachment. Mitigation measures incorporated as part of the Project's conditions of approval will reduce impacts to less than significant.

MINOR VARIANCE FINDINGS

A **MINOR VARIANCE** is proposed to reduce the required front and north side yard landscape setback.

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.

The request is to reduce the front yard landscape setback from 25 feet to 15 feet and the north side yard landscape setback from 10 feet to 7.5 feet. Setback distances of 40 percent or less are identified as Minor Variances. The reduced front and side yard landscape setbacks will only affect the lot owned by the applicant, and will not be detrimental to other properties or land uses in the area or interfere with the present or future ability to use solar energy systems, since adjoining land to the north and west is also Rural Commercial (CR) District and undeveloped. The proposed building complies with required setbacks and the proposed on-site operation and vehicle access will be consistent with County requirements

and not intrude upon adjoining properties. Solar energy systems can be installed on the property based upon the proposed Project design.

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.

Two variances have been requested. One involves the front yard along Harvard Road has an existing half width right of way (ROW) of 40 feet on the subject property side, which is 10 feet wider than the Local Street 30 foot half width design standard. If Harvard Road existed as the 30 foot standard street section the applicant would be able to meet the required landscape setback width. However, providing an additional 10 feet landscaping to create the required 25 foot wide landscape setback area would cause a conflict with on-site truck maneuvering. As such, the increased front yard ROW width on Harvard Street adversely affects or penalizes the property, which is unique to this site.

The second variance involves a reduction in the side yard landscape setback of 2.5 feet from the required 10 foot setback along the northerly property line to allow the installation of a new on-site retention basin. The CR District requires a 10 foot setback on one side of the property, if it adjoins a commercially designated parcel. In this case both side yards abut commercially designated land and the southerly side yard also abuts Caltrans ROW. The purpose of the side yard setback is to provide emergency access to the property. Since the south side adjoins a roadway, emergency access to the property is maintained on one side of the property consistent with the County Development Code.

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.

As cited above in the response to No. 2, Harvard Road has an existing half width right of way of 40 feet on the subject property side, which is 10 feet wider than the County's Local Street 30 foot half width design standard. The 40 feet ROW has compelled the Project to provide an additional 10 feet of ROW dedication that could have been applied toward the landscape setback width and eliminated the need for a variance. The application of the required landscape setback and associated decrease in useable land area, would affect the efficiency of on-site vehicular circulation.

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.

With the exception of the setback reductions, the proposed Project adheres to the development standards and requirements of the County Development Code for projects located in the Rural Commercial (CR) Zone, and meets the intent of the Land Use goals and objectives of the County General Plan Land Use Element.

TENTATIVE PARCEL MAP FINDINGS

This Tentative Parcel Map (TPM) is to establish a one lot subdivision to comply with a conditional certificate of compliance.

- 1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan.**

The proposed Project is to reestablish a commercial building and use that has been abandoned. The proposed Project is currently located on an existing Assessor's Parcel with a grant deed, but the property was not legally subdivided. The applicant was required to submit a Conditional Certificate of Compliance to determine the appropriate action, which resulted in the need to prepare and submit a Tentative Parcel Map. The proposed Tentative Parcel Map has a lot size of approximately one acre. The existing Land Use District requires a parcel size of 2.5 acres. However, Section 82.05.050 the Development Code permits a smaller lot size: "Minimum lot area may be less than specified [2.5 acres] if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit." The proposed Project has been conditioned to ensure it complies with the County Development Code.

- 2. The site is physically suitable for the type and proposed density of development.**

The site fronts upon and is accessed from Harvard Road. The property is flat and has adequate site visibility to ensure adequate vehicular turning movements. The property was previously used for of the type of use proposed. This type of commercial land use is appropriate for the location at a freeway off-ramp and overpass. Well water and septic system will be provided to meet domestic water and wastewater requirements.

- 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Project site was the site of a previous commercial business and the building is to be reused. The site has existing pavement for previous parking and access areas, and recordation of a one-lot parcel map will have no physical impact on the property.

- 4. The design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems.**

The proposed subdivision is a one lot subdivision that encompasses property that is improved. Proposed site plan improvements, together with the provisions for the site design and conditions of approval would ensure the proposed Project would not result in serious public health or safety problems.

- 5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements on record, or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.**

No easements are known to traverse the property.

- 6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.**

The Project will utilize an on-site septic system and will not discharge wastewater into a community sewer system. The septic system will be required to comply with the requirements of County Environmental Health Services and the State Regional Water Quality Control Board.

- 7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.**

The proposed parcel is generally square in design and encompasses an existing building. The proposed building improvements include the use of lattice shade structures over windows on the north and south side of the building.

- 8. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.**

The proposed subdivision conforms to requirements of the Development Code, as it complies with the requirements of a conditional certificate of compliance.

EXHIBIT D

Conditions of Approval

CONDITIONS OF APPROVAL

Capstone Builders P201600545

Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Approval Description. This Minor Use Permit (MUP) is conditionally approved to renovate the existing .99 acre (43,516 square feet) property and building formerly used as a convenience store and gas station to include a coffee shop with drive-through, fueling station with five fueling islands (10 fueling pumps) and new structural canopy in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0539-223-03, Project No. P201600545.

2. Project Location. The Project site is located at 39263 Harvard Road in the Community of Newberry Springs.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:

- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
- b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

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

6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Job Costing System (JCS) account number is P201600545. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.

Mitigation Measures shown in italics

- Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- a. FEDERAL: N/A;
 - b. STATE: N/A
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/Community Safety/Hazmat; Public Health – Environmental Health Services, Public Works – Traffic/Solid Waste/County Surveyor, and
 - d. LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible;

Mitigation Measures shown in italics

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.

- I) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
 - All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:

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

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

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

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

23. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
24. 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.
25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
26. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

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

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

COUNTY FIRE DEPARTMENT – Community Safety Division – (909) 386-8465/LOCAL FIRE JURISDICTION

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

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

33. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
34. Mandatory Organics Recycling. As of January 1, 2017, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate four (4) cubic yards of organics per week to recycle. A

Mitigation Measures shown in italics

business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Applicant will be required to report to the County on efforts to recycle organics materials once operational.

35. Demolition Debris - San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures built prior to 1984, are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed of. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit: <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or solid.wastemail@dpw.sbcounty.gov.

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

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

PRIOR TO RECORDATION

The Following Shall Be Completed

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-4149

37. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
38. Easements. Easements within the reminder portion of the map are to be dedicated by separate document.
39. Non-Interference letter. Sub divider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easements within the property boundaries.
40. Parcel Map Review. Review of the Parcel Map by our office is based on actual cost and requires an initial \$3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

Mitigation Measures shown in italics

41. Easements of Record. Easements of Record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
42. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

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

43. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
44. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C4000H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
45. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
46. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage Study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
47. 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
48. 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.
49. On-site Flows. On-site flows need to be directed to the drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
50. Road Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Harvard Road (Local – 60')

51. Street Improvements. Design curb and gutter match up paving 18 feet from centerline within a minimum 26 feet paved width. Additional paving may be required by County Traffic and shall be reflected on the street improvement plans.
52. Sidewalks. Design sidewalks per County Standard 109 Type "C".
53. Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
54. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
55. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
56. Improvement Securities. Any required public road, drainage and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
57. Maintenance Bond. Once all required public road, drainage, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
58. 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.
59. 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.

Mitigation Measures shown in italics

60. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
61. 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.
62. 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.
63. Caltrans Approval. Obtain comments and approvals from Caltrans for access requirements and working within their right-of-way.
64. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
65. Structural Section Testing. Prior to map recordation, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works.

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

The Following Shall Be Completed

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

66. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
 - a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”

- d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - f) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
67. Human Remains – Funerary objects. if human or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
68. Native American Cultural Resources. In the event that Native American Cultural Resources are discovered during project activities, all work in the immediate vicinity of the find (within 100- foot buffer of the find) shall cease and the County Corner shall be contacted pursuant to State Health and Safety Code § 7050.5 and that code enforced for the duration of the project.
69. Native American Historical Resources. If significant Native American Historical Resources, as defined by CEQA (as amended, 2015) are discovered and avoidance cannot be ensured, an secretary of Interior (SOI) – qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
- a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment plan shall be monitored by a Sn Manuel Band of Mission Indians Tribal Participants.
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or cultural materials encountered during the project.
- In addition, as noted above, the Project site is highly disturbed and consists of compacted soil with impervious surfaces that has been heavily disturbed by human activities. As such, it is not anticipated that subsurface tribal cultural resources will be encountered during construction. Impacts are less than significant.
70. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - b. 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.
 - c. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.

Mitigation Measures shown in italics

- d. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
71. 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.
72. *NOI-1. Construction Noise.* Prior to grading permit issuance, the County shall verify that the following mitigation measures are included on the Grading and Building plans:
73. *"Note 1: Construction Equipment Controls. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site."*
74. *"Note-2: Noise Ordinance. To minimize potential impacts to adjacent sensitive receptors, project construction shall only be performed during the hours construction activities are exempt from the Glen Helen Specific Plan noise standards: Temporary construction, maintenance or demolition activities shall only be conducted between the hours of 6:30 a.m. and 8:00 p.m. However, this exemption does not apply on Sundays and national holidays."*
75. *"Note-3: Equipment Staging. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction."*

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909 387-4149)

76. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771 (b) Business and Professions Code.
77. Record of Survey. 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:
- Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

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

78. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
79. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
80. Demolition Permit: Obtain a demolition permit for any building(s) or structures to be demolished. Underground structures must be broke in, back-filled and inspected before covering.
81. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official.
82. Erosion Control Installation. An erosion control permit shall be obtained and devices installed prior to any land disturbance. No sediment is to leave the job site.

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

83. Certificate of Compliance. This parcel appears to have been created by an illegal subdivision of land in 1981 and may require a conditional Certificate of Compliance. However, this issue may be resolved by providing documentation of an approved minor subdivision or prior certificates of compliance for the parcel(s) in question.
84. Monumentation. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

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

85. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
86. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 4000H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
87. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
88. Grading Plans. Grading plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plan according to the approved Drainage study. An

Mitigation Measures shown in italics

\$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

89. 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
90. 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.
91. On-site Flows. On-site flows need to be directed to the drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

COUNTY FIRE DEPARTMENT – Community Safety Division – (909) 386-8465

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

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

93. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
94. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
95. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
96. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
 - Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California

Mitigation Measures shown in italics

Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:

- Incorporate dual paned or other energy efficient windows,
- Incorporate energy efficient space heating and cooling equipment,
- Incorporate energy efficient light fixtures, photocells, and motion detectors,
- Incorporate energy efficient appliances,
- Incorporate energy efficient domestic hot water systems,
- Incorporate solar panels into the electrical system,
- Incorporate cool roofs/light colored roofing,
- Incorporate other measures that will increase energy efficiency.
- Increase insulation to reduce heat transfer and thermal bridging.
- Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- Plumbing. All plumbing shall incorporate the following:
 - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- Lighting. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- Building Design. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.
- Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized

Mitigation Measures shown in italics

irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.

- Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

97. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

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

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

98. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771 (b) Business and Professions Code.
99. Record of Survey. 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:
- Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;

Mitigation Measures shown in italics

- Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

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

100. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

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

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

Harvard Road (Local – 60')

- Street Improvements. Design curb and gutter match up paving 18 feet from centerline within a minimum 26 feet paved width. Additional paving may be required by County Traffic and shall be reflected on the street improvement plans.
 - Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
102. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
103. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
104. 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.
105. 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.
106. 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.

107. 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.
108. Caltrans Review. Obtain comments from Caltrans for working within their right-of-way.

COUNTY FIRE DEPARTMENT – Community Safety Division – (909) 386-8465

109. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
110. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.
111. Rural Water System Commercial. In areas without water serving utilities, the fire protection system shall be designed to NFPA 1142 and shall be operational prior to framing. All NFPA 1142 systems shall provide an approved permanent water supply. Water supply systems may be mitigated with an approved NFPA 13 or 13R fire sprinkler system.
112. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure.
113. Access - 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. Standard 902.2.1
114. Access. The development shall have a minimum of one point of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
 - Single Story Road Access width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum of twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
 - Multi-Story Road Access width: Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
115. 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, if required.
116. 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.
117. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

Mitigation Measures shown in italics

118. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
119. Combustible Vegetation. Combustible vegetation shall be removed as follows: "Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. " Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance # 3586.
120. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1
121. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1
122. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
123. Fire Alarm. A manual, automatic or manual and automatic 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 three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA. [F62A]
124. Access - 30% slope. Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department. Standard 902.2.1
125. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

COUNTY FIRE DEPARTMENT– Hazardous Materials – (909) 386-8464

126. Under Ground Storage Tanks. Prior to the installation of underground fuel tanks, plans for the underground fuel tank systems shall be reviewed and approved by the Office of the Fire Marshal, Hazardous Materials Division. For information contact 386-8464.

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

127. Construction and Demolition Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CDWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at: <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a demolition permit can be issued.

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

128. Water Purveyor. Water purveyor shall be DEHS approved.
129. Verification Letter. Applicant shall procure a verification letter from the water agency with jurisdiction. The letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall also reference the project name and assessor's parcel number. For projects with a current active water connection, a copy of the water bill with project address may suffice. For more information contact the Water Section at 1-800-442-2283.
130. Water System Permit. A water system permit may be required. Source of water shall meet water quality and quantity standards. Test results, which show source meets, water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283.
131. Sewage Disposal. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS)
132. Wastewater Treatment. If sewer connection and/or service are unavailable, Onsite Wastewater Treatment System(s) (OWTS) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For more information, contact DEHS Wastewater Section at 1-800-442-2283.
133. Septic System. Existing septic system can be used if applicant provides certification from a qualified professional (i.e. Professional Engineer (P.E.), Registered Environmental Health specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
134. Water Control Board. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health.
- Lahontan Region, 15095 Amargosa Road Bldg. 2 Suite 210 Victorville, CA 92392.
135. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, 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.

Mitigation Measures shown in italics

136. Structural Demolition. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.
137. Food Establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at 1-800-442-2283.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

138. 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 P201600545
139. 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).
140. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
141. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
142. 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.
143. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
144. 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.
145. Safety Lighting. The developer shall construct safety lighting in accordance with Caltrans recommendations standards and requirements. Please contact the Department of Transportation, District 8 Office at (909) 383-4557 or by email at: www.dot.ca.gov/dist8.

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

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

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

147. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these *Mitigation Measures shown in italics*

improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

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

148. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
149. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.
150. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
151. Open Roads/Case Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
152. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
153. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

COUNTY FIRE DEPARTMENT – Community Safety Division – (909) 386-8465

154. 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.
155. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
156. 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.
157. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

158. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".
159. 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 to 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.
160. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with N.F.P.A 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

COUNTY FIRE DEPARTMENT – Hazardous Materials – (909) 386-8464

161. Hazardous Materials Laws and Regulations. Prior to occupancy, applicant shall be required to apply for one or more of the following or apply for exemption from hazardous materials laws and regulations: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Davison at (909) 386-8401.

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

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

END OF CONDITIONS

EXHIBIT E

Project Comment Letters

DECLARATION OF IQBAL HUSSAIN

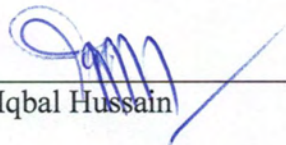
I, Iqbal Hussain, declare as follows:

1. I am the owner or affiliated with the owner of the adjacent property ("Adjacent Property"), known as assessor's parcel number 0539-223-04. I have been in the business of building gas stations for many years. I have personal knowledge of the matters set forth herein and would and could testify competently thereto under oath if called to do so.
2. As the owner of the Adjacent Property, I have personal knowledge of the property ("Project Site") on which Project No. P201500299 will be located. I have inspected the Adjacent Property and the Project Site many times over the last two years. To my knowledge the Project Site has been vacant and unused for more than two years. I have further knowledge that the last use of the property was a tire service and repair shop.
3. On December 22, 2016, the Planning Commission approved my Project No. P201500299, which is similar in nature, namely a gas station and convenience store. Prior to approval, my project required a traffic study. The study revealed that project trip generation is projected at approximately 2,279 daily vehicle trips, 190 of which will occur during the Friday evening peak hour and 190 during the Sunday mid-day peak hour.
4. Because I have been in the building of gas stations for many of years, I have personal knowledge and experience in construction costs associated with these projects. The building proposed for Project No. P201500299 was built in 1968. It is in extremely

poor condition and unusable in its current condition. The cost to rehabilitate such a building and construct ancillary equipment and facilities will cost a minimum of \$2,000,000.00, including building renovation, new gasoline pumps, gasoline tanks, a canopy, landscaping, asphalt parking and a water well.

I declare under PENALTY OF PERJURY under the laws of the State of California that, to the best of my knowledge, the foregoing is true and correct.

July 25, 2017



Iqbal Hussain

JOHN K. MIRAU*
MARK C. EDWARDS
ROBERT W. CANNON†
MICHAEL J. LEWIN
WILLIAM P. TOOKE

LAW OFFICES OF
MIRAU, EDWARDS, CANNON, LEWIN & TOOKE
A PROFESSIONAL CORPORATION

* Certified Specialist, Taxation
Law, The State Bar of California
Board of Legal Specialization
† Certified Specialist, Estate
Planning, Trust and Probate
Law, The State Bar of California
Board of Legal Specialization

1806 Orange Tree Lane, Suite C
Redlands, CA 92374
P. O. Box 9058
Redlands, CA 92375
909-793-0200
Fax 909-793-0790

July 25, 2017

N2111-001

County of San Bernardino
385 North Arrowhead Ave
San Bernardino, CA 92415
Attn: Ruben Arceo, Planner

Re: Project No. P201600545
Capstone Builders: 39263 Harvard Road, Yermo, CA

Dear Mr. Arceo:

Our firm represents Iqbal Hussain, who owns property adjacent to the gas station project referred to above ("the Project"). This letter constitutes a formal protest of the method by which the Project has been processed. The California Environmental Quality Act (CEQA) has been violated as well as the County's own Development Code, as set forth below.

1. Project is not exempt under CEQA.

The proposed findings for the project include the following (No. 11):

"The project was determined to be categorically exempt from the California Environmental Quality Act., Section 15301. This exemption includes the operation, repair, maintenance, permitting, leasing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency(s) determination. Therefore, if the Project is approved, a Notice of Exemption will be filed."

This finding of exemption from CEQA is based upon the incorrect and unsupported finding that the new use as a gas station, convenience market and coffee shop is a continuation of an "existing" use. However, the facts do not support this finding. The Project site and the buildings located thereon have been vacant for years, with no business whatsoever being conducted on the site. My client has personal knowledge as to activity at the Project site for the last two years, and

by submission of the enclosed declaration testifies that it has been vacant with no business operating thereon. In addition, we have reviewed aerial photos of the Project site on Google Maps. Those maps show that the gas tanks and canopy were removed between 2006 and 2009. The aerial photos also show that the last use of the property was a tire service and repair shop, not as a gas station, convenience store or coffee shop.

The question at issue is what is the “baseline” for determining whether there is an existing use on the Project site. The very language of §15301 indicates that the use is the one “existing at the time of the lead agency(s) determination.” The application filed by applicant admits that the property is currently vacant, and that no business is operating thereon. In the “Letter of Intent” filed with the project application, the applicant admits as follows:

“This proposal is for the complete cleanup and renovation of an existing site and building that was a former gas station and convenience store located adjacent to the I-15 State Highway in Yermo, CA.” [Underling Added]

The aerial photographs on Google maps also show that the last use of this property was as a tire repair and service shop. The enclosed picture shows the roof of the building located on the Project site with the following words and telephone number printed in large letters: “Tire Service – 760 792 – 9295.” Those words and telephone number are still painted on the roof of the building. Any use as a gas station or convenience store preceded that use, and would have been prior to 2009, when the aerial photographs show that the gas pumps and canopy were removed.

The CEQA Guidelines, §15301, provide that the “key consideration” in determining whether this exemption applies is whether the project involves “negligible” or “no expansion” of an existing use. There is no question whatsoever that the existing use is a vacant building with no business activity being conducted, no traffic being generated, no noise being generated, and no impact on the environment whatsoever. The application itself admits that the building is currently vacant and unused. The baseline condition for the existing use exemption under CEQA is exactly that, the existing use at the time of determination by the lead agency.

In Azusa Land Reclamation Co. v Main San Gabriel Basin Watermaster (1997) 52 CA4th 1165, the court rejected the use of this exemption for an approval authorizing reopening of a landfill that had been closed several years earlier. In County of Amador v El Dorado County Water Agency (1999) 76 CA4th 931, 967, the court held that the change from the acquisition of a nonconsumptive hydroelectric facility by an irrigation district to a massive consumptive-use facility removed the project from the existing facilities exemption because the project was no longer a simple transfer of ownership when coupled with a change in project purpose.

In conclusion, based on the evidence before the county, as well as admissions in the application itself, the existing use exemption under CEQA is not applicable. Accordingly, demand is made that an environmental review of the proposed project be made in compliance with CEQA.

2. The Minor Use Permit Process is not applicable to the Project.

County has made the determination that the Project can be approved as pursuant to the minor use permit procedure, rather than the conditional use permit (CUP) procedure. This procedural determination seems to follow the (incorrect) determination that the project is exempt from CEQA because the project is purportedly a modification of an existing project. As set forth above, that characterization of the project is inaccurate. This is a new project being constructed on a vacant, abandoned site, that was last used as a tire service and repair shop.

County Development Code Section 85.06.040 provides that, in order to utilize the minor use permit procedure, the reviewing authority must make a finding that “the project is not likely to result in controversy.” Protest of the Project by my client constitutes a controversy which would make this finding impossible to be made. In connection with the processing of my client’s project on the adjacent Property, protest by the adjacent owner (applicant for this project) was deemed to be a controversy that prevented use of the minor use permit process. That precedent is equally applicable in this case.

County Development Code §85.06.010 describes conditional use permits and minor use permits as follows:

“(a) Conditional Use Permit. A Conditional Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable land-use zoning district, but whose effects on the site and surroundings cannot be determined before being proposed for a specific site.

(b) Minor Use Permit. A Minor Use Permit is designed to provide discretionary review for minor projects and intermediate discretionary review for projects that do not meet established development standards.”

The Development Code does not define the word “minor”. Webster’s Dictionary defines minor as follows: “lesser, as in size, extent, or importance, or being or noting the lesser of two.” The clear intent of the minor use permit process is to permit small projects, with a small impact on the environment and surrounding properties, to be approved pursuant to a shorter administrative process. The question is whether or not the project proposed by applicant is a “minor project.”

On page 10 of its application, applicant for the Project describes the project as follows:

“Existing gas station and minimarket on flat non-landscaped site to be upgraded and remodeled. New gas station, minimarket and Coffee Bean & Tea Leaf with drive-thru. New pavement and parking, new landscaped areas. New gas station islands with canopy. Proposed rehab of entire site and existing building.”

This description repeats the incorrect statement that there is an existing gas station and minimarket located on the site. However, the project application then admits that there will be a new gas station, minimarket and Coffee Bean & Leaf with drive-thru. It also indicates that there will be new pavement and parking, new landscaping areas, and new gas station islands. The application describes the project as a “rehab of entire site and existing building.”

Attached to this letter is a picture of the existing building located on the Project site. This building was built in 1968, and is in almost unusable condition. The application is correct in describing the project as a rehabilitation of the entire site and existing building. The building is merely a shell, which may be more expensive to rehabilitate than to tear down and rebuild. In essence, this is the equivalent of construction of a new building and site for the proposed new use.

My client has experience in the construction of gas stations. Attached to this letter is a declaration under penalty of perjury as to the estimated cost of constructing the Project. This project will cost in the range of \$2 million to construct.

In December 2016, an entity affiliated with Client (Newberry Springs Investments, LLC) obtained approval of a CUP for a gas station and convenience store adjacent to the Project site. As part of that application, there was a traffic analysis (which is incorporated herein with this reference) which found that project trip generation is estimated to be approximately 2,279 daily vehicle trips, 190 of which will occur during the Friday evening peak hour and 190 during the Sunday midday peak hour. The proposed Project is similar in size and nature, and also will generate over 2,000 daily vehicle trips, all of which are new trips compared to the baseline state of the land which generates no traffic whatsoever because it is vacant.

The “existing use” argument is the same argument used for incorrectly concluding that the categorical exemption for an existing use is applicable in this case. That argument is that the new use of the property is simply a continuation of an existing use, with minor modifications. As discussed above in the CEQA analysis, that argument is simply incorrect. It is clear that there has been no gas station and convenience store use of this property for 5 to 10 years. The last use was as a tire service and repair shop.

In summary, it is not reasonable for County to come to the conclusion that the proposed gas station, minimarket and coffee shop is a small project subject to the minor use permit application procedure. The project is a new use that replaces a vacant, nonuse of the property. The project will entail millions of dollars of expenditure. The project will have significant impacts on the environment including over 2,000 average daily trips generated. The Project is controversial and is being challenged by an adjacent property owner. Use of the minor use permit procedure is improper, and the only way to approve this project is through use of the CUP process, including a hearing before the Planning Commission and the right to appeal to the Board of Supervisors.

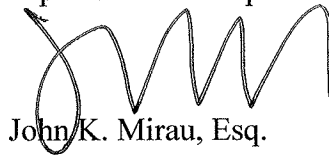
3. Conclusion.

Demand is hereby made that an environmental evaluation pursuant to CEQA be completed prior to consideration of this Project. The categorical exemption for an existing use is clearly not applicable.

Demand is further made that this project be processed pursuant to the CUP process. The proposed project is not a minor project which qualifies for use of the minor use permit process.

Very truly yours,

Mirau, Edwards, Cannon Lewin & Tooke,
A professional corporation

A handwritten signature in black ink, appearing to read 'John K. Mirau', written over the printed name.

John K. Mirau, Esq.



LAND USE SERVICES DEPARTMENT PLANNING DIVISION

NOTICE OF HEARING

**A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE
SAN BERNARDINO COUNTY ZONING ADMINISTRATOR
TO CONSIDER THE FOLLOWING APPLICATION**

Project Description

APN: 0539-223-03
Applicant: Chris Sabbah-Capstone Builders
Community/Supervisor: Yermo/ First Supervisorial District
District: District
Location: 39263 Harvard Road
Project No: P201600545
Staff: Reuben J. Arceo
Rep: Same as Applicant
Proposal: Minor Use Permit to renovate the former site of a gas station and convenience store to add five pump islands. The existing 3,684 square foot structure will consist of a convenience store, retail coffee shop, and ice cream shop

Vicinity Map -



DATE AND TIME OF HEARING:

Thursday, July 13, 2017 at 9:00 A. M., OR THEREAFTER

PLACE OF HEARING:

**SAN BERNARDINO COUNTY GOVERNMENT CENTER
 Joshua Room on First Floor
 385 North Arrowhead Avenue - [Between 3rd and 5th Streets]
 San Bernardino, CA 92415**

Any person affected by this application may submit their concerns in writing prior to the hearing or appear in person and be heard in support of or in opposition to the proposal at the time of the hearing.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing. Due to time constraints and the number of persons wishing to give oral testimony, time restrictions may be placed on oral testimony at the public hearing regarding this proposal. You may wish to make your comments in writing to assure that you are able to express yourself adequately.

The proposed project application and environmental finding may be viewed at the Planning Division at: 385 N. Arrowhead Avenue, San Bernardino, CA 92415-0187 from 8:00 a.m. until 4:30 p.m., Monday Thru Friday. To assure that someone will be available to assist you; staff requests that you call the Planning Division at (909) 387-8311 to set a time to review the documents. NOTE: The Zoning Administrator in its deliberation could approve an alternative proposal for the above project.

Iqbal Hussain
2021 Troon Drive
Henderson NV 89074
702-845-9667
qiret@hotmail.com

January 12, 2017

San Bernardino County
Land Use Services
385 N Arrowhead Avenue
First Floor
San Bernardino, CA 92415-0187

RE	Planning Project Notice
ASSESSOR PARCEL NUMBER	0539-223-03
APPLICANT	Capstone Builders – Chris Sabbah
LAND USE DISTRICT	CR
IN THE COMMUNITY OF	Yermo / 1st / Supervisorial District
LOCATED AT	39263 Harvard, Yermo CA 92398
PROPOSAL	MUP to renovate the former site of a gas station and convenience store to add five pump islands. The 3684 SF structure will consist of a convenience store, retail coffee shop, and ice cream shop.

Regarding – Objection to the proposed MUP

To Whom It May Concern,

I'm currently the Owner of the parcel directly adjacent to the proposed project. I'm in receipt of your notice dated December 29, 2016 for the above stated Planning Project. I object to the proposed Minor Use Permit; I'm unequivocally opposed.

I have several concerns;

Development Code

Understandably the project will need to meet the current development code requirements, and of particular concern is the project parcel size. The County Development Code requires a minimum 2.5 acre lot area in given the CR zoning classification.

Minimum Lot Rational

Minimum lot size policy is intended and designed to mitigate negative spillover effects to adjacent properties; further it is adopted to promote health, safety and welfare of the community. In addition,

the new development may have impact on and have problems providing adequate on-site sewage disposal given the small parcel size and appropriate setbacks, etcetera. Other potential difficulties are created regarding vehicle circulation and storm water retention/detention. Ultimately, the small lot size would not preserve the rural characteristics of the community.

Significant Change of Use

The proposed project has a significant change of use from its earlier application, including added fueling, and an ice cream shop. The question of allowing the project to be "grandfathered" arises. The increased number of amenities would encroach upon the "grandfather" clause or policy, whereby the "grandfather" status should be revoked and the new code requirements then applied.

These additional services will have substantial impact and diminish the rural characteristics of the community which is reflected in the development code minimum lot size. I respectfully request that the MUP request be denied.

Please keep me informed on the date and time of any proposed public meetings or hearing.

Respectfully,



Iqbal Hussain

Standards Desert Region pp2-49

- Table 83-23 On-Site Signs in Rural Commercial (CR) Land Use Zoning District pp3-135

Table 82-10
Minimum Area for Commercial Land Use
Zoning District Designation

Land Use Zoning District	Minimum Area for Designation
CR (Rural Commercial)	2.5 acres ✓
CN (Neighborhood Commercial)	1 acre
CO (Office Commercial)	5 acres
CG (General Commercial)	5 acres
CS (Service Commercial)	5 acres
CH (Highway Commercial)	5 acres

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
Single dwelling	A	—	—	—	—	—	
RETAIL							
Auto and vehicle sales and rental	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Bar, tavern	P ⁽²⁾	M/C	—	P ⁽²⁾	P ⁽²⁾	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store ✓	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	

Table 82-15A
CR, CN, AND CO Land Use Zoning District Development Standards
Desert Region

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
Density	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	2 units per acre; 4 units per acre in mobile home park/ manufactured home land-lease community. Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	25 ft	25 ft	25 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	3:1	25:1	5:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations)		
Signs	See Chapter 83.13 (Sign Regulations)		

Notes:

- (1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.
- (2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.

EXHIBIT F

Initial Study

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN:	0539-223-03
APPLICANT:	Chris Sabbah, Capstone Builders
COMMUNITY:	YERMO/1ST SUPERVISORIAL DISTRICT
LOCATION:	EAST SIDE OF HARVARD ROAD, NORTH OF SOUTHBOUND 1-15 FREEWAY EXIT AND SOUTH OF HACIENDA ROAD IN THE YERMO AREA
PROJECT No:	P201600545
STAFF:	JIM MORRISSEY, CONTRACT PLANNER
REP(S):	Brad Robertson, Robertson Design Group
PROPOSAL:	CONDITIONAL USE PERMIT TO RENOVATE AN EXISTING STRUCTURE FORMERLY USED AS A CONVENIENCE STORE AND GAS STATION TO ALSO INCLUDE A VEHICLE DRIVE-THROUGH FOR FOOD AND DRINKS AND A MINOR VARIANCE TO REDUCE THE FRONT YARD LANDSCAPE SETBACK FROM 25 FEET TO 16 FEET AND THE NORTH SIDE YARD SETBACK FROM 10 FEET TO 7.5 FEET.

USGS Quad: SAN BERNARDINO, CALIF.
T, R, Section: T1N, R3E, Section: 14

Planning Area: YERMO

OLUD: CR (Rural Commercial)

Overlays: Biological Resources Overlay
FEMA ZONE D-Flood Hazard
Possible but Undetermined
AR 4 - Flight Safety Corridor

PROJECT CONTACT INFORMATION:

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

Contact person: Jim Morrissey, Contract Planner
Phone No: (909) 387-4434
E-mail: Jim.Morrissey@lus.sbcounty.gov

Fax No: (909) 387-4234

Project Sponsor: Chris Sabbah
Capstone Builders
30707 E. Sunset Drive South
Redlands, CA 92373

Phone No: (909) 583-4596
E-mail: ASabbah3@aol.com (applicant)

Fax No: N/A

PROJECT DESCRIPTION:

A Conditional Use Permit to renovate an existing structure formerly used as a 3,684 sq. ft. convenience store and gas station, which will include a coffee shop with a drive-through and a fueling area with five fueling islands (10 fueling points total) under a new canopy, designated CR (Rural Commercial) on approximately 1 acre. A Minor Variance is also requested to reduce the front yard

landscape setback from 25 feet to 15 feet along Harvard Road and the north side yard setback from 10 feet to 7.5 feet. Harvard Road has an existing half width right of way of 40 feet on the subject property side, which is 10 feet wider than the typical Local Street 30 foot half width design standard for this roadway.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Abandoned structure.	CR (Rural Commercial)
North	Vacant, unimproved	CR (Rural Commercial)
South	Vacant, unimproved	CR (Rural Commercial)
East	Vacant, unimproved	CR (Rural Commercial)
West	Vacant, unimproved	CR (Rural Commercial), RL (Rural Living) to the southwest

The subject parcel has an existing structure, formerly used as a convenience store and gas station. The site is improved with pavement and concrete.

The parcel contains no natural vegetation. The site has been heavily disturbed by human activities. The property is relatively flat, with very little site variation. Access to the site is provided by Harvard Road, which is a paved 2-lane roadway. The property also adjoins the southbound I-15 off-ramp, but no access is available from this roadway. There is no curb, gutter, or sidewalk along Harvard Road or the I-15 off-ramp adjacent to the site.

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

Federal: None; State of California: None; County of San Bernardino: Land Use Services - Building and Safety, Planning, Land Development, and Code Enforcement; Public Works; Environmental Health, and; County Fire: Local: None

EVALUATION FORMAT

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Signature: Jim Morrissey, Contract Planner

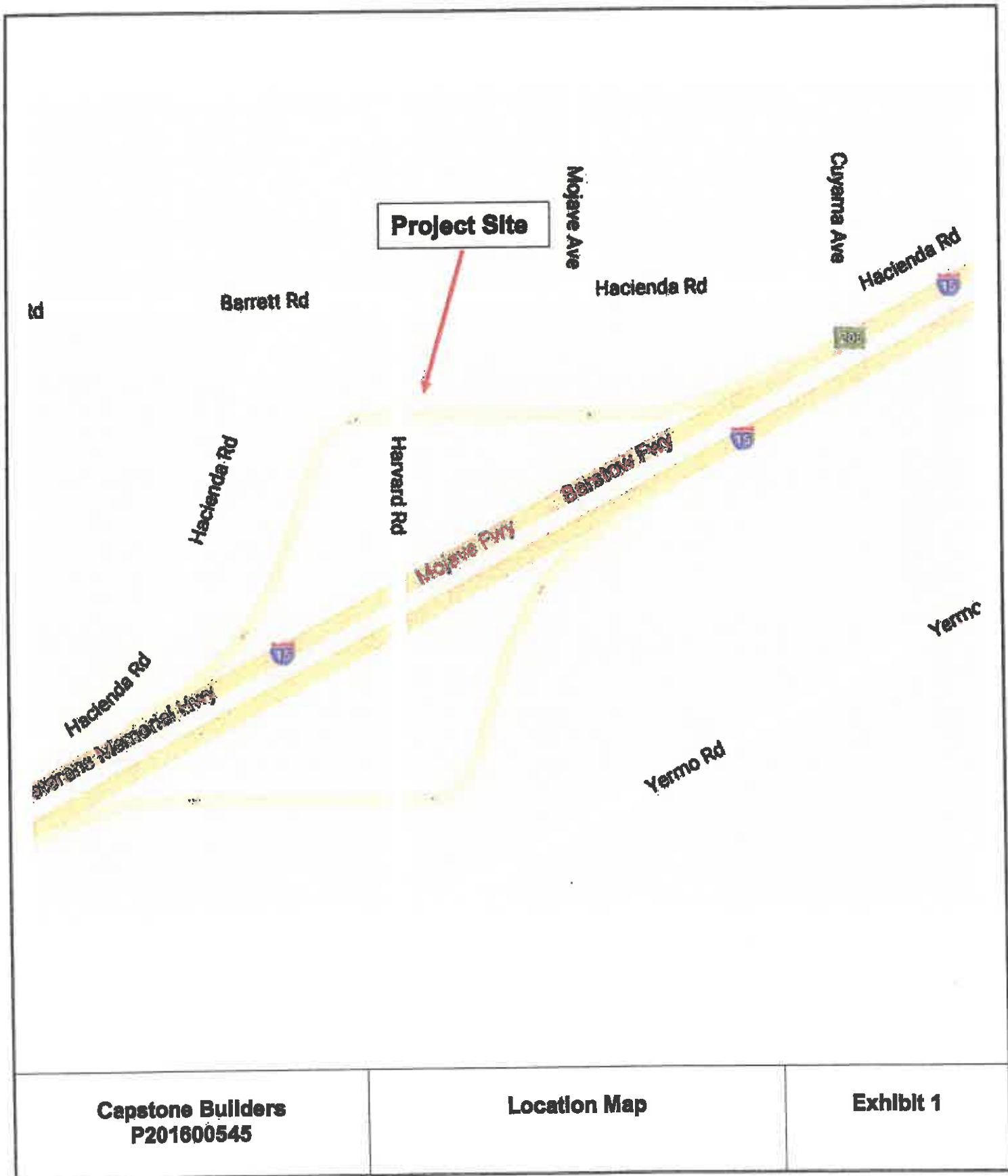
Date

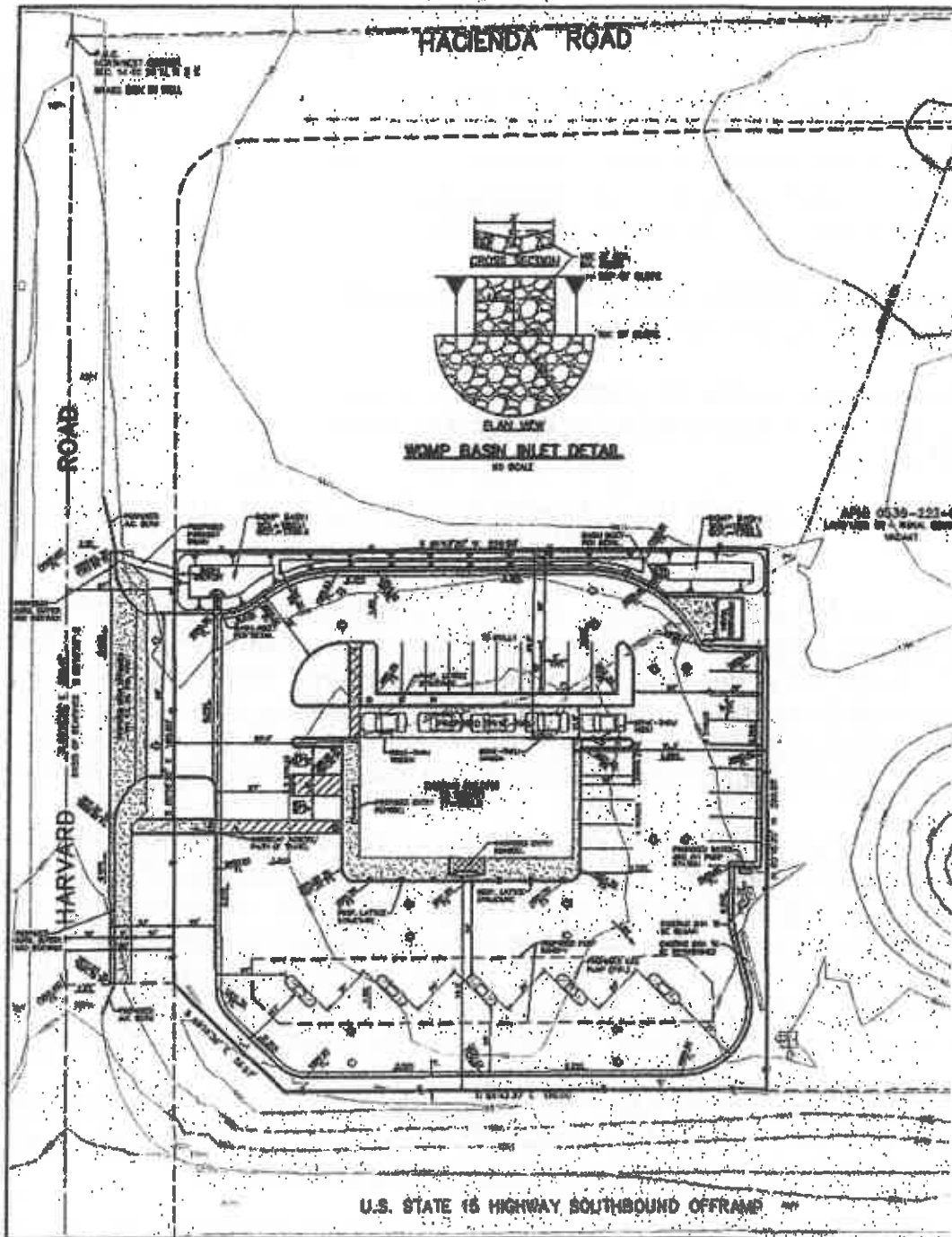
Signature: Dave Prusch, Supervising Planner

Date

APPENDICES (On Compact Disk or Under Separate Cover)

A. Air Quality and Greenhouse Gas Emissions Computer Model Print outs





Capstone Builders
P201600545

Site Plan

Exhibit 2

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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I. AESTHETICS - Would the project

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- I a) **Less Than Significant Impact.** The San Bernardino County General Plan has identified a number of scenic highways. The I-15 Freeway is identified as a scenic highway in proximity to the Project site. General Plan Policy OS 5.2 states: "Define the scenic corridor on either side of the designated route, measured from the outside edge of the right-of-way, trail, or path. Development along scenic corridors will be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present."

The subject property is approximately 450 feet north of the I-15 Freeway and separated by intervening property that is part of the Harvard Road Interchange. The topography in the area is relatively flat allowing for the easy visibility of the existing building and associated freestanding sign. The County's Development Code has established development criteria for areas within 200 feet of the ultimate road right of way. Due to the Project's distance from I-15 Freeway and the current existence of the structure and related improvements to the property the proposed Project will have a less than significant impact on a scenic vista.

- I b) **Less than Significant Impact.** The Project site is not adjacent to a state designated scenic highway. The I-15 Freeway is listed as an eligible State Scenic Highway, according to an on-line search of the Caltrans Scenic Highway Mapping System.

As noted above, the Project site has been improved and the structure to be modified exists. On-site parking areas contain pavement and remnants of the gas station dispensing islands exist. Little to no vegetation exists on-site. As such, the proposed Project would not affect existing vegetation nor substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a County or State Scenic Corridor.

- I c) **Less than Significant Impact.** The Project site has been improved and includes an existing structure. The proposed Project will not substantially degrade the existing visual character

of the site and its surroundings, because the proposed Project substantially exists. Therefore, it will not notably change the existing visual character of the area.

- 1 d) **Less than Significant Impact.** The site is currently improved and was previously utilized as a retail store and gas station with exterior lighting. Improvements will require compliance with existing County lighting standards, specifically Section 83.07.040, Glare and Outdoor Lighting – Mountain and Desert Regions. This Section identifies maximum lighting height and shielding requirements to preclude light pollution or light trespass on adjacent property and adjacent roadways. Adherence to this mandatory standard will ensure that the project will not create a new source of substantial light or glare trespass onto adjacent properties. As such, impacts are considered less than significant.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES -

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

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

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

- II a) **No Impact.** The subject property is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the San Bernardino County Important Farmland 2014 Map, Sheet 1 of 2, prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency and displayed on the Department of Conservation Web Site. The subject Property is designated "Other Land", which is described as "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. Vacant and nonagricultural land

surrounded on all sides by urban development and greater than 40 acres is mapped as other land." As such, there will be no impact to Important farmland as a result of the project.

- II b) **No Impact.** The subject property is substantially disturbed due to the existence of a previously used structure, pavement, and gasoline dispensing islands. As noted above, the subject property and surrounding properties are identified as "Other Land". According to the California Department of Conservation, San Bernardino County Williamson Act FY 2015/2016, Sheet 1 of 2, the closest Williamson Act Contract is approximately three miles west of the site. As such, the planned reuse of the property for retail and gasoline dispensing would not change the ability of the property to be used for agricultural uses, since the current improvements do not reflect agricultural uses.
- II c) **No Impact.** The Project site is zoned CR (Rural Commercial). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the project site. No lands on the project site are zoned for forestland or timberland, therefore, the Project has no potential to impact such zoning and no impact would occur.
- II d) **No Impact.** The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the *General Plan*. Since no forest land is present on the Project site or in the immediate vicinity of the project site, the Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact would occur.
- II e) **No Impact.** Implementation of the proposed Project will not involve changes in the existing environment which, due to their location or nature, could result in conversion of other farmland to non-agricultural use, because the site has been substantially improved and will be reused in substantial conformance with the current design. The surrounding properties are undeveloped and only one residence is located approximately 600 feet northwest of the property. Therefore, no impact would occur.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct Implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (Including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

The following responses are based on MDAQMD regulations and the California Emissions Estimator Model (CalEEMod) printouts utilized for the project. Please reference that CalEEMod document for further details (Appendix A).

- III a) **Less Than Significant Impact.** The Mojave Desert Air Quality Management District (MDAQMD) has adopted *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, dated August 2016. The document indicates that significant impacts would occur if the proposed Project "triggers or exceeds the most appropriate evaluation criteria." In general, the following factors are noted as significant on page 9 of the document:
1. Generates total emission (direct and indirect) in excess of the thresholds given in Table 6 [see Table 1 below];
 2. Generates a violation of any ambient air quality standard when added to the local background;
 3. Does not conform with the applicable attainment or maintenance plan(s)¹;
 4. Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

The annotation referenced above in number 3 provides as follows: "A project is deemed to not exceed this threshold, and hence not be significant, if it is consistent with the existing land use plan. Zoning changes, specific plans, general plan amendments and similar land use plan changes which do not increase dwelling unit density, do not increase vehicle trips, and do not increase vehicle miles traveled are also deemed to not exceed this threshold." (p. 9)

Since the proposed Project is consistent with the existing County land use plan (Land Use District designation) and the prior use of the property, the Project conforms to the adopted attainment and maintenance plan.

- III b) **Less Than Significant Impact.** The Mojave District CEQA Guidelines provide that a significant impact would occur if the proposed Project would violate any air quality standard or contribute significantly to an existing or projected air quality violation. The applicable thresholds of significance for air emissions generated by projects are established by the Mojave Air Quality Management District (MDAQMD) and are described below in Table 1.

Table 1. MDAQMD Significant Emission Thresholds

Criteria Pollutant	Daily Threshold (pounds)
Carbon Monoxide (CO)	548
Oxides of Nitrogen (NOx)	137
Volatile Organic Compounds (VOC)	137
Oxides of Sulphur (SOx)	137
Particulate Matter (PM10)	82
Particulate Matter (PM2.5)	82

Source: MDAQMD CEQA Guidelines.

Construction Emissions

Short-term criteria pollutant emissions will occur during site preparation, grading, building construction, paving, and painting activities. Emissions will occur from use of equipment, worker, vendor, and hauling trips, and disturbance of onsite soils (fugitive dust). The CalEEMod program, utilized by the Mojave Air District, includes both construction and operational emissions. However, the facility and many of the required improvements already exist. Estimated construction emissions modeled for the Project were below threshold levels. As such, the emission levels projected would probably be even less since the model assumes all new site construction. Therefore, the actual emission levels would be less than significant.

Table 2. Construction Daily Emissions (lbs./day)

Source	ROG	NO _x	CO	SO ₂	PM ¹⁰	PM ^{2.5}
Total Emissions	17.91	23.57	20.31	0.025	3.8	2.38
SCAQMD Threshold	137	137	548	137	82	82
Exceeds Threshold?	No	No	No	No	No	No

Source: California Emissions Estimator Model (Appendix A).

Operational Emissions

Long-term criteria air pollutant emissions will result from the operation of the proposed Project. Long-term emissions are categorized as area source emissions, energy demand emissions, and operational emissions. Operational emissions will result from automobile, truck, and other vehicle sources associated with daily trips to and from the Project site. The California Emissions Estimator Model (CalEEMod) was utilized to estimate mobile source emissions.

The results of the CalEEMod outputs are summarized in Table 3 (Operational Daily Emissions). Based on the results of the model, without control measures, maximum daily emissions from the operation of the project will not exceed adopted Thresholds

Table 3. Operational Daily Emissions (lbs./day)

Source	ROG	NO _x	CO	SO ₂	PM ¹⁰	PM ^{2.5}
Area Sources	0.10	0.00	3.9e	0.00	0.00	0.00
Energy Demand	2.6e	2.37e	1.99e	1.0e	1.8e	1.8e
Mobile Sources	18.18	25.04	175.64	0.01	6.54.80	0.22
Total Emissions	18.29	25.04	175.64	0.01	6.54	0.23
SCAQMD Threshold	137	137	548	137	82	82
Exceeds Threshold?	No	No	No	No	No	No
<i>Source: California Emissions estimator Model (Appendix A).</i>						

Emission levels shall not exceed the levels permitted by the rules and regulations of the Mojave Air Quality Management District or the requirements of any Air Quality Plan or the Greenhouse Gas Emissions Reduction Plan adopted by the County of San Bernardino.

- III c) **Less Than Significant Impact.** The Project area is designated as a non-attainment area for ozone, PM_{2.5}, and PM₁₀. In determining whether or not the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors), the non-attainment pollutants of concern for this impact are ozone, PM_{2.5}, and PM₁₀. In developing the thresholds of significance for air pollutants disclosed above under Section III b), MDAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be considered cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As displayed in the tables above, the proposed Project does not exceed the identified significance thresholds. As such, emissions would not be cumulatively considerable.

An *Air Quality and Greenhouse Gas Analysis* was completed in May 2017 for a 4,998 sq. ft. convenience store and gasoline dispensing station east of Yermo within the Mojave Air Quality Management District. The *Analysis* found construction of the larger building and operation of the use, which included six pumping stations that exceed the five proposed by the applicant, would not exceed established daily threshold levels for emissions nor exceed significance criteria for toxic air contaminants established by the District.

III d) **Less Than Significant impact.** A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant. According to the MDAQMD CEQA Guidelines, the following are land uses (sensitive sites) where sensitive receptors are typically located:

- Residences
- Schools
- Daycare centers
- Playgrounds
- Medical facilities

The nearest sensitive receptor to the Project site is the single-family residence located approximately 600 feet northwest of the Project site. The MDAQMD Guidelines identified distances from uses of concern, which are listed below:

- 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 closest sensitive receptor is over 600 feet from the proposed use, which includes a gasoline dispensing component. The distance between the sensitive receptor and use is over 300 feet. As such, no further evaluation is necessary.

III e) **Less Than Significant Impact.** According to the Mojave Desert Air Quality Management District odors are not identified as an issue in the CEQA Guidelines. Improvements associated with the proposed Project would be not be close to an existing sensitive receptor. As such, objectionable odors would not affect the nearby sensitive receptor and impacts are considered less than significant.

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

Potentially
Significant
Impact

Less than
Significant with
Mitigation
Incorp.

Less than
Significant

No
Impact

IV. BIOLOGICAL RESOURCES - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- IV a) **No Impact.** The proposed Project site has been substantially disturbed through the completion of prior grading, paving, and building activities. The County's Biotic Resources exhibit for the Desert region displays the potential for Desert Tortoise and Burrowing Owl north of the I-15 Freeway. However, due to the existing impervious site improvements consisting of an existing and previously used retail building, parking lot paving, gasoline

Islands and general land disturbance, combined with a lack of vegetation, and site fencing, a biological report was not required.

Based on the above analysis, the proposed Project will have a less than significant effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, because the property is fully improved with impervious materials.

IV b) **No Impact.** The subject property is not traversed by any identified drainage course or blue line stream, based upon a review of the Harvard Hill, CA 2015 USGS Map. As noted previously, the substantially disturbed, recompacted, and improved site does not contain any notable vegetation nor riparian habitat or other sensitive natural communities.

IV c) **No Impact.** Section 404 of the Clean Water Act defines wetlands as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." (Ref. EPA Regulations listed at 40 CFR 230.3(t)).

The California Department of Fish and Wildlife found the U.S. Fish and Wildlife Service (Section 404 definition above) wetland definition and classification system to be the most biologically valid. The Department of Fish and Wildlife Staff uses this definition as a guide in identifying wetlands. As noted previously, the site is heavily impacted by existing improvements and its prior use as a retail business. Based upon the existing level of site improvements, the site does not contain any features that meet the definition of "wetlands."

IV d) **Less Than Significant Impact.**

Wildlife Corridors

Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human development. Corridors effectively act as links between different populations of a species. Interference with the movement of native resident migratory fish or wildlife species occurs through the fragmentation of open space areas caused by urbanization.

As noted in the responses to Section IV a-c) above, the site does not have habitat or features that would support a wildlife corridor or a wildlife nursery site. In addition, the Project site is adjacent to the Harvard Road I-15 Freeway Interchange. Although the adjoining properties are undeveloped, a number of roadways exist in the area. The existence of site improvements and proximity to the I-15 Freeway would prevent the use of the Project site and surrounding area as a wildlife corridor.

Wildlife Nursery Sites

Wildlife nursery sites are areas that provide valuable spawning and nursery habitat for fish and wildlife. Wildlife nursery sites occur in a variety of settings, such as trees, wetlands, rivers, lakes, forests, woodlands and grasslands to name a few. The use of a nursery site would be impeded if the use of the nursery site was interfered with directly or indirectly by a project's development or activities.

The subject property is very disturbed with an existing building and paved parking areas, which are located near a major interstate freeway. As such, the Project site does not act as a wildlife nursery and a biological report was not required.

Based on the above analysis, the proposed Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Therefore, impacts are less than significant.

- IV e) **No Impact.** San Bernardino County regulates the removal of native plants within the Desert region. Regulated plants within the Desert region include Joshua, mesquite, and Palo Verde trees. No trees or shrubs are located on the subject property. As previously noted the site has been heavily disturbed due to its previous use. As such, the Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- IV f) **No Impact.** The proposed Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the Project site. The County of San Bernardino has not adopted a Habitat Conservation Plan for the region. Likewise, there is no local, regional or state habitat conservation plan that governs the project site or vicinity.

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

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V. CULTURAL RESOURCES - Would the project

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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

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

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

The site is improved and consists of an existing structure proposed for reuse, paved parking areas, and remnants of gasoline dispensing islands. There is no evidence of surface structures or features which meet the definition of a historic resource as described above. As such, there are no impacts to historic resources.

V b) Less Than Significant Impact.

Archaeological Resources

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

The Project site is located on a fully-improved property that consists of compacted soil with impervious surfaces that has been heavily disturbed by previous human activities. As such, it is not anticipated that subsurface archaeological resources will be encountered during construction.

Tribal Cultural Resources

On July 1, 2015 AB 52 (Gatto, 2014) went into effect. According to its author:

"[E]xisting laws lack a formal process for tribes to be involved in the CEQA process as tribal governments. CEQA projects that impact tribal resources have experienced uncertainty and delays as lead agencies attempt to work with tribes to address impacts on tribal resources. With this bill, it is the author's intent to "Set forth a process and scope that clarifies California tribal government involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources."

"Tribal cultural resources" are either of the following:

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

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

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

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

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

The Land Use Services Department notified the appropriate California Native American Tribes consistent with the requirements of AB52, utilizing information provided by each tribe. The Twenty-Nine Palms Band of Mission Indians responded within the 30-day response period and indicated they do not have any specific concerns. However, should any inadvertent discoveries occur, they indicated "construction should stop immediately, and the appropriate agency and tribe(s) should be notified." (Letter dated August 23, 2017) A standard condition of approval has been incorporated to address this concern. The San Manuel Band of Mission Indians (Tribe) also responded via e-mail dated September 7, 2017 and requested consultation. The Tribe requested copies of any cultural resource studies. As part of on-going correspondence between the County and the Tribe, it was noted that a request had been made to the South Central Information Center, but no response had been received. The Tribe requested to see a copy of the records search prior to commenting further on the proposed Project. Records search information was received from the Information Center on October 16, 2017 and forwarded to the Tribe. They responded the same day indicating "...I believe the project area is unlikely to contain undisturbed surfaced cultural material. As a result, SMBMI [San Manuel Band of Mission Indians] does not have any concerns with the project's implementation, as planned, at this time." However, the Tribe did request inclusion of the following measures should human remains be found during construction. These have been recommended for inclusion within the Project's conditions of approval.

1. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
2. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input.
3. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

In addition, as noted above, the Project site is highly disturbed and consists of compacted soil with impervious surfaces that has been heavily disturbed by human activities. As such, it is not anticipated that subsurface tribal cultural resources will be encountered during construction. Impacts are less than significant.

- V c) **No Impact.** The Project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because the site is fully improved. To further reduce the potential for impacts, the Project will be subject to the County's standard condition which requires the developer to contact the County Museum for determination of appropriate mitigation measures if any inadvertent finds are made during Project construction. This Project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no such resources have been identified on the site.
- V d) **Less than Significant Impact.** No formal cemeteries are known to be located on the project site. Disturbance of subsurface soils has the potential to uncover buried remains. If buried remains are discovered, the project proponent is required to comply with Section 5097.98 of the California Public Resources Code and Section 7050.5-7055 of the California Health and Safety Code, requiring halting of construction activities until a County coroner can evaluate the find and notify a Native American Representative if the remains are of Native American origin. Upon compliance with these regulations, impacts would be less than significant.

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

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VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

☐ ☐ ☐ ☒

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 181-B of the California Building Code (2001) creating substantial risks to life or property?

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

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

VI a) **No Impact.** The site does not lie within, or immediately adjacent to, an Alquist-Priolo Earthquake Fault Zone, and no active or potentially-active faults are shown on or in the immediate vicinity of the site based upon published geologic maps.

- VI a)II **Less Than Significant Impact.** The Project will not expose people or structures to potentially adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. An earthquake produced from regional faults could result in strong ground shaking. However, the proposed Project will be reviewed and approved by the County Building and Safety Division with appropriate seismic standards implemented. Adherence to standards and requirements contained in the current Building Code for the design of the proposed structure will ensure that any impacts are less than significant by ensuring that the structure does not collapse during strong ground shaking.
- VI a)III **Less Than Significant Impact.** Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The factors controlling liquefaction are:
- Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause soils to liquefy and temporarily behave as a dense fluid. For liquefaction to occur, the following conditions have to occur:
 - Intense seismic shaking;
 - Presence of loose granular soils prone to liquefaction; and
 - Saturation of soils due to shallow groundwater.

The San Bernardino County Geologic Hazards Overlay Map for the area does not identify the site as having a susceptibility for liquefaction. As such, the liquefaction potential is considered "low."

- VI a)IV **No Impact.** Generally, a landslide is defined as the downward and outward movement of loosened rock or earth down a hillside or slope. Landslides can occur either very suddenly or slowly, and frequently accompany other natural hazards such as earthquakes, floods, or wildfires. Landslides can also be induced by the undercutting of slopes during construction, improper artificial compaction, or saturation from sprinkler systems or broken water pipes.

The site is flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.

- VI b) **Less Than Significant Impact.** The Project will not result in substantial soil erosion or the loss of topsoil, because the site is improved with an existing structure and impervious surfaces. The project site is beyond the MS4 (Municipal Separate Sewer and Storm Drainage Systems) region for preparation of Water Quality Management Plans (WQMP). However, erosion control measures will be instituted during construction the property to comply with California Green Building Standards Code Section 5.106.1, Storm Water Pollution Prevention. This Code section requires newly constructed projects that disturb less than one acre of land to prevent the pollution of stormwater runoff from the construction activities through one or more of the following measures:

- Comply with a lawfully enacted stormwater management and/or erosion control Ordinance.
- Prevent the loss of soil through wind or water erosion by implementing an effective combination of erosion and sediment control and good housekeeping Best Management Practices (BMPs).

Mandatory compliance with the California Green Building Standards Code, impacts related to substantial soil erosion will be less than significant.

VI c) Less Than Significant Impact.

Landslide

As noted in the response to subsection a) iv above, the site is flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides.

Lateral Spreading

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

Subsidence

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink, which cause damage to those structures. Subsidence is usually remedied by excavating soil to the depth of the underlying bedrock and then recompact the soil so that it is able to support buildings and structures.

As noted in the response to Issue a) iii above, the area is not identified as being within an area subject to subsidence. Based on this factor, the subsidence potential is considered "low" and can be attenuated with adherence to standards and requirements contained in the Building Code, thereby ensuring any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

Liquefaction

As noted in the response to Issue a) iii above, the area is not identified as being within an area subject to subsidence. Based upon a review of the Soil Survey of San Bernardino County California, Mojave River Area, prepared by the Soil Conservation Service, on and off-site soils consist of Cajon loamy sand. Permeability is rapid for this soils type. Based on this factor, the

liquefaction potential is "low" and can be attenuated with adherence to standards and requirements contained in the Building Code for the design of the proposed structure to ensure that any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

Collapse

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

As noted in the response to Issue a) III above, the area is not identified as being within an area subject to subsidence. Based on this factor, the collapse potential is "low" and can be attenuated with adherence to standards and requirements contained in the Building Code for the design of the proposed structure and ensure that any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

- VI d) **Less Than Significant Impact.** According to the above listed Soils Survey Report, the shrink-swell potential is low. As such, the expansion potential of the near surface soils would be "low."
- VI e) **Less Than Significant Impact.** The proposed Project will utilize an existing water well and subsurface on-site disposal system. The septic system will need to be recertified through the San Bernardino County Division of Environmental Health, meet all current standards, and obtain approval from the California Regional Water Quality Control Board, Lahontan Region. Based upon this review, potential impacts to subsurface wastewater disposal will be less than significant.

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

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VII. GREENHOUSE GAS EMISSIONS - Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- b) Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION *The following responses are based in part on the California Emissions Estimator Model (CalEEMod). Please reference that CalEEMod document for further details (Appendix A).*

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

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

A GHG emissions analysis was conducted utilizing the CalEEMod referenced in Section III above. Total greenhouse gases estimated for Project operation are approximately three tons per day or 1,100 tons per year.

Due to the small building size and operational area, the impacts are projected to be less than significant and no mitigation measures are required.

However, according to the *County of San Bernardino Greenhouse Gas Emissions Plan*, and even although the Project is below the 3,000 MTCO₂E/YR screening threshold for GHG emissions and no further climate change analysis is necessary, the Project is required to implement mandatory reducing measures in the project's conditions of approval as required by the *Greenhouse Gas Emissions, Development Review Processes, County of San*

Bernardino, California, Updated March 2015. These measures have been incorporated into the Project's conditions of approval.

VII b) **Less Than Significant Impact.** In September 2011, the County of San Bernardino adopted the "*Greenhouse Gas Emissions Reduction Plan*" (GHG Plan). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020 in consistency with State climate change goals pursuant to AB32. The specific objectives of the GHG Plan are as follows:

- Reduce emissions from activities over which the County has jurisdictional and operational control consistent with the target reductions of Assembly Bill (AB) 32 Scoping Plan;
- Provide estimated GHG reductions associated with the County's existing sustainability efforts and integrate the County's sustainability efforts into the discrete actions of this Plan;
- Provide a list of discrete actions that will reduce GHG emissions and approve a GHG Plan that satisfies the requirements of Section 15183.5 of the California Environmental Quality Act (CEQA) Guidelines, so that compliance with the GHG Plan can be used in appropriate situations to determine the significance of a project's effects relating to GHG emissions, thus providing streamlined CEQA analysis of future projects that are consistent with the approved GHG Plan.

The GHG Plan identifies goals and strategies to obtain the 2020 reduction target. Reduction measures are classified into broad classes based on the source of the reduction measure. Class 1 (R1) reduction measures are those adopted at the state or regional level and require no additional action on behalf of the County other than required implementation. Class 2 (R2) reflects quantified measures that have or will be implemented by the County as a result of the GHG Plan. Class 3 (R3) measures are qualified actions that have or will be implemented by the County as a result of the GHG Plan.

As discussed above in Section VII a), the Project is not projected to exceed the 3,000 MTC2OE/YR screening threshold identified in the GHG Plan and will implement reduction measures that are consistent with the Screening Tables shown in the GHG Plan. Therefore, the Project is not in conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS -
 Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Measures	Less than Significant	No Impact
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- VIII a) **Less Than Significant Impact.** During the remodeling of the existing building and re-paving of parking areas, transportation and disposal of hazardous materials and wastes will occur that are typical of construction projects. This would include fuels and lubricants for construction machinery, coating materials, etc. All hazardous materials are required to be utilized and transported in accordance with their labeling pursuant to federal and state law. Routine construction control measures and best management practices for hazardous materials storage, application, waste disposal, accident prevention and clean-up will be sufficient to reduce potential impacts to a less than significant level.

If hazardous materials are proposed on-site for operational purposes in large quantities, they will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department, as required by Health and Safety Code Section 25507, which requires a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Health and Safety Code Section 25503.

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

Finally, safety procedures associated with such hazards shall be clearly posted and personnel shall be properly trained in these procedures. Adequate fire alarms, fire-fighting and fire suppression equipment and devices must be provided on-site in accordance with the requirements of the California Building Code and the California Fire Code.

- VIII c) **No Impact.** The proposed Project site is not located within ¼ mile of an existing or proposed school. The nearest schools are located a substantial distance from the project site, due to the rural nature of the area. The closest existing schools are Newberry Elementary School (K-5), located approximately 7.0 miles to the south or Yermo School (TK-12), approximately 11.0 miles to the west. The identified distances are straight-line aerial distances and do not account for circuitous roads or changes in elevation. No new schools are proposed within the area.
- VIII d) **No Impact.** The project site is not included on the list of hazardous materials sites compiled in accordance with Government Code No. 65962.5.

- VIII e) **No Impact.** The Project site is not 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. The nearest airport is Barstow-Daggett Airport located approximately 11 miles to the southwest. It should be noted a significant portion of the land within this portion of the County is within Airport Safety Review Area 4 (AR4) that relates to the low-altitude/high speed corridors designed for military aircraft use.
- VIII f) **No Impact.** The Project site is not within the vicinity or approach/departure flight path of a private airstrip.
- VIII g) **Less Than Significant Impact.** The proposed Project site will obtain access from Harvard Road, a two-lane paved roadway adjoining the property to the west. Hacienda Road to the north is both paved (to the west of Harvard) and unpaved (to the east of Harvard). Harvard Road provides access to the north and southbound sections of the I-15 Freeway. As such, the proposed Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed Project will also not result in any substantial change to road design or capacity that would affect implementation of evacuation procedures nor result in any substantial increase in natural or man-made hazards that would increase the potential for evacuation. Conditions of approval will require additional improvements to Harvard Road (AC dike) along the westerly property line.
- VIII h) **Less Than Significant Impact.** According to the County's LUSD Permit GIS Viewer, the Project site is not located within a Fire Safety Area. Implementation of appropriate Building and Safety Division and Fire Department requirements will ensure people or structures are not exposed to a significant risk of loss, injury or death involving wildland fires.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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IX. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| IX a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| IX g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IX h) Place within a 100-year flood hazard area structure, which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IX i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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



SUBSTANTIATION

IX a) **Less Than Significant Impact.** The proposed Project will not violate any water quality standards or waste discharge requirements, because the Project's design incorporates measures to diminish impacts to water quality to an acceptable level, as required by state and federal regulations. Due to the location of the property a Water Quality Management Plan (WQMP) is not required. However, pursuant to California Green Building Standards Code Section 5.106.1, newly constructed projects which disturb less than one acre of land shall prevent the pollution of stormwater runoff from the construction activities through one or more of the following measures:

- Comply with a lawfully enacted stormwater management and/or erosion control Ordinance.
- Prevent the loss of soil through wind or water erosion by implementing an effective combination of erosion and sediment control and good housekeeping Best Management Practices (BMPs).

The proposed Project will also utilize an on-site subsurface septic system. This system would require approval from County Environmental Health Services (DEHS) as part of the standard review and approval process. Once approved it would then be sent to the Regional Water Quality Control Board for clearance.

For this particular Project DEHS would require a percolation report for an advance treatment unit (ATU). If the proposed Project exceeds 10,000 gallons per day of discharge it will be required to obtain Regional Water Board approval. If the percolation report is approved with an ATU it would go to the Regional Board for review with possible Waste Discharge Orders (Limits) and the County's approval action. Based upon the proposed design parameters construction permits would be issued. Utilizing these standard procedures and measures, the Project would result in a less than significant impact.

IX b) **Less Than Significant Impact.** The proposed Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the project is served by a private well within the Baja Sub basin of the Mojave Basin. According to the Urban Water Management Plan (UWMP) prepared by the Mojave Water Agency, groundwater supplies can be maintained, even in multiple dry years. The Project site was previously in operation in a manner similar to the proposed operation. Based upon historical groundwater data, groundwater levels have remained relatively constant.

Development of the Project would not result in the installation of new impervious surface coverage on the site since the property was built and previously operated as a retail store and gasoline dispensing station. However, a new storm water retention area is proposed along the northerly property line. As such, direct infiltration of runoff into the ground would

increase under the new Project design. This would have a less than significant impact on groundwater recharge in the areas of the Baja Groundwater Sub basin.

Based upon a review of State well data available on-line, area wells were at a depth of less than 100 feet below ground surface. Groundwater data from State Well No. 10N03E14B001S located southeast of the project site indicated groundwater at a depth of approximately 68 feet, based upon the latest available date. State Well No. 10N03E10P001S, located west of the project site, indicated groundwater at a depth of approximately 92 feet. Groundwater depth for both locations was similar to the identified historical depth. As such, the proposed Project will not impact groundwater.

- IX c) **Less Than Significant Impact.** The Project site is flat, with very little topographic change. An infiltration basin is proposed along the northerly property line. The basin will be designed to meet San Bernardino County's Water Quality Management Plan (WQMP) requirements.

As such, there would be no significant alteration of the site's existing drainage pattern that would be directed towards the basin area and, as a result, there would not be any significant increase in the rates of erosion or siltation on or off site due to the design of the basin area.

- IX d) **Less Than Significant Impact.** No increase in runoff flow rates and volumes is anticipated in the developed condition due to the existing impervious surface areas that generally reflect the proposed design. An infiltration basin will be located adjacent to the northerly property line. The proposed infiltration basin would accept the concentrated flows from the Project site and discharge flow onto Harvard Road. The County Public Works Department will review the final drainage plan prior to construction of the project. Based on the analysis above, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in flooding on or off-site and no mitigation measures are required.
- IX e) **Less Than Significant Impact.** As discussed under Section IX d) above, an infiltration basin will be located adjacent to the northerly property line for water quality treatment and acceptance of on-site concentrated flows. With completion of the Project design, there would be no significant alteration of the existing drainage pattern and there would not be any additional sources of pollution runoff.
- IX f) **Less Than Significant Impact.** There are no conditions associated with the proposed Project that could result in the substantial degradation of water quality beyond what is described above in the responses to Sections IX a), c), and e).
- IX g) **No Impact.** The proposed Project will not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, because the Project does not propose housing and is not within a designated flood hazard area as shown on *San Bernardino County's General Plan Hazard Overlays Map* and FEMA FIRM Panel No. 06071C4000H.
- IX h) **No Impact.** The proposed Project will not place structures within a 100-year flood hazard area that would impede or redirect flood flows, because the site is not within an identified

FEMA designated flood hazard area as shown on *San Bernardino County's General Plan Hazard Overlays Map* and FEMA FIRM Panel No. 06071C4000H.

- IX I) **No Impact.** According to the *County of San Bernardino Hazards Overlay Map* the Project site and surrounding area is not located within a designated dam inundation area. The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as no levee or dam is located in the vicinity of the project.
- IX J) **No Impact.** The proposed Project will not be impacted by inundation by seiche, tsunami, or mudflow, because the Project is not adjacent to any body of water that has the potential of seiche or tsunami. Based on the responses to Issues VI a) and c) of this Initial Study Checklist, the Project site is not located in an area prone to landslides, soil slips, or slumps. Therefore, the proposed Project would have no impacts from seiche, tsunami, or mudflows.

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

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

SUBSTANTIATION

- X a) No Impact.** The Project site is currently improved and will not physically divide an established community, because the Project site will be operated in a manner similar to the existing previous operation and the property abuts the southbound I-15 Freeway off-ramp and Harvard Road, both of which are improved.
- X b) Less Than Significant Impact.** The purpose of the proposed Project is to renovate the existing structure and gasoline dispensing area, which requires the approval of a Minor Use Permit. Opposition to the Minor Use Permit occurred at the Zoning Administrator hearing and the item was tabled for future consideration by the Planning Commission as a Conditional Use Permit. The applicant has also requested a Minor Variance to reduce the front yard landscape setback from 25 feet to 15 feet and the north landscape setback from 10 feet to 7.5 feet. The applicant fronts upon Harvard Road, which is designed as a 40 foot half width roadway. Harvard Road is classified as a Local Street, 60 feet right of way and 30 foot half width. The current half width right of way on the Project side is 10 feet more than the standard design requirement. As such, the requested front yard setback reduction would not adversely affect the roadway design nor place uses closer to the roadway than intended. The reduction in the landscaping setback would also not affect the total amount of landscaping provided since the combined amount of right of way and setback landscaping would be consistent with adopted standards for setback landscaping alone.

This type of use is permitted in the CR (Rural Commercial) land use district, which is the current land use designation, upon approval of the Conditional Use Permit. As demonstrated throughout this Initial Study Checklist, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the General Plan and San Bernardino County Development Code, or any plans whose purpose is to avoid or mitigate an environmental effect. In all instances where significant impacts have been identified, compliance with mandatory requirements or mitigation measures are provided to reduce each impact to less than significant levels.

- X c) **No Impact.** The Project site is not located within any habitat conservation plan or natural community conservation plan, therefore no conflict will occur.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XI. MINERAL RESOURCES - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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):

- XI a) No Impact.** The Project site is improved with compacted soil. Little or no native and non-native vegetation exist on-site at this time. The Project site is approximately 1.0 acre in size and abuts Harvard Road, a publically maintained roadway. The area is identified as MRZ-3a (may contain significant aggregate deposit), based upon Mineral Land Classification Map for the Barstow-Victorville Area, completed by the State Geologist. No mines, oil or gas wells, or other resource extraction activity occur on the property nor is it known to have ever occurred on the property.

Based on the above analysis, there is no impact related to the loss of known or valuable mineral resources.

- XI b) No Impact.** The Project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there are no identified locally important mineral resources on the Project site and the property has been improved and previously utilized in a manner similar to that proposed.

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

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XII. NOISE - Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- XII a) **Less Than Significant With Mitigation Incorporated.** Although the Project site has an existing structure and gasoline pump islands, it is not currently in operation. However, the proposed use will operate in the similar manner to the previous use, with a retail operation and gas station. There are no known unusual or loud noises that would occur on the property on a regular basis. Primary noise sources near the site include vehicle/truck noise from the I-15 Freeway. Renovation of the site would result in a limited increase in noise levels, since some of the renovation will occur indoors. The surrounding properties are also designated CR (Rural Commercial) and are vacant/unimproved. The closest residence is approximately 600 feet to the northwest.

Construction Noise

The most significant source of short-term noise impact is related to noise generated during construction activities on the Project site that would result in potential noise impacts to the residence located to the northwest of the Project site.

Construction is performed in discrete steps, each of which has its own mix of equipment and consequently its own noise characteristics. Thus, noise levels will fluctuate depending upon the construction phase, equipment type, duration of equipment use, distance between the noise source and receptor, and the presence or absence of noise attenuation structures. As shown on Table 8 below, noise levels generated by heavy construction equipment can range from approximately 75 dBA to 99 dBA when measured at 50 feet.

Table 8. Typical Construction Equipment Noise Levels

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

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during the grading phase. A likely worst-case construction noise scenario during grading assumes the use of construction equipment operating at 50 feet from the nearest sensitive receptor, although the closest receptor is about 600 feet away.

Construction activities on the project site, especially those involving heavy equipment, would initially create intermittent, short-term noise increases affecting sensitive receptors in the vicinity of the project site, representing a temporary effect on ambient noise levels. Assuming a usage factor of 40 percent for each piece of equipment, unmitigated noise levels at 50 feet have the potential to reach 90 dBA Leq and 92 dBA Lmax. Noise levels for the other construction phases would be lower and range between 85 to 90 dBA. Noise levels typically decrease at a six decimal rate for each doubling of distance. Soft site conditions, such as grass, soft dirt or landscaping further absorb sound, which could decrease noise levels another 1.5 dB per doubling of distance. As such, noise levels would successively decrease 7.5 decimals at intervals of 100 feet, 200 feet, and 400 feet, resulting in a 22.5 decimal decrease at 400 feet. Due to the lack of vegetation and other structures, it is assumed that no interruption in the standard noise propagation rate would occur. The County's Development Code, Section 83.01.080 (g) exempts temporary construction noise from adopted standards. However, due to the limited intervals of equipment use and the distance to the closest sensitive receptor, it is not expected that construction activities would adversely affect the residents.

Although short-term project construction activities on the Project site would be consistent with the County's noise regulations and impacts would be less than significant, implementation of Mitigation Measure NOI-1 listed below would ensure that additional noise attenuation measures are incorporated into the Project's construction plans to minimize the noise exposure to nearby sensitive receptors to the maximum extent feasible, consistent with CEQA practice.

Mitigation Measure NOI-1. Construction Noise. Prior to grading permit issuance, the County shall verify that the following mitigation measures are included on the Grading and Building plans:

"Note 1: Construction Equipment Controls. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site."

"Note-2: Noise Ordinance. To minimize potential impacts to adjacent sensitive receptors, project construction shall only be performed during the hours construction activities are exempt from the County adopted noise standards: Temporary construction, maintenance or demolition activities shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. However, this exemption does not apply on Sundays and national holidays.

"Note-3: Equipment Staging. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction."

Operational Noise

Operational noise will result from vehicle traffic generated by the Project as well as on-site operational noise from loading and unloading activities, landscape, and human activity. A 3 dBA change in sound is the beginning interval at which humans generally notice a barely perceptible change in sound and a 5 dBA change is generally readily perceptible. Therefore, an increase of more than 5 dBA is considered significant.

The provisions in Section 83.01.080 of the County of San Bernardino County Development Code establish standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses. Adherence to these mandatory standards will ensure that the project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. As such, impacts are considered less than significant.

- XII b) **Less Than Significant Impact.** Construction equipment may result in vibration levels that are considered annoying at nearby sensitive receptors when the most vibration causing equipment is within 100 feet. As a standard condition of approval, the Project will be conditioned to comply with the vibration standards of the County Development Code, although existing development is at a substantially greater distance from the Project site than 100 feet.
- XII c) **Less Than Significant Impact.** As noted in the response to Issue XII a) above, the increased level of operational noise from the project will be less than significant with mandatory compliance with County Development Standards.
- XII d) **Less Than Significant Impact With Mitigation Incorporated.** As noted in the response to Issue XII a) above, the increased level of noise from the project will be less than significant with implementation of Mitigation Measure NOI-1 (Construction Noise). Therefore, the Project will not result in a substantial temporary increase in ambient noise levels in the Project vicinity above levels existing without the Project.
- XII e,f) **No Impact.** The Project site is not 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. The nearest airport is Barstow-Daggett Airport located approximately 11 miles to the southwest. As such, the proposed Project would not expose people residing or working in the project area to excessive noise levels.

Therefore, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project or appropriate mitigation measures have been made by or agreed to by the project proponent.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIII. POPULATION AND HOUSING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

XIII a) Less Than Significant Impact. The proposed Project would not directly result in population growth because it does not propose any residential dwelling units. The Project site is improved with an existing structure, paved parking area, and remnants of gasoline dispensing. The proposed use will operate the existing structure and site in a manner similar to the previous use. A Project of this size and type is not expected to create an additional need for housing.

Typically, population growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities.

The Project site will be developed for retail and gasoline dispensing and will not require the extension of any new roads or infrastructure to serve the Project, because the site is already improved and includes the infrastructure necessary to serve the proposed uses.

XIII b) No Impact. The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing, because the site is commercially designated and previously used as a commercial facility and does not contain housing units.

XIII c) No Impact. The proposed use will not displace substantial numbers of people, thereby necessitating the construction of replacement housing elsewhere, because the site has been used and is proposed to be operated as a commercially related facility and does not contain housing units.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIV. PUBLIC SERVICES

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

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

SUBSTANTIATION

XIV a) Less Than Significant Impact.

Fire Protection: The nearest fire station is County Fire Harvard Station # 52 located at 39059 Kathy Land, approximately 1.5 miles to the southwest, measured in a direct line distance. The Station is a volunteer station with one standard fire engine and one brush patrol truck. The proposed use will need to provide an on-site water storage tank connected to the existing water well to provide water for adequate fire suppression capability. The operation could utilize interior water sprinklers that would enable the applicant use to reduce the size of the water tank.

To offset the increased demand for fire protection services, the proposed Project would be conditioned by the County to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local Fire Codes, potential use of fire sprinklers, a fire hydrant system or adequate connection to a water tank, paved access, secondary access routes, and adequate on-site water storage capacity.

Police Protection: The San Bernardino County Sheriff Department provides the police protection for unincorporated areas of San Bernardino County. The closest area station is in the City of Barstow, approximately 22 miles from the Project site that serves Baker, Daggett, Hinkley, Lenwood, Ludlow, Newberry Springs, Sandy Valley, Yermo, Red Mountain, and Trona. The proposed Project demand on police protection services would not be significant on a direct basis as a retail store. The property is accessible from the I-15 Freeway. The proposed use was previously operated as a retail store and gasoline dispensing facility. As such, the Project would not create the need to construct a new police station or physically

alter an existing station, because the property includes an existing building that was previously used in a manner similar to that proposed.

Schools: The Project site is located in the Silver Valley Unified School District. The nearest schools are located a substantial distance from the project site, due to the rural nature of the area. The closest schools are Newberry Elementary School (K-5), located approximately 7.0 miles to the south or Yermo School (TK-12), approximately 11.0 miles to the west. The identified distances are straight-line aerial distances and do not account for circuitous roads or changes in elevation. A commercially related operation of this type would not create an additional need for housing that would directly increase the overall population of the District's attendance area and generate additional students to be served by the School District. However, the proposed Project would be required to contribute fees to the Silver Valley Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for project related impacts to school services.

Parks: The Project will not create a demand for additional park service in that the Project is a commercial related operation and no housing is proposed.

Other Public Facilities: As noted above, development of the proposed Project would not result in a direct increase in population. As such, the Project would not increase the demand for public services, including public health services and library services, which would require the construction of new or expanded public facilities.

Based on the above analysis, the proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities. Construction of the Project will increase property tax revenues to provide a source of funding that is sufficient to offset increases in the anticipated demands for public services generated by this project.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

- XV a) **No Impact.** The proposed Project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur, because the Project will not generate new residential units and the impacts generated by the employees of this Project will be minimal.
- XV b) **No Impact.** The Project is a commercial related activity and does not include recreational facilities open to the public or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

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

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XVI. TRANSPORTATION/TRAFFIC - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION *The following responses are based in part on Jeremy's Travel Plaza, Traffic Impact Analysis, dated June 13, 2017, prepared by Kunziman Associates, Inc. Please reference that document for further details (Appendix A).*

XVI a) Less Than Significant Impact.

Project Trip Generation

Trip generation represents the amount of traffic that is attracted to and produced by a development project. Determining traffic generation for a specific project is based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses proposed for a given development. *Jeremy's Travel Plaza, Traffic Impact Analysis (Study)*, dated June 13, 2017, estimated the proposed Project would generate 2,233 daily vehicle trips, with 174 occurring during the Friday evening peak hour and 234 during the Sunday mid-day peak hour. This count includes internal capture factors that reduce double counting of vehicle trips that would utilize both the convenience market and drive-through components of the use, thereby reducing rates equivalent to 19% for Sunday PM hours and

28% for daily trips. The Study estimated 95% of the vehicle trips to the site would be from northbound (50%) and southbound (45%) I-15 Freeway users. The proposed use would generate a substantial number of vehicle trips, due to the type of use and its location, in comparison to existing traffic levels, since a minimal number of trips occur through the area on Friday evenings, but a relative increase occurs Sunday afternoon.

Traffic engineers use a "level of service" scale from A to F to describe the quality of traffic flow on roadways. The Traffic Study noted that all roadways in the study area will operate at a level of service (LOS) C or better when the Project opens for business in Year 2019 and in the forecasted year of 2040. This LOS is within County of San Bernardino standards.

The Study further noted the following conditions with and without the proposed Project:

- Existing, plus proposed Project traffic conditions, the study area intersections are projected to operate at an acceptable level of service during the peak hours.
- Opening Year (2019), without Project traffic conditions, the study area intersections are projected to operate at an acceptable level of service during the peak hours.
- Opening Year (2019) with Project traffic conditions, the study area intersections are projected to operate at an acceptable level of service during the peak hours.
- Year 2040, without Project traffic conditions, the study area intersections are projected to operate at an acceptable level of service during the peak hours.
- Year 2040, with Project traffic conditions, the study area intersections are projected to operate at an acceptable level of service during the peak hours.
- Traffic signals are not projected to be warranted at any study area intersection for Year 2040 with Project traffic conditions.

Transit Service Analysis

The Project site is not currently served by a public transit agency. The proposed Project does not intend to construct any improvements that would interfere with future bus service, should it become available. As such, the Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services.

Bicycle & Pedestrian Facilities Analysis

The proposed Project does not intend to construct any improvements that will interfere with bicycle and pedestrian use. Pedestrian and bicycle access will be available to the Project site along Harvard Road, although no bicycle lanes exist. Therefore, the Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts would be less than significant.

- XVI b) **Less Than Significant Impact.** The proposed Project will not exceed, either individually or cumulatively, a Level of Service (LOS) standard established by the County Congestion Management Agency for designated roads or highways, because the Project is not projected to generate a significant amount of vehicle trips per day that would reduce the LOS to less than level "C". The *San Bernardino County Congestion Management Program (CMP), 2016*

Update: notes the I-15 Freeway north and southbound directions at Harvard Road operate at LOS "A". Harvard Road is not part of the adopted CMP.

XVI c) **No Impact:** The Barstow-Daggett Airport is located approximately 11 miles to the southwest of the Project site. The proposed Project site would not alter air traffic patterns and would, therefore, not result in substantial safety risks.

XVI d) **Less Than Significant Impact:** The proposed Project will not substantially increase hazards due to a design feature or incompatible uses, because the Project site is adjacent to Harvard Road and only proposes roadway improvements adjacent to Harvard Road that would meet County Standards. In addition, the Project is a commercial related use located in an area intended for commercial uses and would not create a hazard due to the establishment of an incompatible use (e.g., farm equipment). The area is relatively flat and no significant visual obstructions exist that would create a potential hazard.

The Traffic Study identified four specific actions related to the proposed Project:

- Construct Harvard Road from the north Project boundary to the south Project boundary at its ultimate cross-section width including landscaping and parkway improvements in conjunction with development, as necessary.

Implementation: Street improvements for Harvard Road have been conditioned to have plans prepared prior to issuance of Building Permits and installed prior to issuance of Occupancy Permits. The improvements will extend the entire frontage of the property and taper back to the existing roadway width on the adjoining property.

- The Project site should provide sufficient parking spaces to meet County of San Bernardino parking code requirements in order to service on-site parking demand.

Implementation: The Project has been conditioned to maintain all parking and on-site circulation, as identified on the approved site plan.

- On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the Project.

Implementation: Street signing and striping plans are reviewed and approved by County Public Works in conjunction with the review of landscape plans to ensure adequate roadway visibility prior to issuance of building permits.

- Sight distance at each Project access should be reviewed with respect to California Department of Transportation/County of San Bernardino standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.

Implementation: See response above.

XVI e) **Less Than Significant Impact:** The proposed Project will be accessible via Harvard Road. The Project site plan provides adequate fire department access and turning radii entering

the site and within the site to accommodate trailer trucks. Therefore, the Project would have adequate emergency access that would result in a less than significant impact.

- XVI f) **Less Than Significant Impact.** The Project is located adjacent to Harvard Road which is a paved roadway and will be further improved by the Project. Therefore, access for alternative transportation (i.e., public transit, pedestrian, bicycle) can be accommodated and the Project will not decrease the performance of existing alternative transportation facilities or be in conflict with policies, plans, or programs supporting alternative transportation.

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

XVII. TRIBAL CULTURAL RESOURCES - Will the project:

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

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

☐
☐
☒
☐

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

☐
☐
☒
☐

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

- a) I) **Less than Significant Impact.** The Project site is currently occupied by an existing structure that will be renovated for retail use, similar to its prior use. The balance of the property has been improved with paving and gasoline pump islands. Area Tribes were contacted as provided by AB 52. One written hard-copy response was received from the Twenty-Nine Palms Band of Mission Indians indicating they do not have any specific concerns for the Project. An additional e-mail response was received from the San Manuel Band of Mission Indians that indicated it was unlikely the Project area would contain undisturbed cultural materials, but recommended conditions be applied should artifacts be uncovered. Those comments/conditions have been recommended for inclusion within the conditions of approval, but are not included as mitigation because a potentially significant

Impact was not identified. Please refer to Section V Cultural Resources for additional information.

ii) **Less than Significant Impact.** Section 5024.1 (c) of the California Public Resources Code provides that an historical resource can be listed in the California Register if it meets any of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.

Due to the Project site's developed condition, it is unlikely that historical resources would exist. However, as noted in Section V Cultural Resources, should an inadvertent find occur during construction conditions of approval has been incorporated to address this occurrence. Based upon these factors, the potential for Tribal resources is less than significant

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

Potentially
Significant
Impact

Less than
Significant
with Mitigation
Measures

Less than
Significant

No
Impact

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- XVII a) Less Than Significant Impact.** The proposed Project will utilize on-site septic disposal and well water. As noted above in Section IX a) the proposed Project would require the review and approval of County Environmental Health Department and the Regional Water Quality Control Board. Due to the use of this standard review and approval process the potential to exceed the applicable discharge requirements would be minimal and the impacts would be less than significant.
- XVII b) No Impact.** The proposed Project will utilize an existing water well and on-site septic system. These improvements would not require construction of new water or wastewater facilities. As such, no impacts would occur to existing water or wastewater systems.

- XVII c) **Less Than Significant Impact.** The proposed Project would construct an on-site water detention basin and a connecting drainage swale at the rear of the property. As previously noted in the response to Section IX a), implementation of the Project would not increase peak runoff flows from the property above existing levels. Therefore, the proposed Project would not require the expansion of any offsite storm water drainage facilities.

The construction of the drainage facilities as proposed would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study Checklist. In instances where significant impacts may have been identified for the Project's construction phase, standard actions/measures or specific mitigation measures related to this Project site are recommended in each applicable subsection of this Initial Study Checklist to reduce impacts to less than significant levels.

As such, the construction of an on-site storm water detention area to serve the proposed Project would not result in any significant physical effects on the environment that are not already identified and disclosed as part of this Initial Study Checklist. Accordingly, additional mitigation measures beyond those identified throughout this Initial Study Checklist would not be required.

- XVII d) **Less Than Significant Impact.** Water demand for the proposed use would have been met through the prior operation of the existing water well system. Recertification of the well system will be required by County Environmental Health to determine the adequacy of the proposed well system.

Therefore, the proposed Project will have sufficient water supplies available to serve the use from existing entitlements and resources, and no new or expanded entitlements are needed.

- XVII e) **No Impact.** The proposed use will not utilize an existing wastewater treatment plant, but an underground septic system. Section IX a) has outlined the standard review and approval process associated with the septic system. Since the proposed Project would not connect to an existing wastewater treatment facility, the Project would not affect such a system and no further evaluation is warranted.

- XVII f,g) **Less Than Significant Impact.**

Construction Waste

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

Effective January 1, 2011, the California Green Building Standards Code (CALGreen) requires all newly constructed buildings, including low-rise residential and most non-residential commercial projects, to develop a waste management plan and divert a minimum of 50% of the construction waste.

The waste management plan consists of two parts which are incorporated into the Conditions of Approval (COA's) for County Planning and Building & Safety. Part I requires projects to estimate the amount of tonnage to be disposed and diverted during construction. Part II requires projects to show what tonnage was actually diverted and disposed. Disposal/diversion receipts or certifications are required as a part of that summary. At this time Burretec is the franchise waste hauler for the area.

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

Operational Waste

Utilizing a waste generation factor of 13/lbs./1000 sf/day for commercial use based upon one of the samples listed on the State of California CalRecycle Website, the proposed Project could generate approximately 48 pounds of waste per day or 8.76 tons of waste per year.

The closest landfill to the Project site is the Barstow Sanitary Landfill operated by the County of San Bernardino. According to the CalRecycle website accessed on August 31, 2017, the Barstow Landfill had a remaining capacity of 71,481,660 cubic yards and is estimated to remain open until 2071. Therefore, there is sufficient permitted capacity to accommodate the Project's solid waste disposal needs for the foreseeable future.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input 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 will cause Substantial adverse effects on human beings, either directly Or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

XVIII a) Less Than Significant Impact.

Impact Analysis

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this Initial Study Checklist. There were no instances where potentially significant impacts were identified, thus requiring mitigation measures to reduce impacts to less than significant levels.

XVIII b) Less Than Significant Impact. The following apply to the proposed Project and would reduce impacts relating to this issue.

Impact Analysis

As discussed throughout this Initial Study Checklist, Implementation of the proposed Project has the potential to result in effects to the environment that are individually limited. In instances where potentially significant impacts have been identified, Mitigation Measures would be listed to reduce impacts to less than significant levels. However, no significant effects were identified for the proposed Project related to cumulative effects. Therefore, the

project would not contribute to environmental effects that are individually limited, but cumulatively considerable.

XVIII c) **Less Than Significant Impact With Mitigation Incorporated.** The following apply to the project and would reduce impacts relating to this issue:

Mitigation Measure NOI-1.

Impact Analysis

The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study Checklist document.

In instances where impacts have been identified, the Mitigation Measure listed above is required to reduce impacts to less than significant levels. Therefore, the project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

Therefore, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project or appropriate mitigation measures have been made by or agreed to by the project proponent. No significant adverse impacts are identified or anticipated. A Mitigated Negative Declaration will be prepared.

XVIII. MITIGATION MEASURES

(Any mitigation measures, which are not 'self-monitoring', shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition compliance will be verified by existing procedure. (CCRF).

Mitigation Measure NOI-1. Construction Noise. Prior to grading permit issuance, the County shall verify that the following mitigation measures are included on the Grading and Building plans:

"Note 1: Construction Equipment Controls. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site."

"Note-2: Noise Ordinance. To minimize potential impacts to adjacent sensitive receptors, project construction shall only be performed during the hours construction activities are exempt from the Glen Helen Specific Plan noise standards: Temporary construction, maintenance or demolition activities shall only be conducted between the hours of 6:30 a.m. and 8:00 p.m. However, this exemption does not apply on Sundays and national holidays."

"Note-3: Equipment Staging. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction."

GENERAL REFERENCES

Alquist-Priolo Special Studies Zone Act Map Series

California Department of Conservation, <http://www.conservation.ca.gov/>, for agricultural land, Williamson Act, and mineral resource information

California Department of Water Resources, <http://www.water.ca.gov/waterdatalibrary/>, for water wells.

CalRecycle, State of California, <http://www.calrecycle.ca.gov/>, for landfill information.

CEQA Guidelines, Appendix G

California Standard Specifications, July 1992

County of San Bernardino Development Code, 2007

County of San Bernardino General Plan, 2007

County of San Bernardino Hazard Overlay Map E103 B

Environmental Impact Report, San Bernardino County General Plan, 2007

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

NETROnline.com, <http://www.netronline.com/>, for aerial photos.

San Bernardino County Transportation Authority, San Bernardino County Congestion Management Program (CMP), 2016 Update

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

Mojave Water Agency, 2015 Urban Water Management Plan

PROJECT SPECIFIC REFERENCES

Jeremy's Travel Plaza, Traffic Impact Analysis, June 13, 2017

Tribal AB 52 Correspondence from Twenty-Nine Palms Band of Mission Indians and San Manuel Band of Mission Indians.

Air Quality and Greenhouse Gas Analysis, Route 66 Market & Gas Station Project, Unincorporated Community of Helendale, May 2017, LSA.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

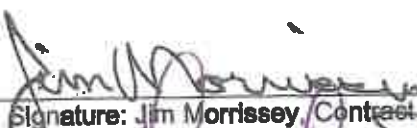
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

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

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


Signature: Jim Morrissey, Contract Planner


Signature: Dave Prusch, Supervising Planner

11/20/17
Date
11/20/17
Date

EXHIBIT G

CEQA Comment Letters

Lahontan Regional Water Quality Control Board

December 27, 2017

File: Environmental Doc Review
San Bernardino County

Jim Morrissey, Contract Planner
County of San Bernardino
Community Development Division, Planning
44933 Fern Avenue
San Bernardino, CA 92415
(909) 387-4434
jim.morrissey@lus.sbcounty.gov

Comments on the Initial Study for Conditional Use Permit for Variances to Renovate a Retail Gasoline/Diesel Fueling Station, Convenience Store, and Drive-Through Restaurant in Yermo, County of San Bernardino, State Clearinghouse Number 2017111088

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received an Initial Study (IS) for the above-referenced Conditional Use Permit on December 5, 2017. The IS was prepared by the County of San Bernardino Land Use Services (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank the County for providing Water Board Staff the opportunity to review and comment on the IS and for taking the initiative to develop the IS with considerations to potential effects on water quality. Based on our review of the IS, our comments fall into these general areas: the Project may require coverage under the statewide stormwater construction general permit; the Project may require a Clean Water Act (CWA) 401 certification; and project proponents should ensure that any potential contamination from previous use as a gasoline or diesel fueling station has received a no-further-action letter from the Lahontan Regional Board. Also, we encourage the County to use Low-Impact Development (LID) design practices. Our comments on the proposed Project are detailed below.

PROPOSED PROJECT

The proposed Project is the renovation of a gasoline/diesel fueling station, convenience store, and drive-through restaurant on already-disturbed land. Via satellite imagery, the existing structure appears to have been a gasoline service station years ago. The existing structure has a footprint of 3,684 square feet. The proposed Project is located at the southbound Interstate 15 exit at Harvard Avenue approximately 11.7 miles northeast of Yermo. Variances are required to allow a reduction in set-backs of the property along Harvard Avenue and along the north side of the property. The land is previously disturbed

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15085 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan



and satellite imagery shows there is little vegetation on the parcel. Satellite imagery also shows there is a slight uphill grade across the parcel from east to west, and a slight grade uphill from north to south.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S. The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

http://www.waterboards.ca.gov/lahtontan/water_issues/programs/basin_plan/references.shtml.

SPECIFIC COMMENTS

1. The site appears to have been a gasoline or diesel retail station in the past. Gasoline and diesel retail stations have often had petroleum and/or lead contamination in the soil or groundwater from leaking underground storage tanks (USTs) or transfer pipes. Project proponents should do due diligence. Records of former UST sites and their status as either "open" or "no further action" cases are available on the State Water Board's Geotracker site at <https://geotracker.waterboards.ca.gov/>
2. Water Board staff encourage the Project proponent to include LID design measures for the capture, treatment, and infiltration of stormwater on site. Examples include planting native vegetation, bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable or effective on every site, but the right combination, in the right places, can successfully achieve these goals

POTENTIAL PERMITTING REQUIREMENTS

A number of activities implemented by individual projects in accordance with the General Plan amendment have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

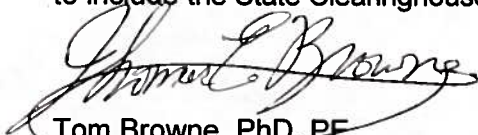
3. Land disturbance of more than one acre may require a CWA, section 402(p) storm water permit, including a *National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit*, Water Quality Order (WQO) 2009-0009-

DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

4. This Project may impact the course of ephemeral streams and the habitats associated with them. Before any alteration of or construction in an ephemeral stream bed, the Project proponent must obtain a CWA, section 401 water quality certification for any operation involving dredge and fill in an ephemeral stream bed, which is considered a water of the State. Section 401 water quality certification is issued by the Lahontan Water Board.

We request that the IS recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for the opportunity to comment on the IS. If you have any questions regarding this letter, please contact me at (760) 241-7391 thomas.browne@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.



Tom Browne, PhD, PE
Water Resource Control Engineer

cc: State Clearinghouse (SCH 2017111088) (state.clearinghouse@opr.ca.gov)
CA Department of Fish and Wildlife (ali.aghili@wildlife.ca.gov)

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State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



December 27, 2017

Mr. Jim Morrissey
County of San Bernardino
Land Use Services Dept.
386 North Arrowhead Ave., First Floor
San Bernardino, CA 92415

Subject: Initial Study for Conditional Use permit P201600545 (SCH 2017111088)
Jeremy's Travel Plaza Project

Dear Mr. Morrissey:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Initial Study (IS) for the Jeremy's Travel Plaza Project (Project). The Department is responding to the IS as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Location

The proposed project is located on the east side of Harvard Road, north of the I-15 freeway exit and south of Hacienda Road near the town of Yermo, County of San Bernardino, State of California.

Project Description

The proposed Project includes the renovation of an existing structure formerly used as a 3,684 square foot convenience store and gas station, which will include a coffee shop with a drive-through and a fueling area with five fueling islands under a new canopy on approximately 1 acre.

Conserving California's Wildlife Since 1870

Project Specific Comments and Recommendations

Please provide the Department with additional information regarding new and/or existing water quality basin within the project area including but not limited to the type of basin, the size, and the location, as depicted in Exhibit 2.

The IS should include a thorough analysis of desert tortoise, burrowing owl, and desert kit fox. If the basin or inlet is outside of the area currently paved, please provide the Department with justification and an analysis of the project impacts on these species including why surveys were not conducted on the project site.

The Department's jurisdiction includes any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code.

The Department recommends the CEQA document analyze the impacts to the ephemeral desert washes on the property. The document should adequately address any drainages in addition to the detention basin. The IS should indicate that a 1602 permit may be required from the Department. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

The IS should be changed to reflect the Department's comments and concerns and biological reports and surveys, if needed, should be submitted to the Department. The Department appreciates the opportunity to comment on the IS. If you should have any questions pertaining to this letter, please contact Rebecca Jones at Rebecca.Jones@wildlife.ca.gov or (661)-285-5867.

Sincerely,

For 

Leslie McNair
Regional Manager
Inland Deserts Region

Cc: State Clearinghouse
CORR

JOHN K. MIRAU*
MARK C. EDWARDS
ROBERT W. CANNON†
MICHAEL J. LEWIN
WILLIAM P. TOOKE

LAW OFFICES OF
MIRAU, EDWARDS, CANNON, LEWIN & TOOKE
A PROFESSIONAL CORPORATION

* Certified Specialist, Taxation
Law, The State Bar of California
Board of Legal Specialization
† Certified Specialist, Estate
Planning, Trust and Probate
Law, The State Bar of California
Board of Legal Specialization

1806 Orange Tree Lane, Suite C
Redlands, CA 92374
P. O. Box 9058
Redlands, CA 92375
909-793-0200
Fax 909-793-0790

January 3, 2018

N2111-001

County of San Bernardino
Land Use Services—Planning Division
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187
Attn: Jim Morrissey, Planner

Re: Project No. P201600545
Capstone Builders: 39263 Harvard Road, Yermo, CA

Dear Mr. Morrissey:

Our firm represents Iqbal Hussain, who owns property adjacent to the gas station project referred to above (“the Project”). We have previously submitted comments to the project application submitted by Capstone Builders, which proposes the complete renovation of a 3,684 sf building. The project will also include a drive-through and a fueling area with five fueling islands (10 fueling points total) under a new canopy (herein the “Project”) on an parcel of land approximately 43,200 sf in Yermo, California (“Capstone Parcel”). The Capstone Parcel is actually owned by Elias Antoun as to an undivided 50% undivided interest and St. George Trading Corp., a California corporation as to an undivided 50% interest, as tenants in common (herein “Current Owners”).

We have reviewed the applicable Development Code standards that apply to the Project. We have concluded that the Project fails to comply with key County Development Code standards, and also that the Mitigated Negative Declaration (MND) is inadequate under CEQA.

1. Minimum Lot Size—Development Code Section 82.05.030

County Development Code §82.0 5.030, Minimum Area for Designation, provides as follows: “The commercial land-use zoning districts shall be applied to the General Plan Amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-

10.” Table 82-10 provides that for land-use zoning district CR (Rural Commercial) the minimum area for designation is 2.5 acres. We have previously pointed out this failure to comply with the Development Code minimum lot size requirements. We have been informed that the project is subject to an exception set forth in County Development Code §83.0 2.050 (c) dealing with parcel area measurements and exceptions. Subsection (c) of Development Code section 83.02.050 provides as follows:

“(c) Allowed substandard parcels. A legally created parcel [underlining added] having an area, width or depth less than that required by an applicable standard provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be used or built upon, provided the development otherwise conforms to the requirements of this Development Code.”

Citation of this exception to the minimum lot size raises two questions. First, is the Capstone Property a legally created parcel? Secondly, does the development otherwise comply with the requirements of the Development Code?

The regulation of subdivision of properties has been controlled by state statute for many years. However, the map act provisions were re-codified in the California Government Code in 1974-1975 as the Subdivision Map Act (SMA). Changes in the SMA have occurred since 1975, but the basic concept is that property cannot be subdivided without going through the specific procedures set forth in the SMA, such as a final map, parcel map or lot line adjustment.

The Capstone Parcel was created by that Assignment of Real Estate (herein “Assignment Deed”) recorded as Instrument No. 81-176910 recorded on August 10, 1981. This Assignment conveyed the property from Allen B. Steimle and Yvonne O. Steimle to their family trust. A copy of that Assignment of Real Estate is enclosed for reference. The legal description attached to the Assignment of Real Estate contains the following disclaimer: “NOTE: – This description was written without the benefit of a search of title and may not conform to boundary lines of record.” This notation is in essence an admission that the property being conveyed is not a legal parcel.

The Capstone Parcel was then transferred from the Steimle Family trust to Ronald M Steimle and Marianne R. Steimle by deed recorded on September 21, 1983 as instrument number 83 – 220396. A copy of that deed is also enclosed.

There are various deeds conveying the property between different parties before the last deed that transfers the Capstone Parcel to Current Owners. The deed transferring the property to Current Owner’s was recorded on December 28, 2012 as Instrument Number 2012-055-5196. A copy of that deed is enclosed.

The SMA governs the procedures for subdivisions of land as defined in Government Code §66424 which provides as follows:

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way....”

It is clear that the Assignment Deed was a subdivision as defined in §66424 of the SMA. The Steimle's simply conveyed a portion of property they owned to their trust, and then conveyed it to relatives. The records of the County Recorder do not contain a final map, subdivision map or lot line adjustment which creates the Capstone Parcel. The legal description is a metes and bounds description, and the only reference to a map is to a map recorded in 1958 which did not subdivide the Capstone Parcel into a separate legal parcel.

As a remedy for an illegal subdivision of land, Government Code §66499.34 provides the following remedy:

“No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.”

The Project should also be denied because it fails to comply with County's own Development Code. The Project cannot be approved because it fails to comply with the County Development Code requiring a parcel size of 2.5 acres. The exception to this parcel requirement is only for parcels that have been legally created, not parcels that have been illegally subdivided.

Development Code §83.02.050 (c) also provides that the exception to the parcel size is conditioned upon “the development otherwise conform[ing] to the requirements of the Development Code.” In this case, the development does not comply with the requirements of the Development Code. Applicant is requesting a variance from the requirements of the Development Code to reduce the front yard landscape setback from 25 to 15 feet along Harvard Road and the north side yard setback from 10 feet to 7.5 feet.

2. Cumulative Impacts of Adjacent Project not Considered.

A. Traffic Study.

A Revised Traffic Impact Analysis was prepared for the Project. However, that traffic analysis failed to take into account the cumulative impacts of the immediately adjacent gas station project (“Adjacent Project”), which was approved by County on December 22, 2016. The traffic impact analysis for the Adjacent Project estimated that the proposed development would generate approximately 2,279 daily vehicle trips, 190 of which would occur during the Friday evening peak hour and 190 of which would occur during the Sunday mid-day peak hour. Combined with the estimated traffic generated by the Capstone Project, the impact on traffic including the adjacent freeway offramp and local streets is double the impact analyzed in the Project TIA.

A cumulative impact is an impact created by the combination of the project reviewed together with other projects causing related impacts. 14 Cal Code Reg §15130(a)(1). The cumulative impact from several projects is the change in the environment that results from the incremental effect of the project when added to other past, present, and probable future projects 14 Cal Code Reg §§15065 (a) (3), 15130 (b) (1) (A), 15355 (b).

The traffic impact analysis completely fails to take into account the Adjacent Project, thus failing to comply with the requirements under CEQA to review the Projects cumulative impacts.

B. Air Quality Impacts Fail to Take Into Account Cumulative Impacts.

An air quality analysis was prepared for the Project. However, the analysis fails to take into account the cumulative impacts of the Adjacent Project. The Initial Study mentions the adjacent project, but the analysis in no way takes into account the air-quality impact of both projects, including construction related omissions.

3. Initial Study Contains Material Inaccuracies.

A. A Project Description Must be Accurate.

Under CEQA, the project description must be accurate. County of Inyo v. City of Los Angeles (1977) 71 CA 3d 185, 199. An accurate description is necessary to determine the scope of environmental review. In County of Inyo, the court noted (71 CA3d at 192):

“Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sin qua non* of an informative and legally sufficient EIR.”

The project description for the Project has many inaccuracies, which make it impossible to sufficiently analyze the environmental impact of the Project. The Project description must be corrected and the environmental analysis adjusted to reflect the accurate description of the project.

B. Water Well and Septic System

The Initial Study repeatedly states that the project will utilize an existing water well and sub-surface on-site disposal system. It also states that the Project will use the existing septic system. In fact, the Capstone Parcel has been abandoned for more than 10 years. None of the water, water disposal or septic systems have been utilized for many years and are not currently operable and usable.

Page 53 of the Initial Study, Section XVII b) incorrectly states as follows:

“No impact. The proposed Project will utilize an existing water well and on-site septic system. These improvements would not require construction of new water or wastewater facilities. As such, no impact would occur to existing water or wastewater systems.”

In addition to describing the water and sewer systems as currently existing, the Form W-2 (Private Water Service) attached to the application is dated October 31, 2016. The certification specifically states that the “commitment shall expire one (1) year from the following date”. Accordingly, the water certification for the project has expired and cannot be relied upon in analyzing the environmental impacts of the project on water and hydrology. The Initial Study merely states that the water well and septic tanks will be built in the future, with the assumption that there is adequate water and ability to deal with sewer discharge. In essence, there is no analysis but rather a pushing forward into the future of any analysis as to adequacy of water and sewer discharge facilities.

Deferral of the analysis of an impact on the environment of a project is not permitted under CEQA. In the case of Environmental Council of Sacramento v. City of Sacramento (2006), 142 CA 4th 1018, the court held that an analysis of the impacts of future action should be undertaken when the future actions are sufficiently well-defined that it is feasible to evaluate their potential impacts. In this case, there is adequate definition of the water needs and sewer disposal requirements for the project for that analysis to take place as part of the MND analysis, rather than deferred into the future.

C. Existing Structure and Improvements.

Throughout the Initial Study, the Project is described as a currently improved site. For example, on page 5 of the Initial Study, item (d), dealing with aesthetic impacts, the Initial Study states as follows: “The site is currently improved and was previously utilized as a retail store and gas station with exterior lighting.” On page 13, under the discussion of construction omissions, the Initial Study states that “[h]owever, the facility and many of the required improvements already exist.”

On page 43 of the Initial Study, relating to the discussion of noise impacts, the Initial Study states under item XIII a) as follows:

“the Project site will be developed for retail and gasoline dispensing and will not require the extension of any new roads or infrastructure to serve the project, because the site is already improved and include the infrastructure necessary to serve the proposed uses.”

This description of the Project site as an improved site is incorrect and deceptive. The site has been abandoned for more than 10 years. The building on the site is in a state of complete disrepair, and will need to be completely rebuilt in order to be usable. Improvements to the building so extensive as to be equivalent to building a new building. The gas pumps and tanks have been removed, and the construction of totally new gas pumps and tanks as well as a canopy will need to be constructed. The Initial Study should describe the project as in essence a new construction project with all of the impacts that would be associated therewith. Both the general public as well as public agencies commenting on the adequacy of the Initial Study will be misled due to the inaccurate description of the project site as fully improved.

3. Potentially Significant Impact on Biological Resources.

The Initial Study admits that the County's Biotic Resources exhibit for the Desert Region displays potential for Desert Tortoise and the Burrowing Owl north of the I-15 Freeway, where the Project is located. However, the Initial Study then concludes that because of existing impervious site improvements and fencing, there is no possible chance of either the Desert Tortoise or the Burrowing Owl. A biological report was not required.

The site has been vacant for many years. Only a portion of the site has asphalt or concrete surfaces. The property is surrounded by open space and undeveloped properties which are undisturbed and are potential habitat for both the Desert Tortoise and the Burrowing Owl. There is no way to determine the presence of the Desert Tortoise or the Burrowing Owl without a biological report. Failure to prepare a biological report is a critical defect in the environmental analysis of the project site.

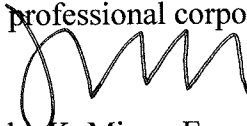
4. Conclusion.

Demand is made that processing of the application for the Project be frozen until such time as the capstone Parcel becomes a legal parcel under the SMA and the County Code. In addition, demand is made that the processing of the application comply with all county codes, including the code requirement for a minimum lot size of 2.5 acres.

Demand is further made that the environmental analysis of the Project under CEQA be corrected to address the deficiencies set forth in this letter, including but not limited to: (i) correction of the Project description to accurately describe the Project, (ii) preparation of a cumulative impact analysis of traffic and air quality, (iii) adequate and current analysis of water needs and sewer discharge requirement of the Project, (iv) preparation of a biological study that addresses the impact on the Desert Tortoise and the Burrowing Owl.

Very truly yours,

Mirau, Edwards, Cannon Lewin & Tooke,
A professional corporation



John K. Mirau, Esq.

Attachments

Cc: Client

Recording requested by Allen B. Steimle	81-176910 RECORDED IN OFFICIAL RECORDS 1981 AUG 10 PM 2:42 SAN BERNARDINO COUNTY, CALIF. for recorder's use
and when recorded mail to ALLEN B. STEIMLE P.O. box 433 Yermo, Calif. 92398	4.00 D

***** ASSIGNMENT OF REAL ESTATE *****

FOR VALUE RECEIVED, the undersigned hereby grants, assigns, and transfers to Allen B. Steimle and Yvonne O. Steimle, Co-Trustees, U/D/T dated February 14, 1974, P/B/O The Steimle Family.

the following described property in the unincorporated area county of San Bernardino, State of Calif. That portion of lot 65, TRACT No. 5655 S.B.D.M., as recorded in book 72 of maps, pages 90 and 91, records of said county as described in EXHIBET (A) as follows see attached page marked EXHIBET (A)

Dated 539-223-01 Allen B. Steimle
Yvonne O. Steimle

State of Calif.
County of San Bernardino

On July 31, 1981 before me, the undersigned
Notary Public in and for said State, personally
appeared Allen B. Steimle and Yvonne O. Steimle
known to me to be the persons whose names are
subscribed to the within instrument and acknowledged
that they executed the same.
WITNESS my hand and official seal.

Signature Shirley A. Miller
Shirley A. Miller

OFFICIAL SEAL
SHIRLEY A. MILLER
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN BERNARDINO COUNTY
My Commission Expires Oct. 15, 1983

81-176910

EXHIBIT "A"

ACCOMMODATION DESCRIPTION H-26
November 21, 1967

T. I. & T. CO.

That portion of Lot 65, TRACT NO. 5655, in the County of San Bernardino, State of California, as per map recorded in Book 72 of Maps, pages 80 and 91, records of said County, described as follows:

COMMENCING at a four-inch by four-inch scribed post marking the Northwest corner of Section 14, Township 10 North, Range 3 East, SAN BERNARDINO MERIDIAN; thence South $0^{\circ} 16' 30''$ East 350.41 feet along the West line of said Section 14; thence North $88^{\circ} 43' 30''$ East 40.00 feet to the East line of Harvard Road as shown on said map, said point being the true point of beginning; thence South $45^{\circ} 16' 30''$ East 56.57 feet; thence North $88^{\circ} 43' 30''$ East 140.00 feet; thence North $0^{\circ} 16' 30''$ West 200 feet parallel with the East line of said Harvard Road; thence South $88^{\circ} 43' 30''$ West 220 feet to the East line of said Harvard Road; thence South $0^{\circ} 16' 30''$ East 160.00 feet to the true point of beginning. *With a 15 ft. frontage*

EXCEPT one-half interest in all mineral rights as reserved by John H. Fox in Deed recorded December 15, 1969 in Book 5010, page 392, Official Records of said County.

Approved:

M. L. Jones
M. L. JONES
Title Engineer

NOTE: - This description was written without the benefit of a search of title and may not conform to boundary lines of record.

EP

61-176910

RECORDING REQUESTED BY
Ronald M Steimle
 AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME *Ronald M Steimle*
 ADDRESS *PO Box 745*
 CITY & STATE ZIP *Yermo, Ca 92398*

Title Order No.

Escrow No.

RECORDED IN
OFFICIAL RECORD

1983 SEP 21 PM 12:01

SAN BERNARDINO
CO., CALIF.

83-220396

83-220396

3.00
E

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Sales price \$77,000

77,000

The undersigned declares that the documentary transfer tax is \$..... and is
☐ computed on the full value of the interest or property conveyed, or is
☐ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land,
 tenements or realty is located in
☒ unincorporated area ☐ city of and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Allen B. Steimle and
 Yvonne O. Steimle, Co-Trustees U. D. T dated Feb. 14, 1974 F.B.O the Steimle
 family

hereby GRANT(S) to Ronald M. Steimle and Marianne H. Steimle, Husband and wife
 as joint tenants,

the following described real property in the Harvard Area
 county of San Bernardino State of California: That portion of Lot 65,
 Tract # 5655, in the County of San Bernardino, State of Calif., as per map
 recorded in book 72 of maps, pages 90 and 91, records of said County,
 described as follows:
 COMMENCING at a four-inch by four-inch postmarking the Northwest corner of
 Section 14, Township 10 North, Range 3 East, S.B.M.; thence South 0
 16' 30" East 350.41 feet along the West line of said section 14; thence
 North 89 43' 30" East 40 feet to the East line of Harvard road as shown
 on said map, said point being the true point of beginning; thence South
 45 16' 30" East 56.57 feet; thence North 89 43' 30" East 180.00 feet;
 thence North 0 16' 30" West 200 feet parallel with the East line of said
 Harvard Road; thence South 89 43' 30" West 220 feet to the East line of
 said Harvard Road; thence South 0 16' 30" East 160 feet to the true point
 of beginning.
 EXCEPT 1/2 interest in all mineral rights as reserved by John H. Pon in
 deed recorded Dec. 15, 1959 in book 5010, page 303, Official records of
 said County.

Dated September 14, 1983

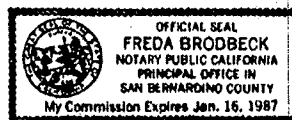
X *Allen B Steimle Co-trustee*
 X *Yvonne O. Steimle Co-trustee*

STATE OF CALIFORNIA }
 COUNTY OF San Bernardino } SS.
 On September 14, 1983 before me, the undersigned,
 a Notary Public in and for said County and State, personally
 appeared *Allen B Steimle and*
*Yvonne O. Steimle ******

to be the person whose name is subscribed to the within
 instrument and acknowledged that they executed the same.

Freda Brodbeck
 Freda Brodbeck Signature of Notary

FOR NOTARY SEAL OR STAMP



Assessor's Parcel No. 539-223-03

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name
 CAL-1 (Rev 3-79)

Street Address

City & State

RECORDED AT THE REQUEST OF
CHICAGO TITLE COMPANY

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

ELIAS ANTOUN
SAINT GEORGE TRADING
P. O. BOX 205
Yermo, CA 92398

Electronically Recorded in Official Records, County of San Bernardino

12/28/2012
09:08 AM
DB



DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK
607 Chicago Title Company

Doc #: 2012-0555196



Titles:	1	Pages:	2
Fees			28.00
Taxes			247.50
Other			.00
PAID			275.50

Title Order No.: 128625749

GRANT DEED

Escrow No.: 122957-MC

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$247.50

[X] computed on full value of property conveyed, or

[] computed on full value less value of liens or encumbrances remaining at time of sale.

[X] Unincorporated area [] City of Yermo

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MJC CASA, INC., a California Corporation

hereby GRANT(s) to: ELIAS ANTOUN, a Single Man, as to an undivided 50.0% interest, and
ST. GEORGE TRADING CO., a California corporation, as to an undivided 50.0%
interest, as Tenants in Common.

the real property in the unincorporated area, County of San Bernardino, State of California, described as:
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Also Known as: 39263 Harvard Road, Yermo, CA 92398

AP#: 0539-223-03

DATED August 30, 2012

STATE OF CALIFORNIA

COUNTY OF Orange

On December 17, 2012

before me, James A. Cork, Jr.

A Notary Public in and for said State personally appeared
Mary M. Hsu

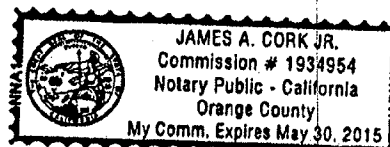
MJC CASA, INC., a California Corporation

By:

MARY M. HSU, President

who proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.



Signature

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

EXHIBIT "A"

APN 0539-223-03

All that certain real property situated in the county of San Bernardino, state of California,
described as follows:

TR NO 5655 PTN LOT 65 COM AT NW COR SEC 14 TP 10N R 3E TH S 0 DEG 16
MIN 30 SEC E 350.41 FT ALG W LI SD SEC 14 TH N 89 DEG 43 MIN 30 SEC E 40.00
FT TO E LI HARVARD RD SD PT BEING TRUE POB TH S 45 DEG 16 MIN 30 SEC E
56.57 FT TH N 89 DEG 43 MIN 30 SEC E 180.00 FT TH N 0 DEG 16 MIN 30 SEC W
200 FT PARALLEL WI E LI SD HARVARD RD TH S 89 DEG 43 MIN 30 SEC W 220 FT
TO E LI SD HARVARD RD TH S 0 DEG 16 MIN 30 SEC E 160.00 FT TO TRUE POB
EX STS AND EX MNL RTS RESERVATION OF RECORD. TR NO 5655 PTN LOT 65
COM AT NW COR SEC 14 TP 10N R 3E TH S 0 DEG 16 MIN 30 SEC E 350.41 FT
ALG W LI SD SEC 14 TH N 89 DEG 43 MIN 30 SEC E 40.00 FT TO E LI HARVARD
RD SD PT BEING TRUE POB TH S 45 DEG 16 MIN 30 SEC E 56.57 FT TH N 89 DEG
43 MIN 30 SEC E 180.00 FT TH N 0 DEG 16 MIN 30 SEC W 200 FT PARALLEL WI E
LI SD HARVARD RD TH S 89 DEG 43 MIN 30 SEC W 220 FT TO E LI SD HARVARD
RD TH S 0 DEG 16 MIN 30 SEC E 160.00 FT TO TRUE POB EX STS AND EX MNL
RTS RESERVATION OF RECORD.

EXHIBIT H

Response to Comments

RESPONSES TO COMMENTS

The following responses are to comments submitted to the County concerning a Conditional Use Permit (CUP) proposed to renovate the former site of a gas station and convenience store and add five pump islands located at 39263 Harvard Road, Yermo, California. The 3,684 square foot commercial structure will contain a gas station, convenience store, retail coffee shop and ice cream shop. The combined commercial and canopy square footage totals 7,696 square feet.

Project Applicant: Chris Sabbah, Capstone Builders

Project Number: P201600545

APN: 0539-223-03

1. California Department of Fish and Wildlife, dated December 27, 2017

- Comment: Please provide the Department with additional information regarding new and/or existing water basin within the project area including but not limited to the type of basin, the size, and the location, as depicted in Exhibit 2.

Response: A copy of the site plan was provided to the Department via e-mail on January 4, 2018.

- Comment: The [Initial Study (IS)] should include a thorough analysis of desert tortoise, burrowing owl, and desert fit fox. If the basin or inlet is outside of the area currently paved, please provide the Department with justification and an analysis of the project impacts on these species including why surveys were not conducted on the project site.

Response: Most of the property, with the exception of the Harvard Road frontage, has been fenced for a considerable time, based upon photos submitted by the applicant and a site visit by Planning Staff. The site has been improved for decades with a building, pavement, and concrete, based upon the historic indicia plus a review of historic aerial photos. The property was previously used in a manner similar to the proposed Project design. As such, the property is not suitable habitat for these species.

- Comment: The Department's jurisdiction includes any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code.

The Department recommends the CEQA document analyze the impacts to the ephemeral desert washes on the property. The document should adequately

address any drainages in addition to the detention basin. The IS should indicate that a 1602 permit may be required from the Department.

Response: A review of the site using a field inspection, aerial photos, USGS Map, and FEMA Map found the Project site was not located within an identified drainage course. Hence, submittal of a Streambed Alteration Agreement would not be necessary.

The Project site is less than one acre in size and not located within the boundaries of the MS4 Permit (Municipal Separate Sewer and Storm Drainage Systems) for preparation of Water Quality Management Plans (WQMP). Thus, the applicable measure for addressing stormwater runoff and erosion control is through the California Green Building Standards Code Section 5.106.1, Storm Water Pollution Prevention Code. This Code section requires newly constructed projects that disturb less than one acre of land to prevent the pollution of stormwater runoff from the construction activities through one or more of the following measures:

- Comply with a lawfully enacted stormwater management and/or erosion control Ordinance.
- Prevent the loss of soil through wind or water erosion by implementing an effective combination of erosion and sediment control and good housekeeping Best Management Practices (BMPs).

2. Lahontan Regional Water Quality Control Board, dated December 27, 2017

- Comment: The site appears to have been a gasoline or diesel retail station in the past. Gasoline and diesel retail stations have often had petroleum and/or lead contamination in the soil or groundwater from leaking underground storage tanks (USTs) or transfer pipes. Project proponents should do due diligence.

Response: The Project has been reviewed by County Fire Hazardous Materials Division. No issues were raised about any previous leaks. Conditions of approval require review and approval of new tank installation.

- Comment: Water Board staff encourage the Project proponent to include LID [Low Impact Development] design measures for the capture, treatment, and infiltration of stormwater on site.

Response: Comment is so noted and recommended action or its equivalent will be listed as a condition of approval.

- Comment: Land disturbance of more than one acre may require a CWA [Clean Water Act], section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water

Permit, Water Quality Order (WQO) 2009-0009-DEQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

Response: Comment is so noted. As discussed above the site is less than one acre in size and not within the MS4 Permit boundary. Therefore, the Project is not subject to NPDES requirements.

- Comment: This Project may impact the course of ephemeral streams and the habitats associated with them. Before any alteration of or construction in an ephemeral stream bed, the Project proponent must obtain a CWA, section 401 water quality certification for any operation involving dredge and fill in an ephemeral stream bed, which is considered a water of the State.

Response: As noted in a previous response, the Project site is not within a drainage course.

3. Letter from Mirau, Edwards, Cannon, Lewin & Tooke, January 3, 2018.

- Comment: Legality of the parcel is questioned.

Response: This comment disputes the legality of the subject parcel. A subsequent review by County Staff found the parcel was not created utilizing the required subdivision process and a Conditional Certificate of Compliance (Conditional C of C) was recommended. The applicant filed the Conditional C of C, which was subsequently reviewed by Staff and a tentative parcel map was recommended.

The applicant has prepared a tentative parcel map that was routed to various department/divisions for comment. Those comments/conditions have been incorporated into the conditions of approval. Although the lot size is approximately one acre and the Rural Commercial (CR) District requires 2.5 acres, Note (1) of Table 82-12C provides as follows: "Minimum lot size may be less than specified if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit application." The application includes a tentative parcel map and Conditional Use Permit.

- Comment: This comment asserts cumulative impacts of the adjacent project not considered. "The traffic impact analysis completely fails to take into account the Adjacent Project, thus failing to comply with the requirements under CEQA to review the Projects [sic] cumulative impacts."

Response: Please see January 24, 2018 letter from Kunzman Associates, Inc.

- Comment: An air quality analysis was prepared for the Project. However, the analysis fails to take into account the cumulative impacts of the Adjacent Project.

The Initial Study mentions the adjacent project, but the analysis in no way takes into account the air-quality impact of both projects, including construction related emissions.

Response: The findings of the air quality analysis for the adjoining Project are listed below in Tables 1, 2, and 3. Tables 4 and 5 identify the subject property. Although the factors utilized in each project are different (yearly emissions vs. daily emissions), both findings are substantially below threshold levels.

Table 1. MDAQMD Significance Thresholds – Adjoining Project

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

Table 2. Annual Construction Activity Emissions (tons/yr.) – Adjoining Project

Activity	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated	0.09	0.69	0.48	6.9 ^{E-03}	0.05	0.04
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

Table 3. Annual Operational Activity Emissions (tons/yr) – Adjoining Project

Activity	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated	3.87	5.22	37.56	0.02	1.20	0.35
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

Table 4. Construction Daily Emissions (lbs./day) – Subject Property

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Total Emissions	17.91	23.57	20.31	0.025	3.8	2.38
SCAQMD Threshold	137	137	548	137	82	82
Exceeds Threshold?	No	No	No	No	No	No

Table 5. Operational Daily Emissions (lbs./day) – Subject Property

Source	ROG	NO _x	CO	SO ₂	PM ¹⁰	PM ^{2.5}
Area Sources	0.10	0.00	3.9e	0.00	0.00	0.00
Energy Demand	2.6e	2.37e	1.99e	1.0e	1.8e	1.8e
Mobile Sources	18.18	25.04	175.64	0.01	6.54.80	0.22
Total Emissions	18.29	25.04	175.64	0.01	6.54	0.23
SCAQMD Threshold	137	137	548	137	82	82
Exceeds Threshold?	No	No	No	No	No	No

Each of the respective Projects on either the subject property or adjoining property are approximately the same size and are projected to generate the similar number of vehicle trips, as displayed below in Table 6.

Table 6. Project Comparisons

<i>Project Characteristics</i>	<i>Subject Property P201600545</i>	<i>Adjoining Property P201500299</i>
Approximate Development Area	1.0 acre	2.22 acres
Projected Vehicle Trips	2,233 daily trips	2,279 daily trips
Building Size	3,684 sq. ft.	4,341 sq. ft.

Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed MDAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

Since the Project would not exceed the MDAQMD's daily thresholds, the Project will not result in a cumulatively considerable net increase of any criteria pollutant.

- Comment: Item 3. Initial Study Contains Material Inaccuracies, refers to "...many inaccuracies, which make it impossible to sufficiently analyze the environmental impact of the Project".

Response: This comment does not identify a specific concern. Therefore, no further response is warranted.

- Comment: Comment B. Water Well and Septic System refers to the age of the water well and septic system and the fact they "are not currently operable and usable." The comment also states there is "the assumption that there is adequate water and ability to deal with sewer discharge. In essence there is no analysis, but rather a pushing forward into the future of any analysis as to adequacy of water and sewer discharge facilities."

Response:

Water: The IS refers to the Mojave Water Agency, Urban Water Management Plan and the fact it can provide adequate groundwater even in multiple dry years and that historical groundwater levels have remained relatively constant, based upon available data. Well data in the area indicated a water depth of 68 to 92 feet deep. However, data for both well sites were prior to 1965. Several well sites in the area were reviewed and one was found to be at a depth between 108.38 feet and 115.82 feet, between year 1991 and year 1999, and the other at a depth of 117.38 in 1991. According to the County's Environmental Health Services Division's e-mail of June 28, 2018, the depth could be greater due to recent droughts, but would still need to meet recent State legislation and submit a Preliminary Technical Report so the State Water Board and County Environmental Health can evaluate the proposal, as provided in the conditions of approval. Environmental Health has also updated its Form W-2 response, which is current and dated July 2, 2018.

In addition, Environmental Health Services has provided a copy of its Well Certification Procedures, which include its standard measures/actions/practices for determining the capacity of the well, pump test guidelines, and water samples. DEHS practice involves completing a site visit to verify the well meets California Well Standards. The proposed Project has been conditioned to meet this standard requirement.

Septic: The IS stated: "For this particular Project DEHS would require a percolation report for an advance treatment unit (ATU). If the proposed Project exceeds 10,000 gallons per day of discharge it will be required to obtain Regional Water Board approval. If the percolation report is approved with an ATU it would go to the Regional Board for review with possible Waste Discharge Orders (limits) and the County's approval action. Based upon the proposed design parameters construction permits would be issued. Utilizing these standard procedures and measures, the Project would result in a less than significant impact."

Area soils have little clay that would preclude permeability. The septic system would need to be designed to be installed over native soils that are left uncompacted. County Environmental Health Division also noted in its e-mail of June 28, 2018, that if discharge flows are to be greater than the 250 gallons per day per 0.5 acre limitation, the applicant would be required to install an Advanced/Alternate Treatment Unit (ATU). The applicant would need to submit a percolation report with the proposal of an ATU for review. The system would need to be designed by the applicant's engineer.

- Comment: “The site has been abandoned for more than 10 years. The building on the site is in a state of complete disrepair, and will need to be completely rebuilt in order to be usable.”

Response: The subject property has an existing structure and pavement covering the site. The structure has been proposed for remodeling. The roof is in need of repair, but staff has been presented information that the building interior is sound. As such, the building will not be removed and reconstructed, but remodeled.

Concrete islands for the previous gasoline pumps still exist, while the previous canopy over the pump area has been removed. While the new pumping islands will be in a different location, the old islands currently remain. This combined with the structure and paving demonstrate prior improvements.

- Comment: “The property is surrounded by open space and undeveloped properties which are undisturbed and are potential habitat for both the Desert Tortoise and the Burrowing Owl. There is no way to determine the presence of the Desert Tortoise or the Burrowing Owl without a biological report.”

Response: As noted previously the property is currently improved and has been for decades. Due to the on-site structure, paving, and concrete improvements it was concluded no habitat area is available on-site.

EXHIBIT I

Traffic Response Letter



January 24, 2018

Mr. Amer Sabbah
CAPSTONE BUILDERS
30707 East Sunset Drive
Redlands, CA 92373

Dear Mr. Sabbah:

INTRODUCTION

The firm of Kunzman Associates, Inc. is pleased to provide a response to comment letter regarding the proposed Jeremy's Travel Plaza project in the County of San Bernardino. The Jeremy's Travel Plaza Traffic Impact Analysis was prepared by Kunzman Associates, Inc. (June 13, 2017) and comments were received in a letter for the Law Offices of Mirau, Edwards, Cannon, Lewin & Tooke dated January 3, 2018 (see Appendix A).

COMMENT 1

A Revised Traffic Impact Analysis was prepared for the Project. However, that traffic analysis failed to take into account the cumulative impacts of the immediately adjacent gas station project ("Adjacent Project"), which was approved by County on December 22, 2016. The traffic impact analysis for the Adjacent Project estimated that the proposed development would generate approximately 2,279 daily vehicle trips, 190 of which would occur during the Friday evening peak hour and 190 of which would occur during the Sunday mid-day peak hour. Combined with the estimated traffic generated by the Capstone Project, the impact on traffic including the adjacent freeway offramp and local streets is double the impact analyzed in the Project TIA.

RESPONSE TO COMMENT 1

The Traffic Impact Analysis includes Table 3 that shows the other development trip generation and Figure 12 illustrates the other development location map. Other development morning and evening peak hour intersection turning movement volumes are shown on Figures 13 and 14, respectively.

The Year 2040 average daily traffic volume forecasts with the project are developed using a growth increment process based on volumes predicted by the San Bernardino Transportation Analysis Model Year 2008 and Year 2035 traffic models. The growth increment for Year 2040 on each roadway segment is the increase in San Bernardino Transportation Analysis Model volumes from existing Year 2017 to Year 2040.

Mr. Amer Sabbah
CAPSTONE BUILDERS
January 24, 2018

The final Year 2040 roadway segment volume used for analysis purposes is then determined by adding the Year 2040 growth increment volume to the existing counted volume.

The Opening Year (2019) traffic projections have been interpolated between Year 2040 traffic volumes and existing traffic volumes utilizing a portion of the growth increment. In addition to the interpolated traffic volumes, other development within the study area have also been added to existing, Year 2019, and Year 2040 traffic volumes.

It was a pleasure to service your needs on this project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 973-8383.

Sincerely,

KUNZMAN ASSOCIATES, INC.



Carl Ballard, LEED GA
Principal

JN 6906

cc: Mr. Jeremy Johnson, COUNTY OF SAN BERNARDINO



KUNZMAN ASSOCIATES, INC.



William Kunzman, P.E.
Principal

APPENDIX A

COMMENT LETTER

JOHN K. MIRAU*
MARK C. EDWARDS
ROBERT W. CANNON†
MICHAEL J. LEWIN
WILLIAM P. TOOKE

LAW OFFICES OF
MIRAU, EDWARDS, CANNON, LEWIN & TOOKE
A PROFESSIONAL CORPORATION

* Certified Specialist, Taxation
Law, The State Bar of California
Board of Legal Specialization
† Certified Specialist, Estate
Planning, Trust and Probate
Law, The State Bar of California
Board of Legal Specialization

1806 Orange Tree Lane, Suite C
Redlands, CA 92374
P. O. Box 9058
Redlands, CA 92375
909-793-0200
Fax 909-793-0790

January 3, 2018

N2111-001

County of San Bernardino
Land Use Services—Planning Division
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187
Attn: Jim Morrissey, Planner

Re: Project No. P201600545
Capstone Builders: 39263 Harvard Road, Yermo, CA

Dear Mr. Morrissey:

Our firm represents Iqbal Hussain, who owns property adjacent to the gas station project referred to above (“the Project”). We have previously submitted comments to the project application submitted by Capstone Builders, which proposes the complete renovation of a 3,684 sf building. The project will also include a drive-through and a fueling area with five fueling islands (10 fueling points total) under a new canopy (herein the “Project”) on an parcel of land approximately 43,200 sf in Yermo, California (“Capstone Parcel”). The Capstone Parcel is actually owned by Elias Antoun as to an undivided 50% undivided interest and St. George Trading Corp., a California corporation as to an undivided 50% interest, as tenants in common (herein “Current Owners”).

We have reviewed the applicable Development Code standards that apply to the Project. We have concluded that the Project fails to comply with key County Development Code standards, and also that the Mitigated Negative Declaration (MND) is inadequate under CEQA.

1. Minimum Lot Size—Development Code Section 82.05.030

County Development Code §82.0 5.030, Minimum Area for Designation, provides as follows: “The commercial land-use zoning districts shall be applied to the General Plan Amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-

10.” Table 82-10 provides that for land-use zoning district CR (Rural Commercial) the minimum area for designation is 2.5 acres. We have previously pointed out this failure to comply with the Development Code minimum lot size requirements. We have been informed that the project is subject to an exception set forth in County Development Code §83.0 2.050 (c) dealing with parcel area measurements and exceptions. Subsection (c) of Development Code section 83.02.050 provides as follows:

“(c) Allowed substandard parcels. A legally created parcel [underlining added] having an area, width or depth less than that required by an applicable standard provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be used or built upon, provided the development otherwise conforms to the requirements of this Development Code.”

Citation of this exception to the minimum lot size raises two questions. First, is the Capstone Property a legally created parcel? Secondly, does the development otherwise comply with the requirements of the Development Code?

The regulation of subdivision of properties has been controlled by state statute for many years. However, the map act provisions were re-codified in the California Government Code in 1974-1975 as the Subdivision Map Act (SMA). Changes in the SMA have occurred since 1975, but the basic concept is that property cannot be subdivided without going through the specific procedures set forth in the SMA, such as a final map, parcel map or lot line adjustment.

The Capstone Parcel was created by that Assignment of Real Estate (herein “Assignment Deed”) recorded as Instrument No. 81-176910 recorded on August 10, 1981. This Assignment conveyed the property from Allen B. Steimle and Yvonne O. Steimle to their family trust. A copy of that Assignment of Real Estate is enclosed for reference. The legal description attached to the Assignment of Real Estate contains the following disclaimer: “NOTE: – This description was written without the benefit of a search of title and may not conform to boundary lines of record.” This notation is in essence an admission that the property being conveyed is not a legal parcel.

The Capstone Parcel was then transferred from the Steimle Family trust to Ronald M Steimle and Marianne R. Steimle by deed recorded on September 21, 1983 as instrument number 83 – 220396. A copy of that deed is also enclosed.

There are various deeds conveying the property between different parties before the last deed that transfers the Capstone Parcel to Current Owners. The deed transferring the property to Current Owner’s was recorded on December 28, 2012 as Instrument Number 2012-055-5196. A copy of that deed is enclosed.

The SMA governs the procedures for subdivisions of land as defined in Government Code §66424 which provides as follows:

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way....”

It is clear that the Assignment Deed was a subdivision as defined in §66424 of the SMA. The Steimle's simply conveyed a portion of property they owned to their trust, and then conveyed it to relatives. The records of the County Recorder do not contain a final map, subdivision map or lot line adjustment which creates the Capstone Parcel. The legal description is a metes and bounds description, and the only reference to a map is to a map recorded in 1958 which did not subdivide the Capstone Parcel into a separate legal parcel.

As a remedy for an illegal subdivision of land, Government Code §66499.34 provides the following remedy:

“No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.”

The Project should also be denied because it fails to comply with County's own Development Code. The Project cannot be approved because it fails to comply with the County Development Code requiring a parcel size of 2.5 acres. The exception to this parcel requirement is only for parcels that have been legally created, not parcels that have been illegally subdivided.

Development Code §83.02.050 (c) also provides that the exception to the parcel size is conditioned upon “the development otherwise conform[ing] to the requirements of the Development Code.” In this case, the development does not comply with the requirements of the Development Code. Applicant is requesting a variance from the requirements of the Development Code to reduce the front yard landscape setback from 25 to 15 feet along Harvard Road and the north side yard setback from 10 feet to 7.5 feet.

2. Cumulative Impacts of Adjacent Project not Considered.

A. Traffic Study.

A Revised Traffic Impact Analysis was prepared for the Project. However, that traffic analysis failed to take into account the cumulative impacts of the immediately adjacent gas station project (“Adjacent Project”), which was approved by County on December 22, 2016. The traffic impact analysis for the Adjacent Project estimated that the proposed development would generate approximately 2,279 daily vehicle trips, 190 of which would occur during the Friday evening peak hour and 190 of which would occur during the Sunday mid-day peak hour. Combined with the estimated traffic generated by the Capstone Project, the impact on traffic including the adjacent freeway offramp and local streets is double the impact analyzed in the Project TIA.

A cumulative impact is an impact created by the combination of the project reviewed together with other projects causing related impacts. 14 Cal Code Reg §15130(a)(1). The cumulative impact from several projects is the change in the environment that results from the incremental effect of the project when added to other past, present, and probable future projects 14 Cal Code Reg §§15065 (a) (3), 15130 (b) (1) (A), 15355 (b).

The traffic impact analysis completely fails to take into account the Adjacent Project, thus failing to comply with the requirements under CEQA to review the Projects cumulative impacts.

B. Air Quality Impacts Fail to Take Into Account Cumulative Impacts.

An air quality analysis was prepared for the Project. However, the analysis fails to take into account the cumulative impacts of the Adjacent Project. The Initial Study mentions the adjacent project, but the analysis in no way takes into account the air-quality impact of both projects, including construction related omissions.

3. Initial Study Contains Material Inaccuracies.

A. A Project Description Must be Accurate.

Under CEQA, the project description must be accurate. County of Inyo v. City of Los Angeles (1977) 71 CA 3d 185, 199. An accurate description is necessary to determine the scope of environmental review. In County of Inyo, the court noted (71 CA3d at 192):

“Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sin qua non* of an informative and legally sufficient EIR.”

The project description for the Project has many inaccuracies, which make it impossible to sufficiently analyze the environmental impact of the Project. The Project description must be corrected and the environmental analysis adjusted to reflect the accurate description of the project.

B. Water Well and Septic System

The Initial Study repeatedly states that the project will utilize an existing water well and sub-surface on-site disposal system. It also states that the Project will use the existing septic system. In fact, the Capstone Parcel has been abandoned for more than 10 years. None of the water, water disposal or septic systems have been utilized for many years and are not currently operable and usable.

Page 53 of the Initial Study, Section XVII b) incorrectly states as follows:

“No impact. The proposed Project will utilize an existing water well and on-site septic system. These improvements would not require construction of new water or wastewater facilities. As such, no impact would occur to existing water or wastewater systems.”

In addition to describing the water and sewer systems as currently existing, the Form W-2 (Private Water Service) attached to the application is dated October 31, 2016. The certification specifically states that the “commitment shall expire one (1) year from the following date”. Accordingly, the water certification for the project has expired and cannot be relied upon in analyzing the environmental impacts of the project on water and hydrology. The Initial Study merely states that the water well and septic tanks will be built in the future, with the assumption that there is adequate water and ability to deal with sewer discharge. In essence, there is no analysis but rather a pushing forward into the future of any analysis as to adequacy of water and sewer discharge facilities.

Deferral of the analysis of an impact on the environment of a project is not permitted under CEQA. In the case of Environmental Council of Sacramento v. City of Sacramento (2006), 142 CA 4th 1018, the court held that an analysis of the impacts of future action should be undertaken when the future actions are sufficiently well-defined that it is feasible to evaluate their potential impacts. In this case, there is adequate definition of the water needs and sewer disposal requirements for the project for that analysis to take place as part of the MND analysis, rather than deferred into the future.

C. Existing Structure and Improvements.

Throughout the Initial Study, the Project is described as a currently improved site. For example, on page 5 of the Initial Study, item (d), dealing with aesthetic impacts, the Initial Study states as follows: “The site is currently improved and was previously utilized as a retail store and gas station with exterior lighting.” On page 13, under the discussion of construction omissions, the Initial Study states that “[h]owever, the facility and many of the required improvements already exist.”

On page 43 of the Initial Study, relating to the discussion of noise impacts, the Initial Study states under item XIII a) as follows:

“the Project site will be developed for retail and gasoline dispensing and will not require the extension of any new roads or infrastructure to serve the project, because the site is already improved and include the infrastructure necessary to serve the proposed uses.”

This description of the Project site as an improved site is incorrect and deceptive. The site has been abandoned for more than 10 years. The building on the site is in a state of complete disrepair, and will need to be completely rebuilt in order to be usable. Improvements to the building so extensive as to be equivalent to building a new building. The gas pumps and tanks have been removed, and the construction of totally new gas pumps and tanks as well as a canopy will need to be constructed. The Initial Study should describe the project as in essence a new construction project with all of the impacts that would be associated therewith. Both the general public as well as public agencies commenting on the adequacy of the Initial Study will be misled due to the inaccurate description of the project site as fully improved.

3. Potentially Significant Impact on Biological Resources.

The Initial Study admits that the County's Biotic Resources exhibit for the Desert Region displays potential for Desert Tortoise and the Burrowing Owl north of the I-15 Freeway, where the Project is located. However, the Initial Study then concludes that because of existing impervious site improvements and fencing, there is no possible chance of either the Desert Tortoise or the Burrowing Owl. A biological report was not required.

The site has been vacant for many years. Only a portion of the site has asphalt or concrete surfaces. The property is surrounded by open space and undeveloped properties which are undisturbed and are potential habitat for both the Desert Tortoise and the Burrowing Owl. There is no way to determine the presence of the Desert Tortoise or the Burrowing Owl without a biological report. Failure to prepare a biological report is a critical defect in the environmental analysis of the project site.

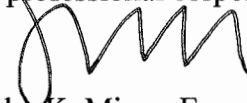
4. Conclusion.

Demand is made that processing of the application for the Project be frozen until such time as the capstone Parcel becomes a legal parcel under the SMA and the County Code. In addition, demand is made that the processing of the application comply with all county codes, including the code requirement for a minimum lot size of 2.5 acres.

Demand is further made that the environmental analysis of the Project under CEQA be corrected to address the deficiencies set forth in this letter, including but not limited to: (i) correction of the Project description to accurately describe the Project, (ii) preparation of a cumulative impact analysis of traffic and air quality, (iii) adequate and current analysis of water needs and sewer discharge requirement of the Project, (iv) preparation of a biological study that addresses the impact on the Desert Tortoise and the Burrowing Owl.

Very truly yours,

Mirau, Edwards, Cannon Lewin & Tooke,
A professional corporation



John K. Mirau, Esq.

Attachments

Cc: Client

<p>Recording requested by Allen B. Steimle</p>	<p style="text-align: center;">81-176910</p> <p style="text-align: center;">RECORDED IN OFFICIAL RECORDS</p> <p style="text-align: center;">1981 AUG 10 PM 2:42</p> <p style="text-align: center;">SAN BERNARDINO COUNTY, CALIF.</p> <p style="text-align: center;">for recorder's use</p>
<p>and when recorded mail to ALLEN B. STEIMLE P.O. box 433 Yermo, Calif. 92398</p>	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: auto;"> <p style="margin: 0;">4.00</p> <p style="margin: 0;">D</p> </div>

***** ASSIGNMENT OF REAL ESTATE *****

FOR VALUE RECEIVED, the undersigned hereby grants, assigns, and transfers to Allen B. Steimle and Yvonne O. Steimle, Co-Trustees; U/D/T dated February 14, 1974, P/B/O The Steimle Family.

the following described property in the unincorporated area county of San Bernardino, State of Calif. That portion of lot 65, TRACT No. 5655 S.B.B.M., as recorded in book 72 of maps, pages 90 and 91, records of said county as described in EXHIBET (A) as follows see attached page marked EXHIBIT 1(A)

Dated 539-223-01 Allen B. Steimle
Yvonne O. Steimle

State of Calif.
County of San Bernardino

On July 31, 1981 before me, the undersigned a Notary Public in and for said State, personally appeared Allen B. Steimle and Yvonne O. Steimle known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Shirley A. Miller
Shirley A. Miller

OFFICIAL SEAL

OFFICIAL SEAL
SHIRLEY A. MILLER
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN BERNARDINO COUNTY
My Commission Expires Oct. 15, 1983

EXHIBIT "A"

ACCOMMODATION DESCRIPTION H-26
November 21, 1957

T. I. & T. CO.

That portion of Lot 65, TRACT NO. 5655, in the County of San Bernardino, State of California, as per map recorded in Book 72 of Maps, pages 90 and 91, records of said County, described as follows:

COMMENCING at a four-inch by four-inch scribed post marking the Northwest corner of Section 14, Township 10 North, Range 3 East, SAN BERNARDINO MERIDIAN; thence South $0^{\circ} 16' 30''$ East 350.41 feet along the West line of said Section 14; thence North $89^{\circ} 43' 30''$ East 40.00 feet to the East line of Harvard Road as shown on said map, said point being the true point of beginning; thence South $45^{\circ} 16' 30''$ East 56.57 feet; thence North $89^{\circ} 43' 30''$ East 160.00 feet; thence North $0^{\circ} 16' 30''$ East 200 feet parallel with the East line of said Harvard Road; thence South $89^{\circ} 43' 30''$ West 220 feet to the East line of said Harvard Road; thence South $0^{\circ} 16' 30''$ East 160.00 feet to the true point of beginning. *With a 15 ft. frontage*

EXCEPT one-half interest in all mineral rights as reserved by John H. Fox in Deed recorded December 15, 1959 in Book 5010, page 998, Official Records of said County.

Approved:

M. L. Brown
M. L. BROWN
Title Engineer

NOTE: - This description was written without the benefit of a search of title and may not conform to boundary lines of record.

61-176910

RECORDING REQUESTED BY
Ronald M Steimle
 AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME *Ronald M Steimle*
 ADDRESS *PO Box 745*
 CITY & STATE ZIP *Yermo, Ca 92398*

Title Order No.

Escrow No.

RECORDED IN
OFFICIAL RECORD

1583 SEP 21 PM 12:01

SAN BERNARDINO
CO., CALIF.

83-220396

83-220396

3.00
E

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Sales price \$77,000

77.00

The undersigned declares that the documentary transfer tax is \$..... and is
☐ computed on the full value of the interest or property conveyed, or is
☐ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land,
 tenements or realty is located in
☒ unincorporated area ☐ city of and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Allen B. Steimle and
 Yvonne O. Steimle, Co-Trustees U. D. T. dated Feb. 14, 1974 F.B.O. the Steimle
 family

hereby GRANT(S) to Ronald M. Steimle and Yvonne H. Steimle, Husband and wife
 as joint tenants,

the following described real property in the Harvard Area
 county of San Bernardino State of California: That portion of Lot 65,
 Tract # 5655, in the County of San Bernardino, State of Calif., as per map
 recorded in book 72 of maps, pages 90 and 91, records of said County,
 described as follows:
 COMMENCING at a four-inch by four-inch postmarking the Northwest corner of
 Section 14, Township 10 North, Range 3 East, S.B.M.; thence South 0
 16' 30" East 350.41 feet along the West line of said section 14; thence
 North 89 43' 30" East 40 feet to the East line of Harvard road as shown
 on said map, said point being the true point of beginning; thence South
 45 16' 30" East 56.57 feet; thence North 89 43' 30" East 180.00 feet;
 thence North 0 16' 30" West 200 feet parallel with the East line of said
 Harvard Road; thence South 89 43' 30" West 220 feet to the East line of
 said Harvard Road; thence South 0 16' 30" East 160 feet to the true point
 of beginning.
 EXCEPT 1/2 interest in all mineral rights as reserved by John H. Pon in
 deed recorded Dec. 15, 1959 in book 5010, page 303, Official records of
 said County.

Dated September 14, 1983

X *Allen B Steimle Co-Trustee*
 X *Yvonne O Steimle Co-Trustee*

STATE OF CALIFORNIA }
 COUNTY OF San Bernardino } SS.
 On September 14, 1983, before me, the under-
 signed, a Notary Public in and for said County and State, personally
 appeared *Allen B Steimle and*
*Yvonne O. Steimle ******

to be the person whose name are, known to me
 subscribed to the within
 instrument and acknowledged that they executed the same.

Freda Brodbeck
 Freda Brodbeck Signature of Notary

FOR NOTARY SEAL OR STAMP



Assessor's Parcel No. 539-223-03

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name
 CAL-1 (Rev 3-79)

Street Address

City & State

RECORDED AT THE REQUEST OF
CHICAGO TITLE COMPANY

RECORDING REQUESTED BY:

Mail taxes to:
AND WHEN RECORDED MAIL TO:

ELIAS ANTOUN
SAINT GEORGE TRADING
P. O. BOX 205
Yermo, CA 92398

Electronically Recorded In Official Records, County of San Bernardino

12/28/2012
09:08 AM
DB



DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK
607 Chicago Title Company

Doc #: 2012-0555196



Titles: 1 Pages: 2

Fees	28.00
Taxes	247.50
Other	.00
PAID	275.50

Title Order No.: 128625749

Escrow No.: 122957-MC

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$247.50

[X] computed on full value of property conveyed, or

[] computed on full value less value of liens or encumbrances remaining at time of sale.

[X] Unincorporated area [] City of Yermo

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MJC CASA, INC., a California Corporation

hereby GRANT(s) to: ELIAS ANTOUN, a Single Man, as to an undivided 50.0% interest, and
ST. GEORGE TRADING CO., P., a California corporation, as to an undivided 50.0%
interest, as Tenants in Common.

the real property in the unincorporated area, County of San Bernardino, State of California, described as:
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Also Known as: 39263 Harvard Road, Yermo, CA 92398

AP#: 0539-223-03

DATED August 30, 2012

STATE OF CALIFORNIA

COUNTY OF Orange

On December 17, 2012

before me, James A. Cork, Jr.

A Notary Public in and for said State personally appeared
Mary M. Hsu

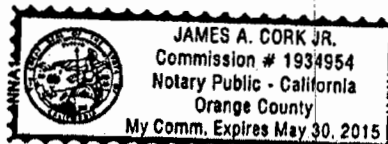
MJC CASA, INC., a California Corporation

By:

Mary M. Hsu
MARY M. HSU, President

who proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.



Signature

(Seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

Description: San Bernardino, CA Document - Year.DocID 2012.555196 Page: 1 of 2
Order: 885205 Comment:

EXHIBIT "A"

APN 0539-223-03

All that certain real property situated in the county of San Bernardino, state of California,
described as follows:

TR NO 5655 PTN LOT 65 COM AT NW COR SEC 14 TP 10N R 3E TH S 0 DEG 16
MIN 30 SEC E 350.41 FT ALG W LI SD SEC 14 TH N 89 DEG 43 MIN 30 SEC E 40.00
FT TO E LI HARVARD RD SD PT BEING TRUE POB TH S 45 DEG 16 MIN 30 SEC E
56.57 FT TH N 89 DEG 43 MIN 30 SEC E 180.00 FT TH N 0 DEG 16 MIN 30 SEC W
200 FT PARALLEL WI E LI SD HARVARD RD TH S 89 DEG 43 MIN 30 SEC W 220 FT
TO E LI SD HARVARD RD TH S 0 DEG 16 MIN 30 SEC E 160.00 FT TO TRUE POB
EX STS AND EX MNL RTS RESERVATION OF RECORD. TR NO 5655 PTN LOT 65
COM AT NW COR SEC 14 TP 10N R 3E TH S 0 DEG 16 MIN 30 SEC E 350.41 FT
ALG W LI SD SEC 14 TH N 89 DEG 43 MIN 30 SEC E 40.00 FT TO E LI HARVARD
RD SD PT BEING TRUE POB TH S 45 DEG 16 MIN 30 SEC E 56.57 FT TH N 89 DEG
43 MIN 30 SEC E 180.00 FT TH N 0 DEG 16 MIN 30 SEC W 200 FT PARALLEL WI E
LI SD HARVARD RD TH S 89 DEG 43 MIN 30 SEC W 220 FT TO E LI SD HARVARD
RD TH S 0 DEG 16 MIN 30 SEC E 160.00 FT TO TRUE POB EX STS AND EX MNL
RTS RESERVATION OF RECORD.