



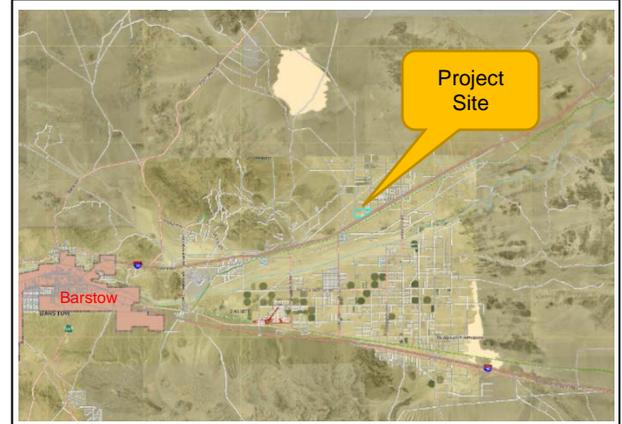
LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: December 5, 2019

AGENDA ITEM # 3

Project Description:

APNs: 0539-031-02
Applicant: G&GF Enterprise; LLC/Om P. Garg
Community: Newberry Springs, 1st Supervisorial District
Location: North of Interstate 15, south of Cherokee Street, West of Mountain View Road and East of Bragdon Road.
Project No.: P201300567
Staff: Reuben J. Arceo, Contract Planner
Rep.: Om Garg
Proposal: A) General Plan Amendment to rezone a 267.41 acre site from Rural Living (RL) to; Highway Commercial (CH).
 B) Conditional Use Permit (CUP) to establish a waterpark, recreational vehicle park, lake, and construct approximately 100,281 square feet of associated buildings in five phases on 267.41 acres.



49 HEARING NOTICES SENT ON: November 22, 2019

Report Prepared By: Reuben J. Arceo

SITE INFORMATION

Parcel Size 267.41 acres
 Terrain: Desert, primarily flat, with various topo undulations
 Vegetation: The domiante perennials consist of Saltbush, creosote bush, mesquite and tamarisk

SURROUNDING LAND DESCRIPTION:

| AREA | EXISTING LAND USE | LAND USE ZONING DISTRICT |
|-------|---|--|
| Site | Former water park resort, including abandoned water slides, buildings and lake park and pedestrian walkways | Rural Living (RL) 14,000 sq.ft.LA/RS (LA/R+ |
| North | Vacant | Rural Living– 40 (RL-40) minimum 40 acre lot |
| South | Vacant and Interstate 15 | Rural Living (RL) and Interstate 15 |
| East | Vacant | Rural Living (RL) and Interstate 15 |
| West | Vacant | Rural Living (RL) |

AGENCY

COMMENT

| | | |
|---------------------------|-------------------------------|---|
| City Sphere of Influence: | N/A | N/A |
| Water Service: | Environmental Health Services | Water Wells |
| Sewer Service: | Environmental Health Services | On-site septic system/Package Treatment |

STAFF RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors **ADOPT** the Mitigated Negative Declaration, **ADOPT** the proposed Findings, **APPROVE** the General Plan Amendment, **APPROVE** the Conditional Use Permit subject to the recommended Conditions of Approval and **DIRECT** the Clerk of the Board to File a Notice of Determination¹.

¹ In accordance with Section 86.12.040 of the Development Code, the Planning Commission action is a recommendation to the Board of Supervisors and may only be appealed by the applicant in the event of disapproval.

VICINITY MAP Lake Dolores



Location Map



OFFICIAL LAND USE DISTRICT MAP

LUS GIS Viewer showing the Project Site zoned Rural Living (RL)

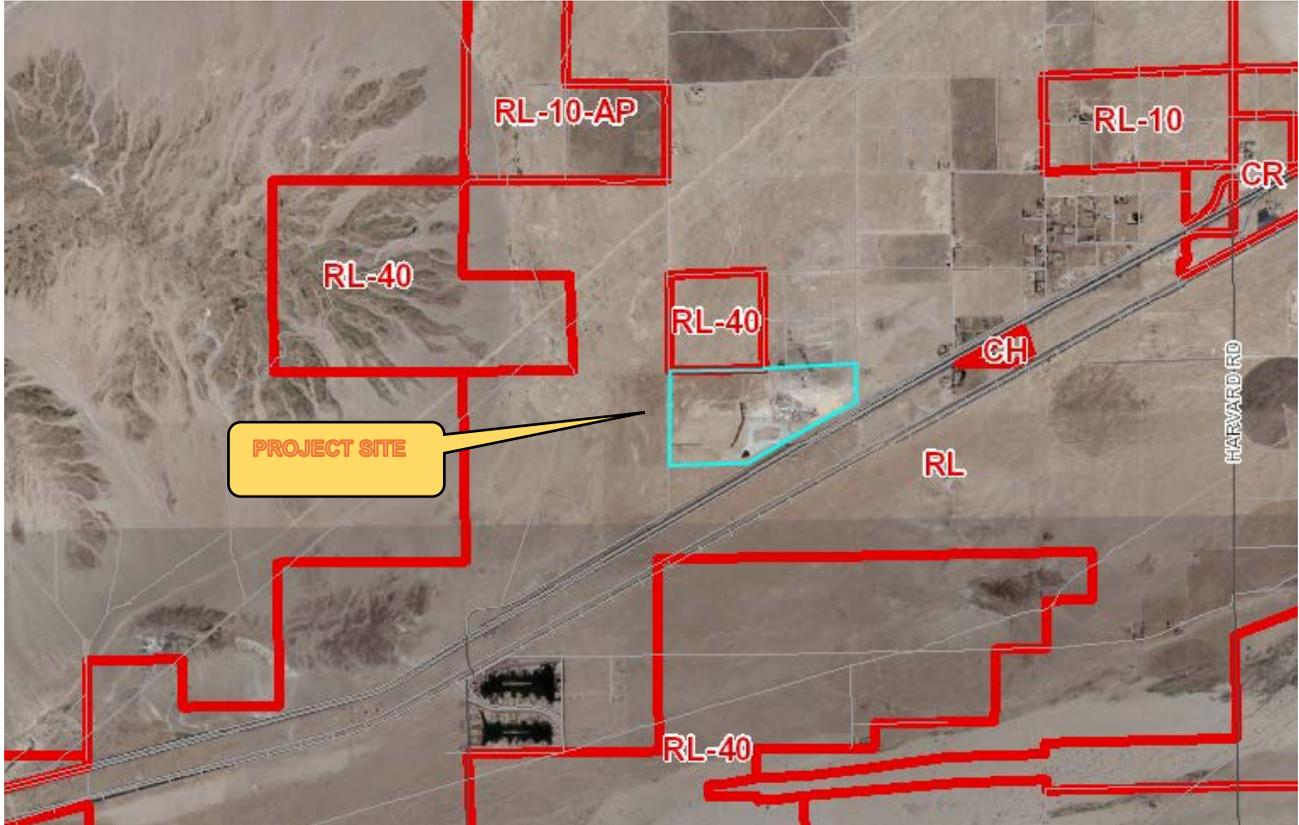


FIGURE 2
Lake Dolores Parcel



FIGURE 3
Former Lake Dolores Park

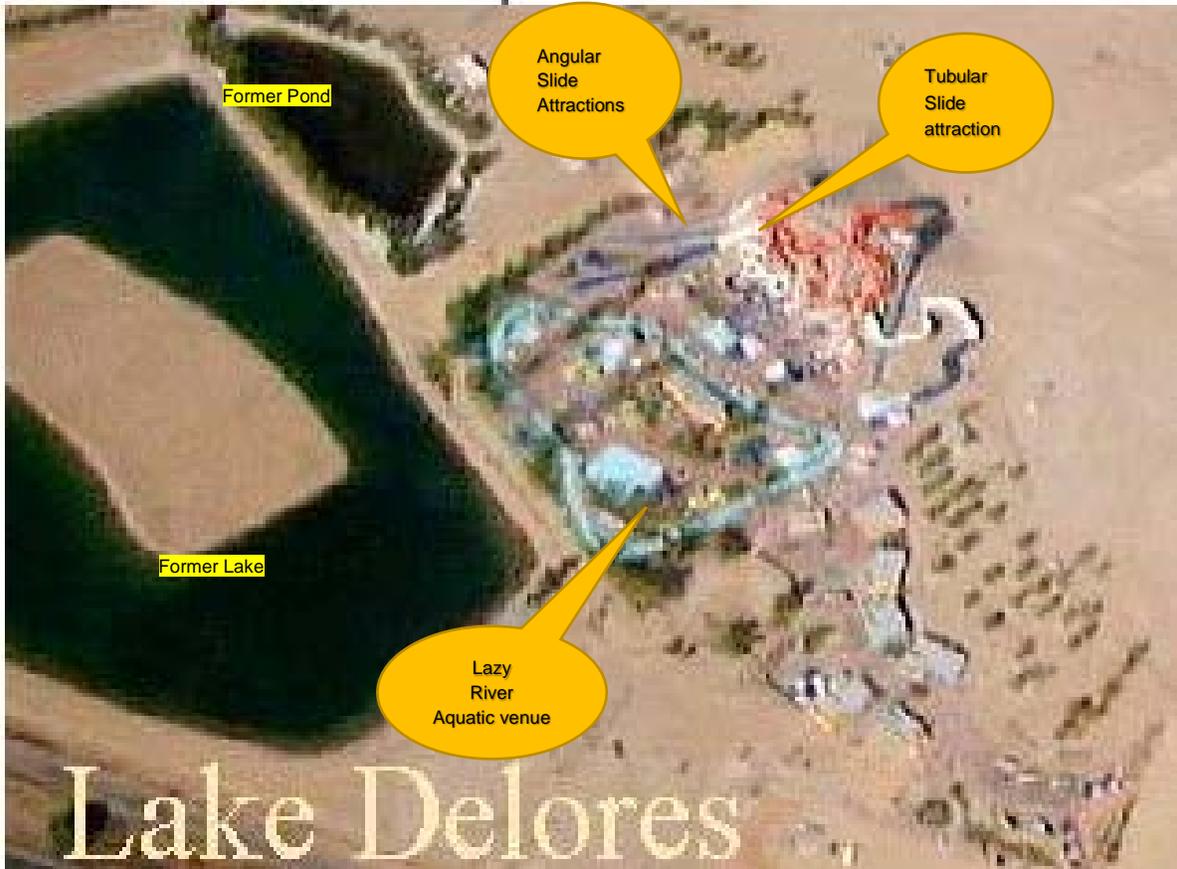


FIGURE 4
Lake Dolores Ride and Former Attractions

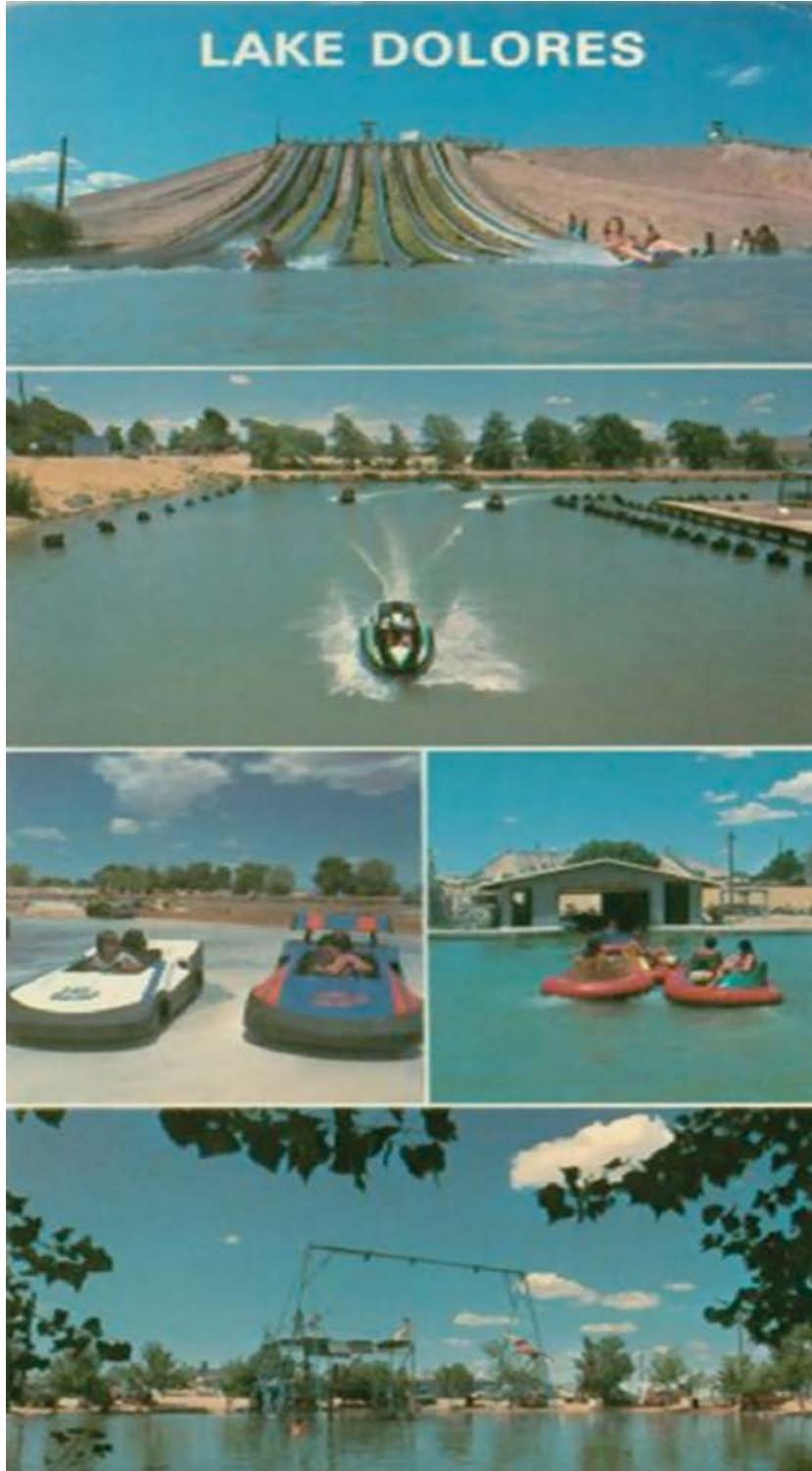


FIGURE 5
Former Lake Dolores Lazy River Aquatic Attractions



Current Condition of Lazy River Aquatic Attraction



FIGURE 6
Former Lake Dolores Oval Jet Ski Water Racetrack Venue and
Swimming Pools Viewing South



Existing Site Condition of Oval Jet Ski Water Racetrack Venue and
Swimming pools Viewing South



FIGURE 7
Northwest View of Lake Dolores Site

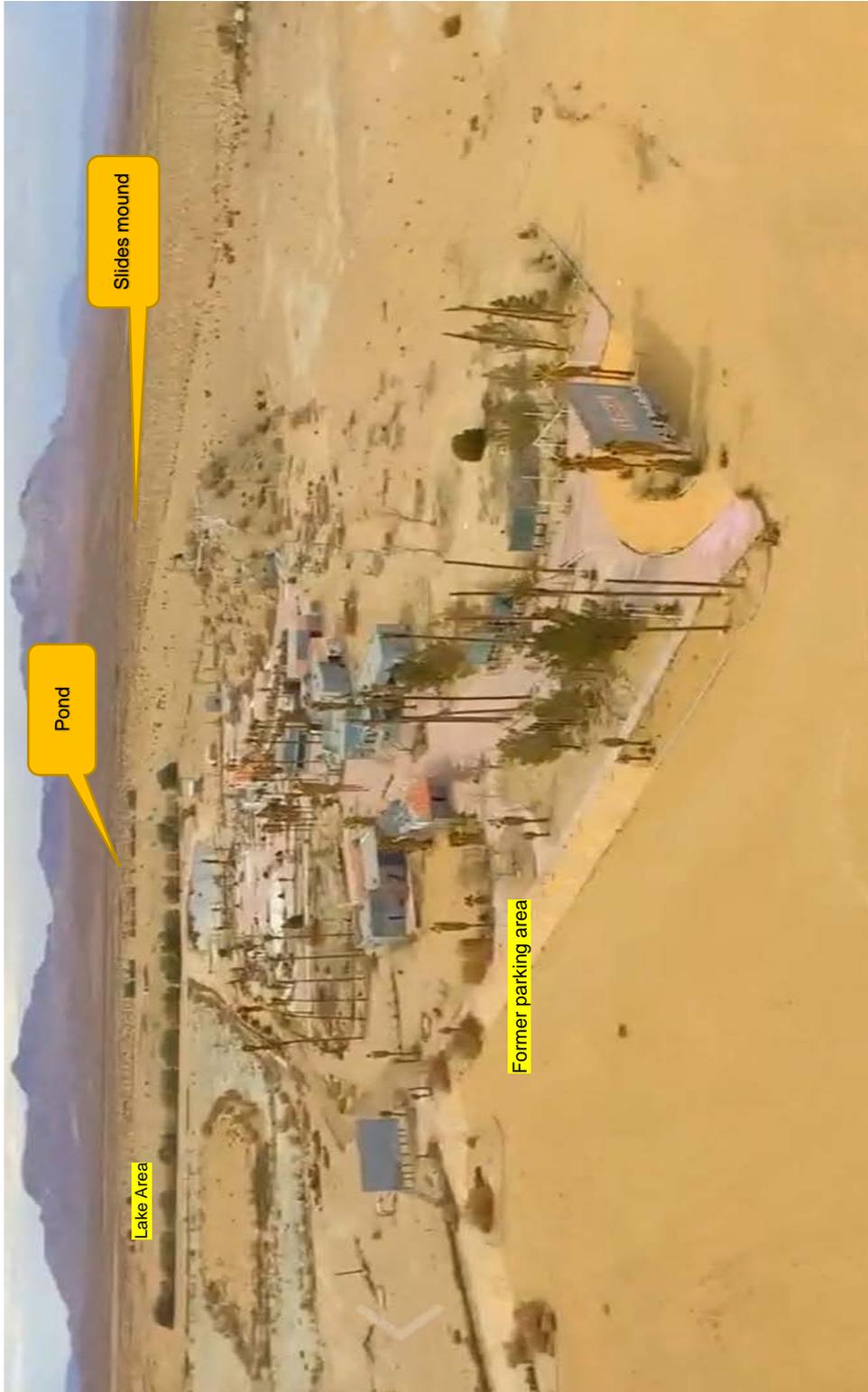


FIGURE 8
Former Lake Dolores Water slide



Existing Site Condition of Former Water Slide Viewing South



FIGURE 9
Phase I
Lake & Pond Operation

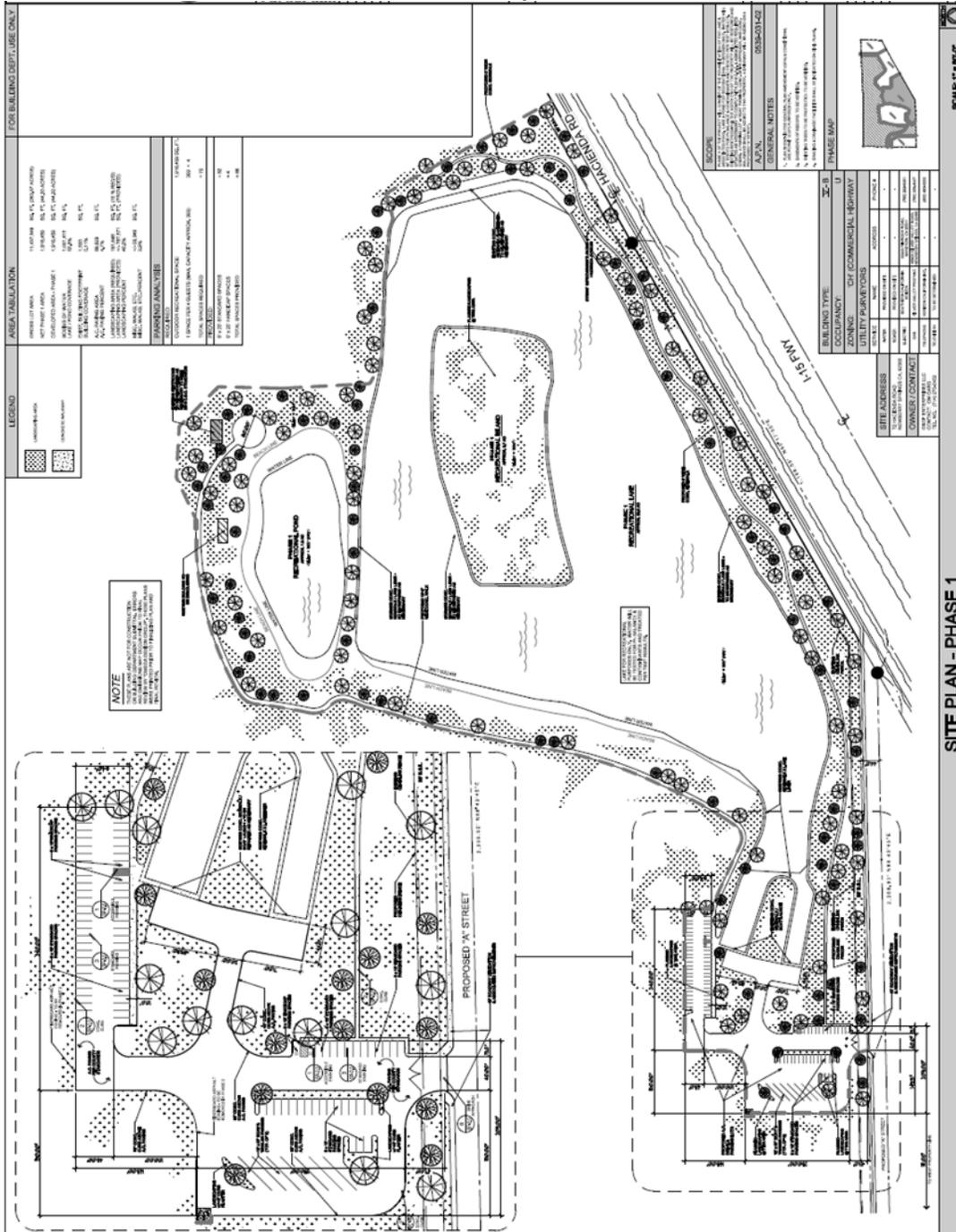


FIGURE 10
Phase II
RV Park

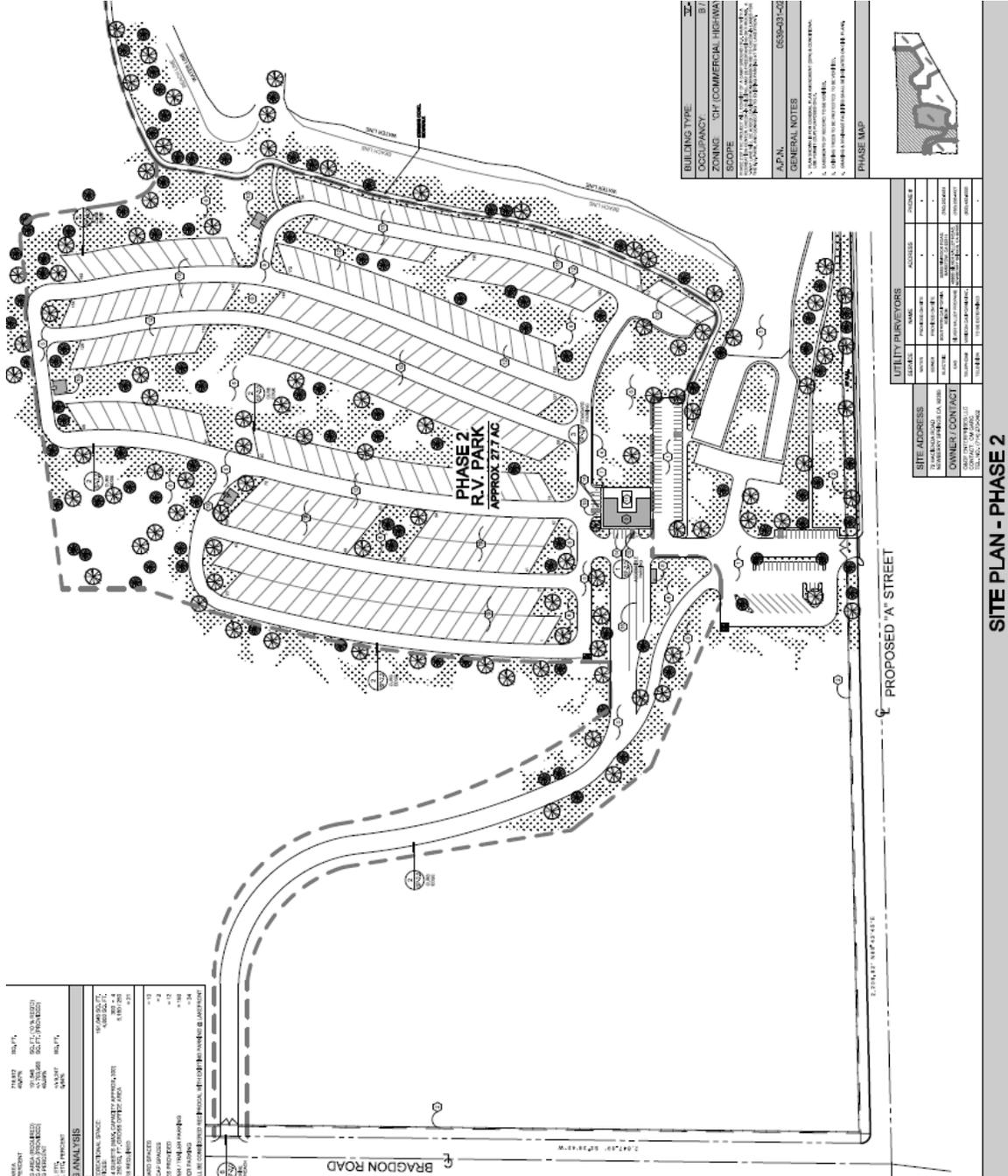
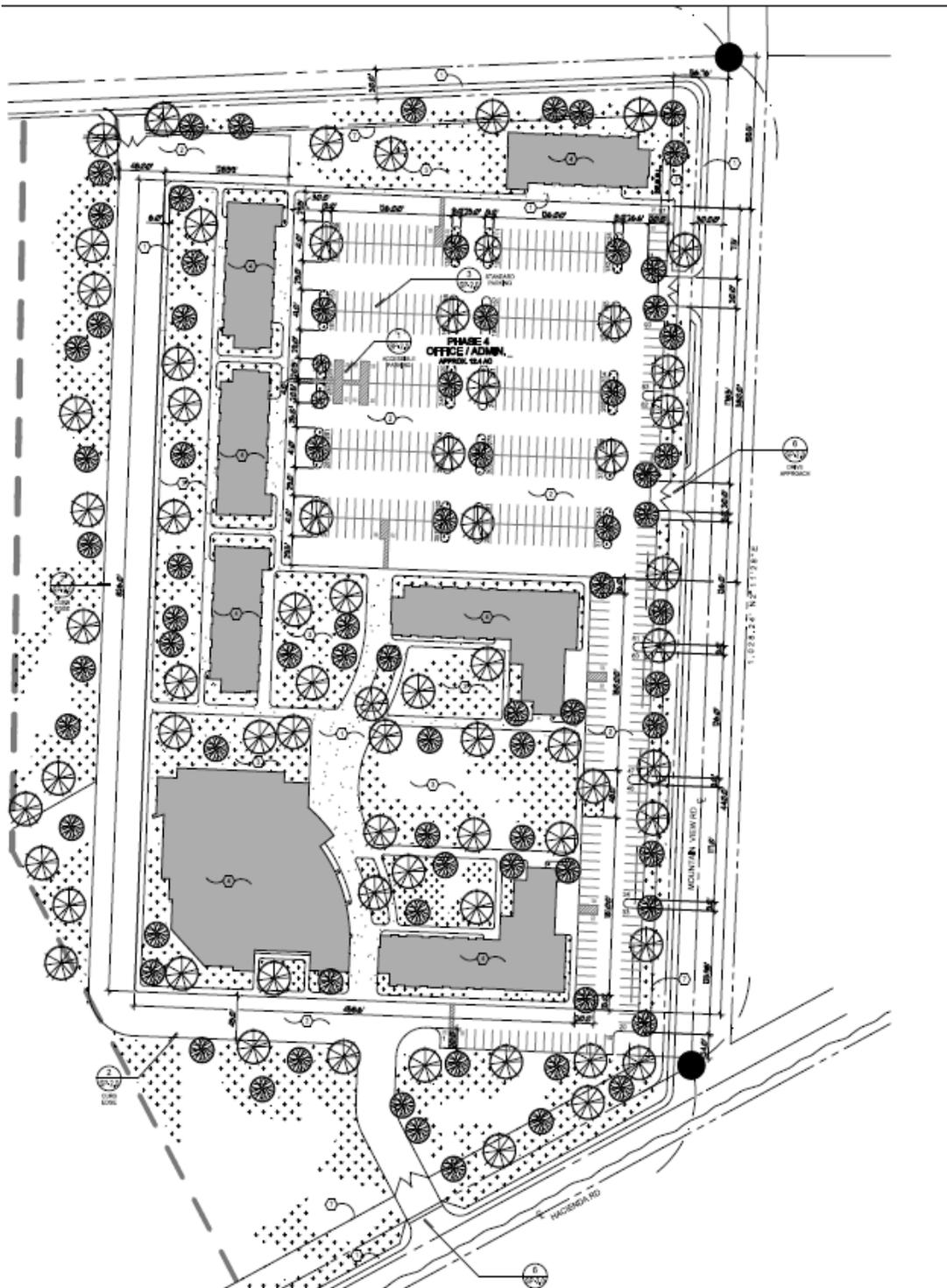


FIGURE 12
Phase IV
Office and Administrative Facilities



PROJECT DESCRIPTION:

The applicant requests approvals of a General Plan Land Use District Amendment (GPA) to rezone a 267-acre lot from Rural Living (RL) to Highway Commercial (CH) and a Conditional Use Permit (CUP) to redevelop and operate a former water park and lake venue. The proposal also includes the establishment of a Recreational Vehicle (RV) Park, to be called Dolores Lake Park. In conjunction with the lake and water park upgrades, the project proposes establishing separate commercial and administrative centers containing approximately 45,727 square feet of commercial retail space, and 54,554 square feet of office and administrative floor area (collectively the “Project”). The park’s upgrades and new construction is proposed to be built over a (5) year phasing plan. The current site has been non-operative and abandoned for a number of years.

Given the site’s former entertainment acclaim, the applicant’s long-term operating objectives include the following:

- Restore the park to its previous fame some called “A Heaven on Earth” and “An Oasis in the Desert”.
- Create a high quality recreational and Entertainment Resort.
- Make a year-around convenience for the travelling public on Interstate 15.
- Provide permanent employment opportunity for 150-200 county residents.
- Provide a source of revenue for the County.
- Create a county landmark of national fame.
- Restore the existing lake and pond and support recreational activities.

Table 1 below lists the intended uses the Project proposes to provide and lists the park’s gross and net acreage by specified use.

Table 1: Lake Dolores Specified Uses

| SPECIFIED USES | ACRES |
|--|--------------|
| Gross area | 267 |
| Net area | 246.3 |
| Commercial | 14.0 |
| R.V. Camping | 27.7 |
| Waterpark | 13.0 |
| Waterpark parking | 14.1 |
| Recreational Water features | 8.7 |
| Administrative | 12.7 |
| Open space | 99.0 |
| Misc. landscaping, roadways walkways, etc. | 57.1 |

Location. The proposed Project is located along Interstate 15 (I-15_, about 20 miles northeast of the City of Barstow (“Project site”). The Project is located in the Community of Newberry Springs, within the Desert Region of the County. The nearest population centers are Newberry Springs, approximately 20 miles to the south; the City of Barstow, approximately 25 miles southwest; and the Community of Yermo, approximately 10 miles west of the site. The parcel is bounded by RL Zoning Districts, with several pockets of CH zoning to the east of the Project site.

Access to the property is by way of Hacienda Road, a frontage road that parallels the I-15, and Cherokee Road to the North. The parcel is bounded by the following roads, Mountain View Road to the east, Bragdon Road on the west and Cherokee Road to the north. Hacienda Road lies south of the Project site.

Background: The Project site has a long history and has evolved since its initial phase of conception, planning, and construction in the late 1950s. The Project site was originally designed and built for private use and was known as Lake Dolores. In 1962, a basic campground adjacent to the small lake was opened to the public. Over a 25-year period, as shown in Figure 4, rides and attractions were added and the site evolved into a waterpark.

Lake Dolores experienced its peak attendance between the early 1970s and the mid-1980s. The park featured a man-made lake fed by underground springs, various water slide attractions, a “lazy river,” bumper boats, and an oval Jet Ski water racetrack, as shown in Figure 6, and a swimming pool. The park closed in the 1980s and was sold in the 1990s.

In 1998, the park was reopened under a new name “Rock-A-Hoola” and featured a 1950s theme. In February 2000, the park’s owners filed for Chapter 11 bankruptcy. After a substantial renovation, the water park reopened again in 2002 under a new CUP and was renamed “Discovery Waterpark.” The park operated intermittently from 2002 to 2004. In 2004, the park closed and has subsequently been substantially vandalized. Except for sporadic use by commercial and video filmmakers, the site has been abandoned. As the park has been unused for over a decade, the previously issued CUP expired due to the prior owner’s failure to satisfy the Project’s conditions of approval.

PROJECT ANALYSIS:

Conditional Use Permit

Lake Dolores Site Development Plan. As previously cited, the Applicant intends to construct the Project in five phases over a period of five years. Table 2 below provides the estimated construction start periods and phase completion schedules for each of the Project’s five phases. When all development phases of the Project are completed, it is anticipated that the park will employ between 150-200 persons. Currently there are no public services at the project site except gas and electricity. The applicant intends to ultimately substitute SCE-provided electric service with on-site, solar-generated electricity. The site contains an existing septic system that could serve the lake, waterpark and RV Park’s needs. The site will operate an on-site wastewater treatment Package Plant capable of processing half a million gallons per day which will be installed in Phase IV. For Phases I, II and III, the septic system will function until replaced by a waste wastewater treatment Package Plant in Phase IV. Package plants are pre-manufactured treatment facilities used to treat wastewater in small communities or on individual properties. This will include percolation tests and certification that the existing septic system is operational and meets County standards. The effluent will also be used as irrigation water for landscaping, parks, and open space areas.

Table 2: Lake Dolores Phased Construction Timetable

| Development Phases | Start Construction | Completion Year |
|---------------------------|---------------------------|------------------------|
| Phase I | March 2020 | September 2020 |
| Phase II | March 2021 | September 2021 |
| Phase III | March 2022 | February 2023 |
| Phase IV | June 2023 | March 2024 |
| Phase V | September 2025 | June 2026 |

Phase I: Lake Operations – The reconstruction and reopening and operation of the 22 acre lake and two acre pond. Boating, pool swimming, pond swimming and camping are proposed in Phase I, which is projected to be completed in September 2020.

Phase II: RV Park and Camp Ground - The Phase II area as shown in Figure 10 encompasses approximately 27.7 acres. Phase II construction is estimated to begin in March 2021 and to be completed by September 2021. The area will operate as a Recreational Vehicle (RV) Park facility containing 224 RV trailer and camper stalls.

The RV Park will offer electrical power, water, gray water and black-water hook-ups services for a variety of RV vehicles that include Class A, B, C motorhomes, including 5th wheels, travel trailers, folding camping trailers and truck campers.

Table 3 below lists the proposed number of RV and trailer parking proposed in Phase II.

Table 3: RV Parking breakdown

| Parking Stalls | Quantity |
|----------------------------------|----------|
| 9' x 20' Standard Spaces | 10 |
| 9' x 20' Handicapped Spaces | 2 |
| 32' x 60' Camper/Trailer Parking | 190 |
| 30' x 40' Camper Parking | 34 |

In addition to RV parking, the site contains approximately 7,239 square feet of new building area, including a 4,800 square foot administrative office, bathrooms and a proposed RV check in facility.

RV patrons will be allowed to stay at the RV Park for the duration of their recreational activities and will have use of the pool and laundry facilities. Visitors will be allowed only as guests of a patron. Parking for visitors will be provided near the entrance at the southwest corner of the park. Parking overflow impacts will be mitigated by opening parking areas in the waterpark facility. The RV site maximum occupancy is estimated at 400-500 occupants, which includes 20 on-site personnel and 80 visitors. The park will contain 24-hour security and supervision, and will be internally lit.

Phase III: Waterpark and Waterpark Parking - The rehabilitation and construction of the waterpark and proposed parking area constitute the Phase III portion of the Project. The phase's primary concentration is the rehab and upgrade of the 41 acre former waterpark site. The site's developable area constitutes 26.79 acres. The site currently contains 11 structures containing a total area of approximately 54,554 square feet. These structures consist predominately of former restrooms and concession facilities.

Phase IV: Office/Administrative - For the Phase IV portion of the Project, the Applicant proposes to construct approximately 89,730 square feet of office and administrative space as shown in Figure 12. The facilities include a proposed library, amphitheater, offices and public service buildings. The square footage of each building is as follows:

Table 4: Phase IV Building Area

| Administrative/office Quantity | Bldg. No. Reference | Square footage |
|--------------------------------|---------------------|-----------------------------|
| 1 | 10 | 33,092 |
| 2 | 11 | 13,297 Each 25,594 Total |
| 4 | 12 | 7,511 Each 30,044 Total |
| Total Building square footage | | 89,730 |

Phase V: Commercial Retail - The Phase V portion of the project is just over half the building area proposed in Phase IV. Phase V as shown in Figure 13 proposes to construct approximately 45,727 square feet of buildable area for commercial and retail uses within a 13.6 acre site and is projected to start in September 2025. The square footage of each building is as follows:

Table 5: Phase V Commercial Center

| Bldg. No. | Type | Quantity | Square Footage |
|------------------------------------|-----------------------|----------|-------------------------|
| 13 | Commercial Retail | 1 | 9,051 |
| 14 | Commercial Retail | 3 | 2,976 EA. 8,828 TOT. |
| 15 | Commercial Retail | 1 | 2,416 |
| 16 | Commercial Retail | 1 | 2,868 |
| 17 | Commercial Retail | 1 | 2,976 |
| 18 | Commercial Retail | 4 | 3,664 EA. 14,656 TOT |
| 19 | Commercial Retail | 2 | 2,416 EA. 4,832 TOT. |
| 20 | Commercial Fuel Pumps | 1 | 3,946 |
| Phase V Total Building Square Feet | | | 45,727 |

Airport Compatibility. The Project site is located within an Airport Safety Review Area 4 (AR 4) as the site is within a low-altitude/high speed corridor designated for military use. The Development Code requires that any project within an AR 4 Review Area shall grant the appropriate military agency an Avigation Easement prior to the issuance of any building permits for the project.

General Plan Amendment

The applicant is proposing a GPA to rezone the site to Highway Commercial (CH) from Rural Living (RL) to insure zoning compatibility for the proposed use. The proposed CH zoning district is consistent with the Project’s proposed park/entertainment facility and proposed future retail and commercial uses as the intent of the CH District is to provide suitable locations for retail and service commercial establishments intended to meet the daily convenience needs of the traveling public.

Furthermore, the Project meets the locational criteria of the CH zone in that:

- The Project site is intended to be occupied by a relatively contiguous grouping of businesses that provide transient services to travels on major highway; and,
- The Project is designed to preserve a block of land for the use of small somewhat isolated transient commercial uses along major highways.

Subject to the recommended Conditions of Approval, the Project comports with the intent of the County’s General Plan in that it meets the intent of the following goals and polices:

County General Plan – Land Use Element:

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.

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

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

Policy LU 6.1. Mixed-use developments will be encouraged in the unincorporated areas of the County for projects that have adequate acreage to accommodate different land uses while providing buffers and other mechanism to minimize or avoid land use conflicts.

GOAL LU 10. Encourage distinct communities with a sense of “place” and identity.

GOAL D/LU 1. Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.

GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

A copy of the recommended Conditions of Approval and proposed Findings supporting the GPA are attached as Exhibits A and B, respectively.

PUBLIC COMMENTS:

During the 30 day environmental review of the Mitigated Negative Declaration and Initial Study which closed on September 28, 2019, the Planning Division received a letter from the California Department of Fish and Wildlife (F&W), dated September 17, 2019. This letter and Staff’s response to F&W is attached as Exhibit E. No additional comments have been received by staff.

TRIBAL CONSULTATION

In accordance with AB52 and SB-18, various tribes were notified of the Project in August 2017. With the exception of the Twenty-Nine Palms Band of Mission Indians, no comments were received from the other tribes. The Twenty-Nine Palms Band of Mission Indians recommended mitigation measure has been incorporated into the Conditions of Approval.

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration and Initial Study (MND/IS), attached as Exhibit C, was prepared for the Project in accordance with the requirements of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and California Code of Regulations, Title 14, Section 15000 et seq. (CEQA Guidelines). Staff determined that the Project will not have any direct, or reasonable foreseeable indirect, adverse impacts on the environment that will remain potentially significant with implementation of the proposed mitigation measures. A summary of the MND/IS are provided below:

Environmental Setting. The Project site has been significantly altered by past development. The site is mostly flat with a few slopes and undulations combined with desert sandy soils consistent with the Mojave Desert environment where the park is situated. Seismically, the site does not lie within or immediately adjacent to an Alquist Priolo Earthquake Fault Zone designated by the State of California, to include traces of active faulting, or prone to liquefaction and seismic induced settlement given the depths of groundwater estimated at 82 feet in depth.

Biological Resources. Based on a Biological Resource Assessment prepared by RCA Associates, dated March 2017, the proposed project is not expected to have any significant impacts to either wildlife species of concern, such as the burrowing owl, Desert Tortoise and Mohave Ground Squirrel or special status plants, subject to the implementation of specific mitigation measures which have been incorporated to the Project’s Conditions of Approval.

Noise. Noise levels will be measured to demonstrate the operation's compliance with the Development Code to ensure noise levels are maintained and do not exceed the County's ambient noise standards. The applicant shall implement an operating policy, to safeguard and protect nearby properties from noise impacts, errant noise, group impacts and crowds.

Water Availability. All water supplies will be obtained from ground water, as authorized by the Mojave Water agency. No water or sewer connections from the property will be needed. The property has specific water rights allowance for lake operations of 455 acre feet and 483 acre feet for park operations and irrigation. There are three existing water wells, adequate to meet the parks water needs. The findings of a Water Supply Assessment, prepared by RCA Associates dated March 2017, determined that water supplies for construction and operation are available.

Transportation /Traffic. The Project's Traffic Study prepared by Fehr & Peers, dated March 2017 cites that since the Project is intended to be a regional attraction, the majority of traffic generated is expected to use the I-15 with 30 percent of commuters traveling to and from the east and 55 percent traveling from the west. The remaining traffic will use Minneola Road.

The traffic study analyzed the following Project traffic scenarios.

- Existing (Year 2017) Conditions – This scenario consists of existing traffic counts collected in the study area in March 2017.
- Existing plus Project (2017) – This scenario consists of adding traffic generated by the proposed Project to the existing counts.
- Cumulative (2040) – This scenario consists of determining anticipated growth by the year 2040 using the San Bernardino Traffic Analysis Model (SBTAM) and applying that growth to existing traffic counts to determine the forecasted traffic volumes in 2040.
- Cumulative (2040) Plus Project – This scenario consists of adding traffic generated by the proposed Project to the cumulative (2040) scenario.

The traffic study anticipated that retail uses would serve to attract commuters coming to the waterpark or campground. The Project is estimated to produce 637 Vehicle Trips during the Daily PM peak hour and 893 Trips during the weekend peak hour. Peak hour factors were determined based on existing traffic counts and used for existing and existing plus project analysis. The traffic study cited the following conclusions concerning traffic.

- No significant impacts were identified at the study locations.
- All study intersections are expected to operate acceptably under Existing (2017) plus Project conditions and cumulative (2040) plus Project conditions. None of the study intersections meet the peak hour signal warrant in any of the study scenarios.
- No changes to air traffic patterns would occur as a result of this Project and no design feature will increase hazards in the area. Adequate emergency access will also be provided to the Project site.
- Parking for all uses has been provided to meet or exceed County requirements per the site plan.

The Project's Traffic Impact Analysis (TIA) was reviewed by Caltrans. Caltrans in their letter dated September 11, 2018 and October 8, 2019, attached as Exhibit D, had no further comments on the updated TIA or conditions to apply on the Project.

Mitigation Measures: A comprehensive list of mitigation measures have been compiled to ensure the Project's potential impacts will not have a significant impact on the environment and have been incorporated into the Conditions of Approval as part of the future mitigation and monitoring program. The mitigation measures include, but are not limited to, the following:

- Mitigation Measure BIO-1: Pre-Construction Burrowing Owl Survey.
- Mitigation Measure BIO-2: Desert Tortoise. Incorporates prescribed F&W measures per September 17, 2019 letter.
- Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.
- Mitigation Measure NOI-1-Construction Noise Mitigation Plan.

RECOMENDATION:

That the Planning Commission RECOMMEND that the Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration;
2. **ADOPT** the Findings as contained in the Staff Report;
3. **APPROVE** the General Plan Amendment to change the land use district from Rural Living (RL) to Highway Commercial (CH) on the 267.41 acre site;
4. **APPROVE** the Conditional Use Permit for the establishment of a waterpark, recreational vehicle park, lake, and development of approximately 100,281 square feet in various administrative and commercial buildings in five phases on the 267.41 acre site, subject to the recommended Conditions of Approval; and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination.

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Mitigated Negative Declaration/Initial Study
- Exhibit D: Caltrans 9/11/2018 & 10/8/2019 Letters
- Exhibit E: California Department of Fish & Wildlife Letter and Staff's Response

EXHIBIT A

Findings

Dolores Lake Park
P201300567
APN: 0539-031-02
Planning Commission: December 5, 2019

GENERAL PLAN FINDINGS:

The applicant proposes to amend the General Plan Land Use Designation to Highway Commercial (CH) from Rural Living (RL) on 267.41 acres in conjunction with a Conditional Use Permit to operate the Dolores Lake Park facility which includes a waterpark, recreational vehicle park, lake, and construction of approximately 100,281 square feet of administrative and commercial building area (Project).

FINDINGS - GENERAL PLAN AMENDMENT (GPA) [SBCC Section 86.12.060]

- 1. The proposed GPA is internally consistent with all other provisions of the respective plan and the General Plan** as it is consistent with the following goals and policies of the County General Plan:

Purpose: To provide suitable locations for retail and service commercial establishments intended to meet the daily convenience of the traveling public.

- **GOAL LU1.** 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: The amendment will allow commercial opportunities, employment and tourism that will also generate local jobs and interest in the adjacent community area and ultimately serve as an entertainment and recreational hub. The addition of the Highway Commercial (CH) designation provides for commercial and entertainment uses that cannot be provided with the current Rural Living (RL) zoning designation.

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

Policy Implementation: The Project will be developed in five phases with the commercial and administrative divisions planned in Phases IV and V. Upon completion of Phases IV and V, the Project will consist of a well-integrated recreational, entertainment commercial and administrative center that is intended to function and develop as a tourist destination for commuters traveling on Interstate Highway 15.

- **GOAL LU3.** The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.

Findings

Dolores Lake Park
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Goal Implementation: The Project, in Phase V, proposes to construct approximately 45,727 square feet of commercial space. With the construction of the commercial facilities the unincorporated area surrounding the Project site will be served by substantial commercial space and uses that are planned to be in operation in the near future.

- Policy LU 3.1. Protect areas best suited for commercial uses by virtue of their location, access to major arterials and availability of infrastructure and other utilities from other incompatible uses.

Policy Implementation: The existing Project previously functioned as an aquatic entertainment center. The Project has been expanded to facilitate and tourist and provides an RV park designed to serve travelers and expanded commercial and retail uses.

- GOAL ED 1. The County will have a vibrant and thriving local economy that spans a variety of industries, services and other sectors.

Goal Implementation: The proposed 267-acre Project will restore the aquatic park to its previous stature, create a high quality recreational and entertainment resort. The Project proposes establishing separate commercial and administrative centers containing approximately 45,727 square feet of Commercial Retail space, and 54,554 square feet of Office and Administrative floor area. The park will also provide permanent employment opportunity for 150-200 county residents. The Project meets the intent of Goal ED 1.

2. **The proposed GPA would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The amendment facilitates a Project that has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services; the Project will promote significant economic development within the local community, including construction jobs, all of which support local businesses; and includes appropriate mitigation measures and Conditions of Approval to ensure performance standards are met.

Findings

Dolores Lake Park
P201300567
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- 3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.**

The Project will provide the opportunity for economic stability and growth in the surrounding desert communities, and rehabilitate and repurpose the former water park attraction and re-open for the public to enjoy a recreational facility that includes expanded amenities. The amendment does not compromise existing or other planned uses, because the Project includes appropriate mitigation measures and Conditions of Approval to ensure performance standards are met. The site has been non-operative and abandoned for a number of years. The Project site is surrounded by vacant properties. In conjunction with the upgrades of the water park, the Project proposes establishing separate commercial and administrative centers containing approximately 45,727 square feet of Commercial Retail space, and 54,554 square feet of Office and Administrative floor area employing approximately 150 to 200 County residents. The park's upgrades and new construction is proposed to be built throughout a five year phase plan. The expanded tourist facility will operate a Recreational Vehicle (RV) Park facility containing 224 RV trailer and camper stalls.

- 4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.**

The proposed rezoning from Rural Living (RL) to Highway Commercial (CH) is a reasonable and logical change in the zoning designation given the Project's proximity to Interstate Highway 15 (I-15). The former water park operation benefited from commuters and tourists traveling on I-15. The current RL zoning designation does not permit water park facilities, RV uses, lake venues and commercial/retail uses, whereas the CH district allows these uses subject to CUP approval. Moreover, the water park venue has been in existence over a 25-year period until its closure in the 1990s, as such the community is familiar with the type of operation proposed.

- 5. The proposed land used zoning district change does not conflict with the provisions of the development code.**

The applicant is proposing a GPA to rezone the site to Highway Commercial (CH) from Rural Living (RL) to insure zoning compatibility for the proposed use. The proposed CH zoning district is consistent with the proposed Lake Dolores park/entertainment facility and proposed future retail and commercial uses as the intent of the CH District is to provide suitable locations for retail and service commercial establishments intended to meet the daily convenience needs of the

Findings

Dolores Lake Park
P201300567
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Planning Commission: December 5, 2019

traveling public. Furthermore, the Project meets the locational criteria of the CH zone in that:

- The Project site is intended to be occupied by a relatively contiguous grouping of businesses that provide transient services to travelers on major highway;
- The Project is designed to preserve a block of land for the use of small somewhat isolated transient commercial uses along major highways; and,
- The Project is consistent with the both the General Plan and Development Code provisions of the Airport Safety Area 4 Overlay requirements (AR 4), in that the proposed use of a water recreation facility is designated as “Clearly Acceptable” within the AR 4 Safety Overlay, Table S-5, in the County General Plan.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.

The Project meets the goals and policies of the County General Plan and will not conflict with surrounding land uses. The Project is encompassed by vacant properties. The Project includes appropriate mitigation measures and Conditions of Approval to ensure County performance standards are met. Noise levels will be measured to demonstrate the operation’s compliance with the Development Code, including ambient noise standards to ensure noise levels are maintained and do not exceed the County’s standards. Moreover, the proposed CH zoning district is consistent with the proposed Lake Dolores park/entertainment facility and proposed future retail and commercial uses as the intent of the CH District is to provide suitable locations for retail and service commercial establishments intended to meet the daily convenience needs of the traveling public.

7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

In accordance with the Project’s CUP Conditions of Approval and mitigation measures, the site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the County Fire Department, which has reviewed the Project and provided appropriate

Findings

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APN: 0539-031-02
Planning Commission: December 5, 2019

Conditions of Approval. The Project will have sufficient permitted solid waste storage and landfill capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified Conditions of Approval.

Findings

Dolores Lake Park
P201300567
APN: 0539-031-02
Planning Commission: December 5, 2019

FINDINGS: CONDITIONAL USE PERMIT. The following are the required findings, per the San Bernardino County Development Code Section 85.06.040, and supporting facts for a Conditional Use Permit (CUP) to operate the Dolores Lake Park facility which includes a waterpark, recreational vehicle park, lake, construct approximately 100,281 square feet of administrative and commercial building area on 267.41 acres with a five-year phasing plan (Project).

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

The 267-acre site will accommodate the existing and proposed building associated with the Project. All setbacks meet or exceed the requirements of the Development Code for the proposed land use and the existing zoning.

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

Interstate Highway 15 provides physical access to the Project site, and the proposed Conditions of Approval require road improvements to allow safe pedestrian access and vehicular transit across the streets.

Road improvements on 'A' Street, Bragdon Road, Mountain View Road, Cherokee Road and Hacienda Road are to be completed in accordance with the Project's phasing timetable.

3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.**

The proposed Project incorporates sufficient road improvements. In addition, the Conditions of Approval ensure that the Project will conform to performance standards, including those for noise and vibration, to reduce any potential impacts to the nearby residences.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan, as enumerated in the General Plan Amendment Findings above.**

Findings

Dolores Lake Park
P201300567
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- 5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.**

The developer will be required to construct road improvements, in accordance with the Project's phasing plan.

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

Because the Conditions of Approval include mitigation measures to reduce impacts to the environment, including biological resources, cultural resources and traffic. In addition, the conditions will ensure the Project meets the required 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 Project incorporates solar energy designed elements into the Project.

ENVIRONMENTAL FINDINGS:

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

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

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

Dolores Lake Park
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions for all Phases

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

1. **Project Approval Description.** This Conditional Use Permit (CUP) is conditionally approved to establish and operate a waterpark, recreational vehicle park, lake, construct approximately 100,281 square feet of administrative and commercial building area on 267.41 acres over a five phase plan 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: 0539-031-02 Project No. P201300567.

2. **Project Location.** The Project site is located North of Interstate Highway 15, south of Cherokee Street, West of Mountain View Road and East of Bragdon 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. In accordance with the project's five phase timetable, each subsequent phase shall be exercised within 36 months from the date that the previous phase was exercised. The permit is deemed "exercised" when either:
- The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
 - Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.
- PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project account number is P201300567. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.

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

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

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

vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

- c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. .
- d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

21. UAV Operations. Should the facility engage in the activity of hosting UAV (i.e. drone) operations as a business model or permitted host site venue, a separate CUP application shall be required.

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

22. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

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

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

24. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

26. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

27. Erosion Control installation. Erosion control device must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

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

28. 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.

29. Septic System Maintenance. The septic system shall be properly maintained, not create a public nuisance, and be serviced by a DEHS permitted sewage pumper. For information, please call DEHS at 1-800-442-2283

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

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

32. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
33. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein (“Fire Department”). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
34. Additional Requirements. In addition to the fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
35. 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 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 a minimum of one-hundred (100’) feet from all structures or to the property line, whichever is less.

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

36. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
37. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.

38. 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.
39. Mandatory Organics Recycling. As January 1, 2017, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (4) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

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

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

The Following Shall Be Completed

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

ALL PHASES

44. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading contractor shall provide and implement the following when possible:
 - 1) training operators to use equipment more efficiently.
 - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
 - 3) replacing older, less fuel-efficient equipment with newer models.
 - 4) use GPS for grading to maximize efficiency.
 - d) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
 - e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
45. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.

3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

46. **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.

47. **Mitigation Measure AQ-1- Tier 4 Equipment.** *Prior to the issuance of a grading permit or building permit for any phase, the following note shall be included on grading plans and building plans.*

“The project applicant shall ensure that the construction contractor use construction equipment that have Tier 4 Final engines during construction of Phases 1, 2, and 3.”

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

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

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

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

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

biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit.

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

49. Mitigation Measure -BIO-2: Desert Tortoise. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

“1. Prior to grading for any phase, a qualified biologist shall conduct a pre-construction survey following survey and monitoring protocols and guidelines for desert tortoise (see: https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf).

The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino Land Use Services Department-Planning Division.

“2. All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program. The program shall be administered by the Project Biologist or Environmental Monitor. The program may be given in the field prior to the start of construction activities, and shall include truck drivers, delivery personnel, and other project-related to personnel who have attended the training.

3. An authorized biological monitor shall be present, as needed, during construction to ensure that tortoises or any other special status species enter the construction area and to remove or rescue any individuals that may be injured. Mortality of any tortoise shall be reported to wildlife agency staff.

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

50. Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.

Prior to the issuance of a grading permit, the following note shall be placed on the grading plans:

“If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. If the discovery is located on BLM land, the Ridgecrest field office shall be contacted to evaluate the resource and make necessary plans for treatment. If the resource is located on private land, the County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

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

- 2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage (e.g., SBCM). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established museum repository has been fully completed and documented.**
- 3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”**
- 51. Mitigation Measure NOI-1-Construction Noise Mitigation Plan. Prior to the issuance of a grading permit for any phase, the developer is required to submit a construction-related noise mitigation plan to the County Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.**
- “a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 7:00pm.**
- b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards.**
- c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.**
- d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.”**
- 52. Mitigation Measure TCR-1: Twenty-nine Palms of Mission Indians.**
- Prior to the issuance of grading permit for any parcel proposed for development within the Project site, the applicant shall contact the Twenty-Nine Palms Band of Mission Indians to develop a Tribal Monitoring Agreement(s). A copy of the executed agreement shall be provided to the County of San Bernardino Land Use Services Department –Planning Division prior to the issuance of grading permit.**
- 53. Mitigation Measure HAZ-2. Soils Management Plan. Prior to the issuance of a grading permit for any area within the Open Space Area as shown on the site plan, the following note shall be included in the grading plans:**
- “Should construction activities be anticipated in the concrete bermed area where petroleum hydrocarbon contamination was found during the 2007 Phase II ESA, preparation of a soils management plan is recommended to assist in properly handling and disposing the impacted soil if encountered**
- 54. Archaeological Resources. The developer/property owner shall submit a letter to the County Land Use Services Department- Planning Division (County) agreeing to adhere to the following requirements:**

In the event archaeological resources are uncovered during earthmoving activities, all work in that area shall cease immediately and the County shall be notified. A qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s), the County, and the qualified archaeologist determines the resources are recovered to their satisfaction.

55. Paleontological Resources. The developer/property owner shall submit a letter to County Land Use Services Department- Planning Division (County) agreeing to adhere to the following requirements:

In the event paleontological resources are uncovered during earthmoving activities, all work in that area shall cease immediately and the County shall be notified. A qualified paleontologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. In consultation with the Project proponent, the County, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

56. Native American Historical Resources/Human Remains). 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 a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan.

- 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 cultural materials Human remains encountered during the project.
- c. The Lead Agency and the applicant/developer shall immediately contact the County Coroner in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).
- d. The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and applicant/developer/landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.
- e. The term "human remains" encompasses more than human bones because some local Tribes' traditions periodically necessitated the ceremonial burning of human remains and funerary objects. Funerary objects are those artifacts associated with any human remains or funerary rites. These items, and other funerary remnants and their ashes, are to be treated in the same manner as human bone fragments or bones that remain intact.
- f. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead

Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

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

ALL PHASES

57. Retaining Wall Plans. Submit plans and obtain separate building permits for any required walls or retaining walls.
58. Geotechnical (Soil) Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
59. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.

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

ALL PHASES

60. 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 for each development phase. 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.
61. 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.
62. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
63. 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.
64. 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.
65. 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.

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

ALL PHASES

66. 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.
67. Fire Fee. The required fire fees are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices.

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

PHASES 2 & 4

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

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

ALL PHASES

69. 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.
70. Airport Safety Compliance. No structure within the Airport Safety (AR4) Overlay areas are to be erected with a height above 199 feet. Plans submitted in the AR Overlay shall conform to the interior noise levels as per San Bernardino County Standards.
71. Avigation Easement. An Avigation Easement shall be granted to the appropriate military base and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.
72. 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.
73. 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.
74. 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.
 - a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
 - Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.

- Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
 - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board

for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

75. **Signs.** All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - All sign lighting shall not exceed 0.5 foot-candle.
 - No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 - Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
76. **Mitigation Measure GHG- 1.GHG Reduction Measures.** *Prior to the issuance of a building permit for any phase, Project plans shall demonstrate that the project shall accrue at least 100 points in the Screening Table for implementation of GHG Reduction Measures for Commercial Development as detailed in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.*
77. **Mitigation Measure GHG-2- Waste Recycling.** *The Project operators for any phase shall require recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by 2020 per AB 341).*
78. **Mitigation Measure GHG-3. Sidewalks.** *Prior to the issuance of building permits for any phase, Project plans shall demonstrate that sidewalks shall be provided within the Project boundary.*
79. **Mitigation Measure GHG-4. High Efficiency Lighting.** *Prior to the issuance of building permits for any phase, Project plans shall demonstrate that high-efficiency lighting shall be installed that is at least 10% more efficient than standard lighting and install Energy Star® appliances on-site.*
80. **Mitigation Measure GHG-5. Plumbing Fixtures.** *Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20% per CalGreen Standards.*
81. **Mitigation Measure GHG-6. Exceed Title 24 Requirements.** *Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet Green Building Code Standards.*
82. **Mitigation Measure HAZ-1. Asbestos Removal.**

Prior to the issuance of a grading permit or building permit (whichever comes first) for any area within the Open Space Area as shown on the site plan, the following note shall be included on the plans:

“The County of San Bernardino Land Use Services Department-Planning Division shall condition all grading and demolition permits associated with the clearing of existing on-site structures for any phase

to comply with Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as specified under 40 CFR 61, Subpart M per MDAQMD Rule 1000 as it applies to asbestos removal and demolitions. All asbestos-related clearing work conducted on the site shall be performed by a licensed asbestos-abatement contractor under the supervision of a certified asbestos consultant. Asbestos-containing construction materials shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in MDAQMD rule 1000 to reduce asbestos-related health risks. The construction contractor shall maintain all records of compliance with Rule 1000, including, but not limited to, the following: evidence of notification of MDAQMD. Contact information for the asbestos-abatement contractor and asbestos consultant; and receipts (or other evidence) of off-site disposal of all asbestos containing materials. These records shall be made available for County inspection upon request.”

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

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83. **Construction Plans.** Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
84. **Structural Permits:** Provide proof of permits for all structures or obtain permits for all structures/work located on site constructed without a permit.
85. **Demolition Permit:** Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
86. **Temporary Use Permit:** A Temporary Use Permit (TUP) for the office trailer will be required or it must be placed on a permanent foundation per State HCD guidelines. A TUP is only valid for a maximum of five (5) years.

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

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

PHASE 1

“A” Street (Quarter Section Line-88’)

- **Road Dedication.** A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- **Street Improvements.** Design AC dike with a minimum 26 feet paved section.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

“Hacienda Road” (Local-60’)

- **Street Improvements.** Design AC Dike with match-up paving _18_feet from centerline with a minimum 26 feet paved section.

PHASE 2**Bragdon Road (Kemosade Trail) (Section Line- 88')**

- Road Dedication. A 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet .
- Street Improvements. Design AC Dike with a minimum 26 feet paved section.
- Curb Returns. A 35-foot radius curb return is required at the intersection of Bragdon Road and "A" Street, Bragdon Road and Cherokee Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure future sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

Cherokee Road (Local - 60')

- Road Dedication. A grant of easement is required to provide a half-width right-of-way of 30-feet.
- Street Improvements. Design and construct a minimum 26-foot paved section within a 40-foot right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129 A, and located per Standard 130.

"A" Street (Quarter Section Line-88')

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Street Improvements. Design AC dike with a minimum 26 feet paved section.

PHASE 3**"Hacienda Road" (Local-60')**

- Street Improvements. Design AC Dike with match-up paving 18 feet from centerline with a minimum 26-feet paved section.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

PHASE 4**Mountain View Road (Local- 60')**

- Street Improvements. Design AC Dike with a minimum 26 feet paved section within a 40-foot right-of-way.
- Curb Returns. A 20-foot radius curb return is required at the intersection Mountain View Road and Hacienda Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

"Hacienda Road" (Local-60')

- Street Improvements. Design AC Dike with match-up paving 18 feet from centerline with a minimum 26-feet paved section.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

Cherokee Road (Local - 60')

- Road Dedication. A grant of easement is required to provide a half-width right-of-way of 30 feet.

- Street Improvements. Design and construct a minimum 26 foot paved section within a 40 foot right-of-way.
- Curb Returns and Sidewalk Ramps. A 20 foot radius curb return is required at the intersection of Cherokee Road and Mountain View Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130

PHASE 5

Bragdon Road (Kemosade Trail) (Section Line- 88')

- Road Dedication. A 4- foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Street Improvements. Design AC Dike with a minimum 26 feet paved section.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130 .

"A" Street (Quarter Section Line-88')

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Street Improvements. Design AC dike with a minimum 26 feet paved section.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

88. 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.
89. 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.
90. CMRS Exclusion. Road improvements required for this development shall not be entered into the County Maintained Road System (CMRS).
91. 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
92. 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.
93. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.

94. 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.
95. 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.
96. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
97. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.

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

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98. Solar Photovoltaic System Plans. No less than three (3) complete sets of Solar Photovoltaic shall be submitted to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.
99. Fire Flow. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.
100. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54].
101. Water System Upgrade/Sprinklers. The existing fire flow/hydrant system is insufficient or not existing. The applicant shall upgrade the existing fire hydrant(s) with required fire flow that complies with standards or contact the Fire Department regarding application processing for the alternate fire protection measures. Alternate protection may be provided with an approved automatic fire sprinkler system.
102. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible material on the job sites.
103. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.
104. Fees. The required fire fees shall be paid to the San Bernardino County Fire Department.
105. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
106. 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 (Fire #F-9), including width, vertical clearance and turnouts if required.

107. Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement Conditions (Fire #F-9), including width, vertical clearance and turnouts if required.
108. 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.
109. Access. The development shall have points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
110. Single Story Road Access Width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
111. 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.
112. 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.
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. 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
115. 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.
116. 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
117. 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. [F59A]
118. 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]

119. 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.
120. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/ installer shall submit three (3) set 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.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8961

ALL PHASES

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

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

ALL PHASES

122. Water Purveyor. Water purveyor shall be EHS approved.
123. Verification Letter. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address will suffice. For information, contact the Water Section at 1-800-442-2283.
124. A water System Permit. may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.
125. Technical report should include the following:
- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.
 - b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.
 - c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.

- d) All sources of domestic water supply for the proposed new public water system.
 - e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
 - f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
 - g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
 - h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
 - i) Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.
126. Existing Wells. Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at 1-800-442-2283.
127. Sewage Disposal. Method of sewage disposal shall an EHS approved onsite wastewater treatment system(s) (OWTS) and conform to the Local Agency Management Program May 2017.
128. Sewage Connection. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
129. OWTS. Existing onsite wastewater treatment 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.
130. Water /Sewer Service Provider. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
- Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
 - Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
131. Written Clearance. 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 Services.
- Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

132. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
133. 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.
134. Food Establishment Plan Checks. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.
135. Swimming pools. Plans for swimming pool(s) and associated restroom facilities shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

PRIOR TO FINAL INSPECTION OR OCCUPANCY FOR ALL PHASES

The Following Shall Be Completed

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

136. 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 P201300567
137. 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).
138. 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.
139. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
140. 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.
141. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
142. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
 - a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

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

143. Drainage Improvements. All required drainage improvements if any shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

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

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

145. 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.
146. Private Roads/Improvements. All required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
147. 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.
148. 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.
149. 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.
150. Phased Projects. Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant, inspected and approved for construction of that phase, prior to final inspection or occupancy for any buildings or other structures in that phase.

The term "phase" as used here shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction which indicates blocks of construction of less than the whole project."

In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

151. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.

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

152. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
153. Illuminated Site Diagram. The applicant shall submit for review and approval a site diagram plan to the Fire Department. He applicant shall install at each entrance o a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.

154. 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]
155. Override Switch. Where an automatic security gate is used, an approved Fire Department override switch is required.
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. Standard 901.4.3. [F80]
157. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4
158. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
159. 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".

COUNTY FIRE DEPARTMENT – Hazardous Materials 386-8401

160. Permits. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Material Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/> Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

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

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

162. Permit for Public Pools. If applicable shall, be required. For information, contact DEHS at: 1-800-442-2283.
163. Permit for Retail Food Facilities. If applicable shall, be required. For information, contact DEHS at: 1-800- 442-2283.
164. Permit for Waterslides. If applicable shall, be required. For information, contact DEHS at: 1-800-442-2283.

END OF CONDITIONS

EXHIBIT C

Mitigated Negative Declaration/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: | 0539-031-02 |
| APPLICANT: | G&GF Enterprises, LLC |
| COMMUNITY: | Newberry Springs, 1 st Supervisory District |
| LOCATION: | North of I-15, south of Cherokee Street, West of Mountain View Road and East of Bragdon Road. |
| PROJECT NO: | P201300567 |
| STAFF: | Reuben Arceo, Planner |
| REP(S): | Om Garg |
| PROPOSAL: | A) General Plan Amendment to rezone a 267.41 acre site from Rural Living (RL) to; Highway Commercial (CH). B) Conditional Use Permit (CUP) to operate a waterpark, recreational vehicle park, lake, construct approximately 100,281 square feet of administrative and commercial building area on 267.41 acres over a five (5) phase plan |

USGS Quad: Harvard Hill
T, R, Section: T: 10N R:3E **Sec:** 17,20

Thomas Bros.: Page 3594, Grid: A-1

Planning Area: Newbury Springs
Land Use Zoning: RL (Rural Living)

Overlays: Airport Safety Review 4

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: Reuben Arceo
Phone No: (909) 387-4387 **Fax No.:** (909) 387-3223
E-mail: reuben.arceo@lus.sbcounty.gov

Project Sponsor: G&GF Enterprises, LLC
163 Pavilion Park
Irvine, CA 92618
Phone No: (714) 273-0402

PROJECT DESCRIPTION:

The Project Applicant, G&GF Enterprises, LLC, submitted the following applications to the County of San Bernardino Land Use Services Department, which comprise the proposed Project: General Plan Amendment (GPA) and Conditional Use Permit (CUP).The Project's application materials are on file with the County of San Bernardino Land Use Services Department, 385 N. Arrowhead Avenue, First Floor, San Bernardino, CA 92415 and are hereby incorporated by reference.

A. General Plan Amendment (GPA)

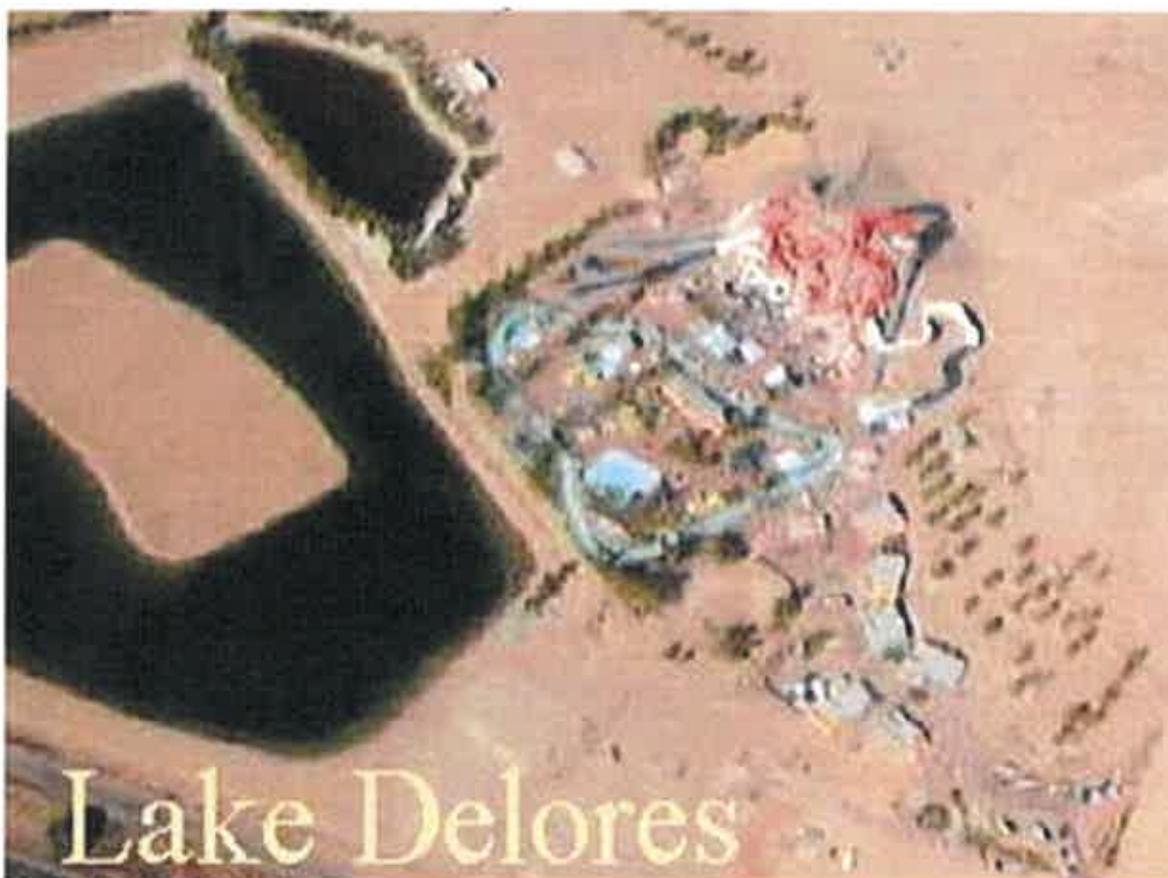
General Plan Land Use District Amendment (GPA) to rezone the 267 acre Project site from Rural Living (RL) to Highway Commercial (CH).

B. Conditional Use Permit (CUP)

Conditional Use Permit (CUP) to redevelop and operate a former water park and lake venue and provide a new RV Park. The applicant proposes to reconstruct the park and construct approximately 45,727 square feet of Commercial Retail space, and 54,554 square feet of Office and Administrative floor area in five (5) phases as described below and shown in Exhibit 3.

Phase 1: Lake Operations.

The first phase of the Project as noted in Exhibit 4 and the photo below consists of the reconstruction and reopening and operation of the former 22 acre lake and 2 acre pond.



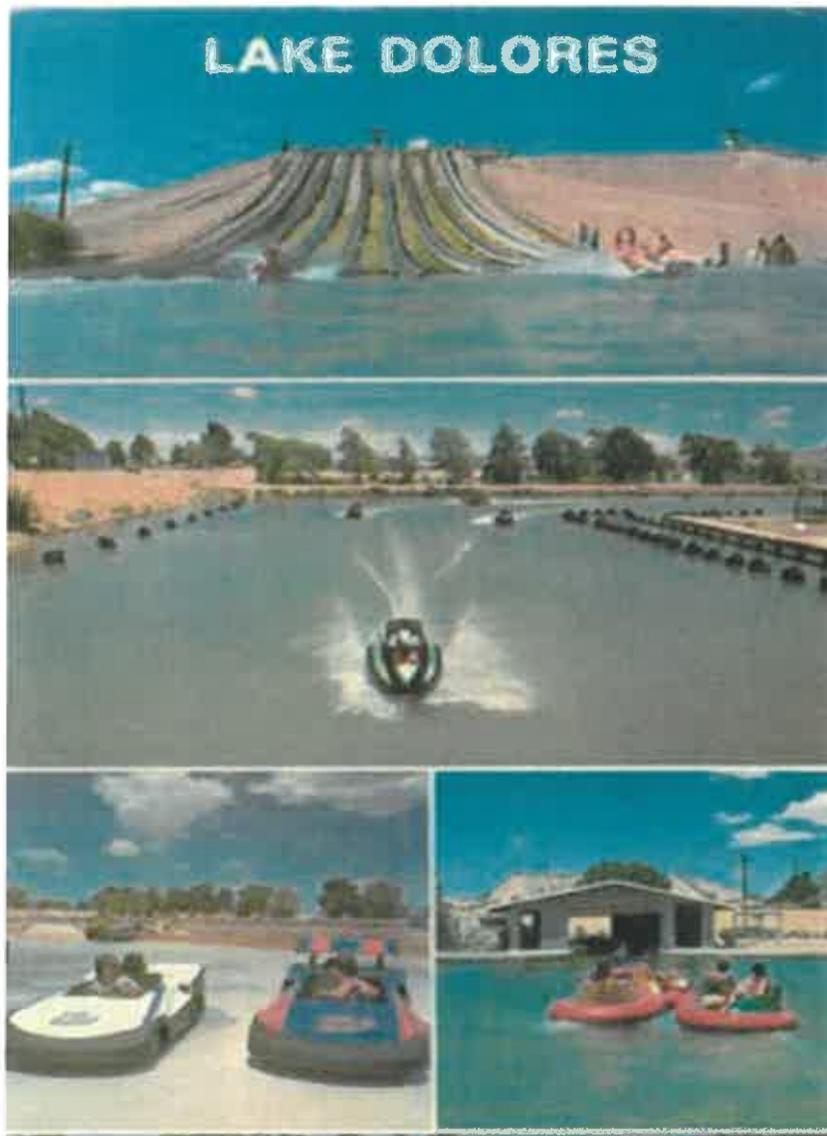
The lake area contains approximately 2,240 square feet of existing building facilities functioning primarily as restrooms. The lake and pond will be rehabilitated and tested for pH balance and contaminants and treated per test results. Lake water will be kept from stagnating by circulation pump systems. All water supplies will be obtained from ground water as authorized by the Mojave Water Agency. No water or sewer connections from the property will be needed. The property has specific water rights allowance for lake operations of 455 acre feet and 483 acre feet for park operations and irrigation. There are three existing water wells, adequate to meet the parks water needs.

In conjunction with perimeter improvements around the lake such as the construction of pedestrian walkways, beach areas, landscaping, parking facilities for vehicles and boats are proposed including a boat launch. Approximately 86 standard parking spaces are provided and seven (7) 12' x 57' boat stalls. Parking capacity is based on a ratio of 1 space per 4 guests. Operationally the lake is intended to be used for year around activities and will be open from dawn to dusk. The lake's total occupancy will range from 100 to 300 persons, including staff. The lake and waterpark is enclosed by a perimeter fence with gates provided for controlled access. The findings of a Water Supply Assessment, prepared by RCA Associates dated March 2017 (Appendix G),

determined that water supplies for construction and operation are available. Park main entrances will be secured and controlled by attendants to prevent unauthorized entry. The lakes main entry is off "A" street currently an unpaved Street. The entire park contains 14 park entrances, two along both Mountain View Road and "A" Street, four along Hacienda Road, and three along both Bragdon Road and Cherokee Road. Two of the entrances off Cherokee Road are intended as internal access roads, for park supplying and maintenance, and not for patron use.

The following as noted in the photo on the following page are proposed lake entertainment activities.

- **Boating – The boat launch is designed to launch various types of water craft. That includes motorized, electrical, paddle boats and jet skis. The use of specific craft may be event and seasonally limited.**
- **Swimming – Lake swimming areas may be limited and life guards will be provided as necessary. All facilities will be staffed for proper operations.**
- **Pond – swimming – the Pond may be stocked for fishing.**
- **Camping – Camping will be permitted.**
- **Open Space - The Open Space area north of the pond and lake will remain undeveloped and will be used by park patrons for walking, and hiking explorations. All open space consisting of over 100 acres is intended for future development as needed. (Note: Future development is not part of this analysis and will require further CEQA review).**



Roadway Improvements

The Project is required to provide for the following roadway improvements during Phase 1

"A" Street (Quarter Section Line-88')

- **Road Dedication.** A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- **Street Improvements.** Design AC dike with a minimum 26 foot paved section.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129 and located per Standard 130.

"Hacienda Road" (Local-60')

- Street Improvements. Design AC Dike with match-up paving 18 feet from centerline with a minimum 26 feet paved section.

Drainage Improvements

Phase 1 of the development including the lake and pond area will be self-contained with the lake level rising with each storm event.

Phase 2: RV Park and Camp Ground.

The Phase 2 operation as noted in the site plan below and Exhibit 5, encompasses approximately 27.7 acres. The area will operate as a Recreational Vehicle (RV) Park facility containing 224 RV trailer and camper stalls. The RV park will offer electrical power, water, gray water and black-water hook-ups services for a variety of RV vehicles that include Class A, B, C motorhomes, including 5th wheels and travel trailers, folding camping trailers and truck campers. Construction on Phases 1 and 2 will commence approximately two years after project approval.

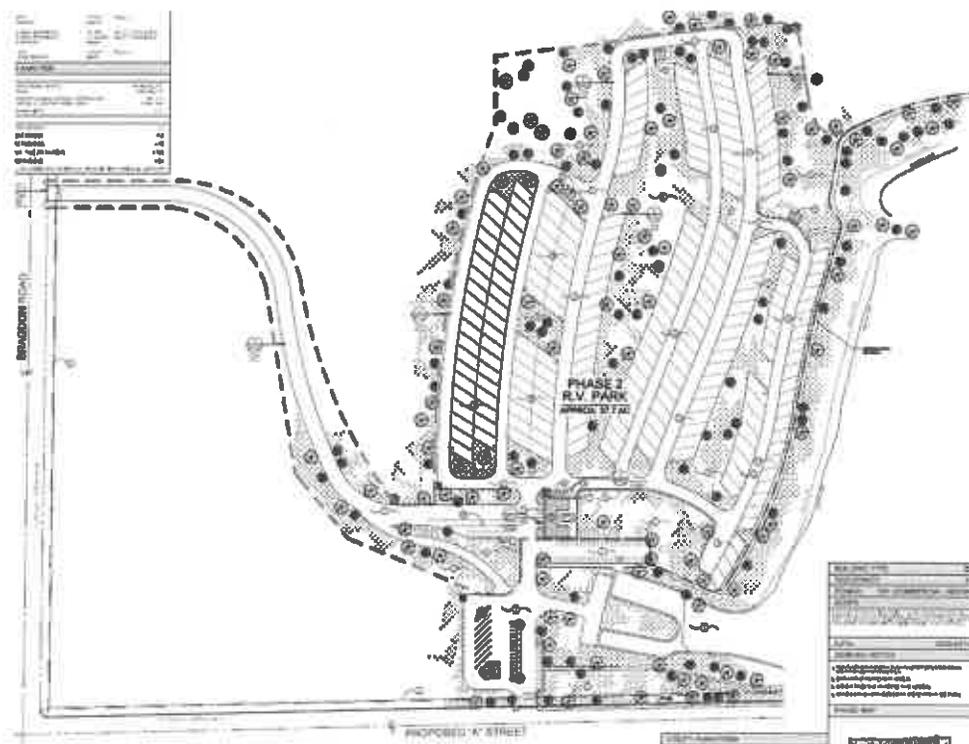


Table 1 below lists the proposed number of RV and trailer parking proposed in Phase 2.

Table 1. RV Parking Breakdown

| Parking Stalls | Quantity |
|----------------------------------|----------|
| 9' x 20' Standard Spaces | 10 |
| 9' x 20' Handicap Spaces | 2 |
| 32' x 60' Camper/Trailer parking | 190 |
| 30' x 40' Camper Parking | 34 |

In addition to RV parking the site contains approximately 7,239 square feet of new building area, including a 4,800 square foot administrative office, bathrooms and a proposed RV check in facility.

The RV park provides 36 foot wide driveway aisles for internal vehicular circulation. The facility is encompassed with landscaping and intersected with decorative landscaped planters that provide a sense of separation and visual relief including Open Space areas that RV patrons may use for walking purposes and exploration activities. Primary and secondary means of ingress and egress is provided. The RV park's primary ingress and access is off Bragdon Road which leads directly to the Check in Building by means of a 1-way access road. A secondary means of access is also provided off "A" Street.

RV patrons will be allowed to stay at the RV Park for the duration of their recreational activities and will have use of the pool and laundry facilities. Visitors will be allowed only as guests of a patron. Parking for visitors will be provided near the entrance at the southwest corner of the park. Parking overflow impacts will be mitigated by opening parking areas in the waterpark facility. The RV site maximum occupancy is estimated at 400-500 occupants, which includes 20 on-site personnel and 80 visitors. The park will contain 24 hour security and supervision and will be internally lit.

Roadway Improvements

The Project is required to provide for the following roadway improvements in Phase 2

Bragdon Road (Kemosade Trail) (Section Line- 88')

- **Road Dedication.** A 4 foot grant of easement is required to provide a half-width right-of-way of 44 feet
- **Street Improvements.** Design AC Dike with a minimum 26 foot paved section.
- **Curb Returns.** A 35 foot radius curb return is required at the intersection of Bragdon Road and "A" Street, Bragdon Road and Cherokee Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure future sidewalk improvements are within Public right-of-way.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129 and located per Standard 130.

Cherokee Road (Local - 60')

- **Road Dedication.** A grant of easement is required to provide a half-width right-of-way of 30 feet.
- **Street Improvements.** Design and construct a minimum 26 foot paved section within a 40 foot right-of-way.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130

"A" Street (Quarter Section Line-88')

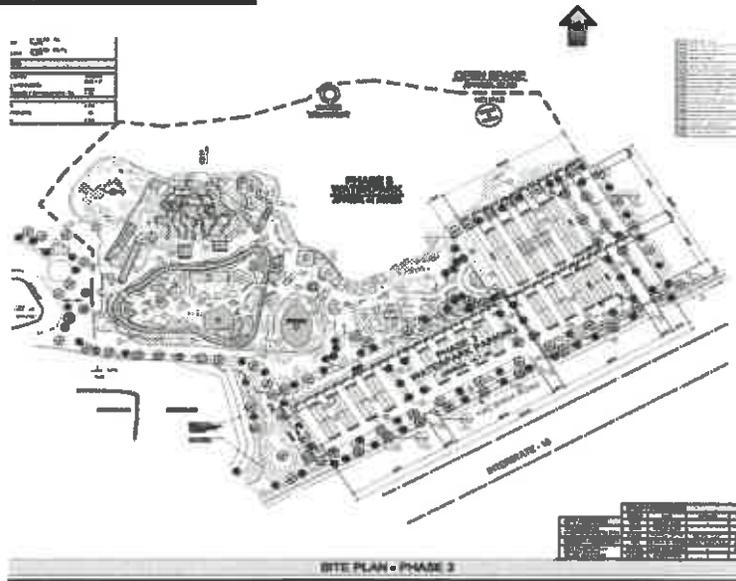
- **Road Dedication.** A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.

- Street Improvements. Design AC dike with a minimum 26 foot paved section.

Drainage Improvements

Phase 2 runoff will surface flow to the southerly boundary. An onsite bio-detention basin is proposed to contain low flows and reduce peak flows.

Phase 3: Waterpark and Waterpark Parking



The rehabilitation and construction of the waterpark and proposed parking area noted above and in Exhibit 6 constitute the Phase 3 portion of the project. The phase's primary concentration is the rehab and upgrade of the 41 acre former waterpark site, which is anticipated to commence three years after receiving project approval. The site's developable area constitutes 26.79 acres. The site currently contains eleven structures containing a total area of approximately 54,554 square feet. These structures consist predominately of former restrooms and concession facilities. In conjunction with the rehab of existing structures, substantial work is also concentrated upon rebuilding and reconstructing the waterpark and aquatic features as shown in the photo below.



These structures include former pools, water fountains, walkways, stair wells and other water works ancillary elements. New building construction is ultimately planned on a case-by-case basis when the waterpark is open and fully operational. The applicant estimates up to 1,000 patrons during the waterpark's peak season which runs from May through August. The park can expect more patrons during special events and concerts. It is undetermined at this time the days and times of the facilities operation, however for safety purposes and similar to other waterpark operations, the aquatic rides shut down by 6 pm. The entire waterpark is enclosed by a

perimeter fence with gates provided for controlled access, including a main entrance that will be secured and controlled by attendants.

The landscaped water parking facility contains approximately 710 standard parking and handicap stalls. The applicant proposes to erect canopy structures to provide covered parking mounted with solar panels. Ingress and egress is provided by three (3) driveway approaches located along Hacienda Road. In accordance with the County Development Code, the parking site provides the minimum 24 foot wide driveway aisles for two-way driveway access.

Roadway Improvements

The Project is required to provide for the following roadway improvements:

"Hacienda Road" (Local-60')

- **Street Improvements.** Design AC Dike with match-up paving 18 feet from centerline with a minimum 26 foot paved section.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

Drainage Improvements

Phase 3 runoff will drain southerly to an onsite bio-detention basin which is proposed to contain low flows and reduce peak flows. Overflow from this basin will flow along the existing flow line.

Phase 4: Office/Administrative.

Phase 4 construction consists of approximately 89,730 square feet of office and administrative space as shown in Exhibit 7. The facilities include a proposed library, amphitheater, offices and public service buildings. The building area is spread among seven (7) structures. The proposed building floor area sizes are noted in Table 2 below.

Table 2. Phase 4 Building Area

| Administrative/Office Quantity | Bldg. No. Reference | Square footage |
|---------------------------------------|----------------------------|-----------------------------|
| 1 | 10 | 33,092 |
| 2 | 11 | 13,297 each 25,594 Total |
| 4 | 12 | 7,511 each 30,044 |
| Total Building Square Footage | | 89,730 |

Approximately 471 parking stalls are proposed to provide for office and administrative parking accommodations. Parking is proposed within the facility grounds and along the eastern boundary line of the site that parallels Mountain View Road. Ingress and egress into the center's facility is available from two driveway approaches off Mountain View Road and one driveway approach along Hacienda Road and also along Cherokee Road. In accordance with the Development Code the landscaped parking area provides the minimum 24 foot wide driveway aisles for internal 2-way vehicular circulation and ingress. As the site plan in Exhibit 7 shows, the facility is pedestrian oriented designed and walkable given the close proximity of buildings within the facility.

Roadway Improvements

The Project is required to provide for the following roadway improvements:

Mountain View Road (Local- 60')

- **Street Improvements.** Design AC Dike with a minimum 26 foot paved section within a 40 foot right-of-way.
- **Curb Returns.** A 20 foot radius curb return is required at the intersection Mountain View Road and Hacienda Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

"Hacienda Road" (Local-60')

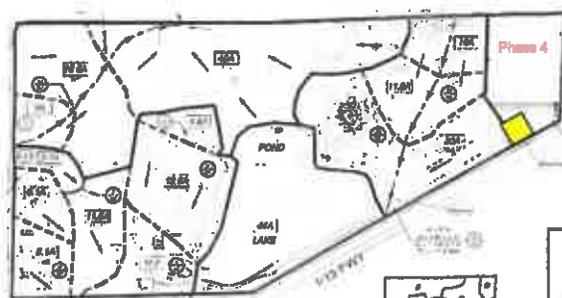
- **Street Improvements.** Design AC Dike with match-up paving 18 feet from centerline with a minimum 26 foot paved section.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

Cherokee Road (Local - 60')

- **Road Dedication.** A grant of easement is required to provide a half-width right-of-way of 30 feet.
- **Street Improvements.** Design and construct a minimum 26 foot paved section within a 40 foot right-of-way.
- **Curb Returns and Sidewalk Ramps.** A 20 foot radius curb return is required at the intersection of Cherokee Road and Mountain View Road. The curb return shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130.

Drainage Improvements

Development relies on surface drain to run into the area's own detention Basin highlighted below.



Phase 5: Commercial Retail

The Phase 5 proposes to construct approximately 45,727 square feet of buildable area for commercial and retail uses within a 13.6 acre site. The center is primarily intended for commercial and retail uses. No uses are proposed at this stage of the project. As shown in Exhibit 8, the retail center is composed of 13 structures and a fueling station. Table 3 below provides a listing of each proposed building square footage. The site contains approximately 484 standard parking stalls (9'x 20') that includes 62 12'x50' truck/trailer parking stalls.

Ingress and egress to the retail center is provided by means of three driveway entrances, with two located off Bragdon Road and one off 'A' Street. The center's driveway aisle widths conform to the County Development requirements for 2-way traffic circulation and providing adequate back-up and drive through for truck and trailer parking.

Table 3. Phase 5: Commercial Center

| Bldg. No. | Type | Quantity | Square Footage |
|---|-----------------------|----------|-------------------------|
| 13 | Commercial Retail | 1 | 9,051 |
| 14 | Commercial Retail | 3 | 2,976 EA. 8,828 TOT. |
| 15 | Commercial Retail | 1 | 2,416 |
| 16 | Commercial Retail | 1 | 2,868 |
| 17 | Commercial Retail | 1 | 2,976 |
| 18 | Commercial Retail | 4 | 3,664 EA. 14,656 TOT |
| 19 | Commercial Retail | 2 | 2,416 EA. 4,832 TOT. |
| 20 | Commercial Fuel Pumps | 1 | 3,946 |
| Phase 5 Total Building Square Feet | | | 45,727 |

Roadway Improvements

The Project is required to provide for the following roadway improvements:

Bragdon Road (Kemosade Trail) (Section Line- 88')

- **Road Dedication.** A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet .
- **Street Improvements.** Design AC Dike with a minimum 26 foot paved section.
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

"A" Street (Quarter Section Line-88')

- **Road Dedication.** A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- **Street Improvements.** Design AC dike with a minimum 26 foot paved section.

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

Drainage Improvements

The Project is required to provide for the following drainage improvements. Runoff will drain toward the southeast corner and flow to Mountain View Road after routing thru a basin to reduce the peak flow.

A summary of the proposed project site development acreage is shown in Table 4 below.

Summary of Development Acreage

Table 4. Lake Dolores Development Acreage

| SPECIFIED USES | ACRES |
|--|---------------|
| Commercial | 14.0 |
| R.V. Camping | 27.7 |
| Waterpark | 13.0 |
| Waterpark parking | 14.1 |
| Recreational Water features | 8.7 |
| Administrative | 12.7 |
| Open space | 99.0 |
| Misc. landscaping, roadways walkways, etc. | 57.1 |
| Net Acres | 246.30 |

Construction Timing

The precise construction timing for phases 4 and 5 is unknown at this time but are planned to commence once phase 3 construction is completed and waterpark operations commence. Construction activities for these phases are forecast to occur over 5 years.

PROJECT LOCATION:

Lake Dolores is located along Interstate I-15 about 20 miles northeast of the City of Barstow. Access to the property is Via Hacienda Road a frontage road that parallels the I-15, Minneola Road to the south and Harvard Road to the North. The parcel as noted in Figure 1 is bounded by Mountain View Road to the east, Bragdon Road on the west and Cherokee Road to the north which are unpaved and Hacienda Road which is paved street to the South. The site's surrounding area is predominately vacant. A residential property exists along the north end of the property and a second single family unit along the east boundary side. The Project is located in the Newberry Springs region of the Mojave Desert. The parcel and general area is surrounded by Rural Living Zoning districts and limited Highway Commercial zoning sites. The region is sparsely populated. The City of Barstow and Yermo are located between 8 to 15 miles west of the site. (See Exhibits 1 and 2).

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

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

The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the Project's Initial Study Checklist commenced in July, 2016.

The Project site is located on the north side of the Interstate 15 Freeway, approximately 18 miles northeast of the City of the Barstow. The subject property is approximately 267 acres in size and spans from Bragdon Road to the west, Mountain View Road to the east, and an unpaved road to the north, in the unincorporated community of Newberry Springs. The site is occupied by a closed water park that consists of a parking lot and a recreation area which contained slides (most have been removed), pools (drained), and approximately ten abandoned concession, restroom, locker room, and ticketing buildings. The remainder of the property consists of two lakes (one is dry), a maintenance area, a temporary living quarters for the onsite care taker, and undeveloped vacant land. The surrounding area mainly consists of undeveloped vacant land with very few single-family residences throughout. (See Exhibits 1 and 2).

Access to the Project site is via Hacienda Road which is a paved two-lane roadway that connects to Harvard Road and I-15 to the east. Surrounding land uses and land use/overlay districts are shown in Table 7.

Table 7. Existing Land Use and Land Use/Overlay Districts

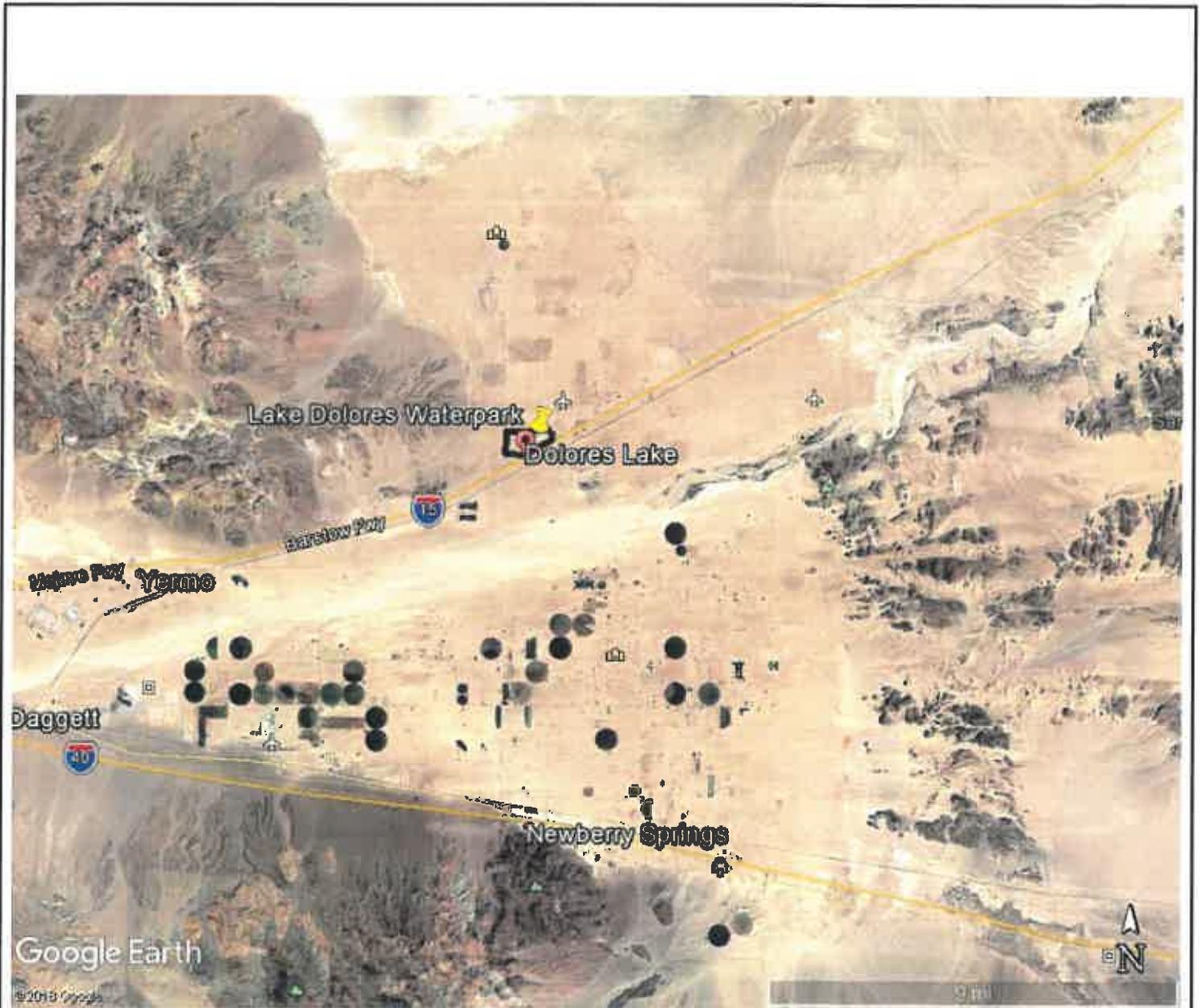
| AREA | EXISTING LAND USE | LAND USE ZONING DISTRICT |
|-------|--|--|
| Site | Former water park resort, including abandoned water slides, buildings and lake park and pedestrian | Rural Living (RL) |
| North | Vacant | Rural Living- 40 (RL-40) minimum 40 acre lot |
| South | Vacant and Interstate 15 Freeway | Rural Living (RL) and Interstate 15 Freeway |
| East | Vacant | Rural Living (RL) and Interstate Freeway |
| West | Vacant | Rural Living (RL) |

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

State of California: Lahontan Water Board (NPDES permit).

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

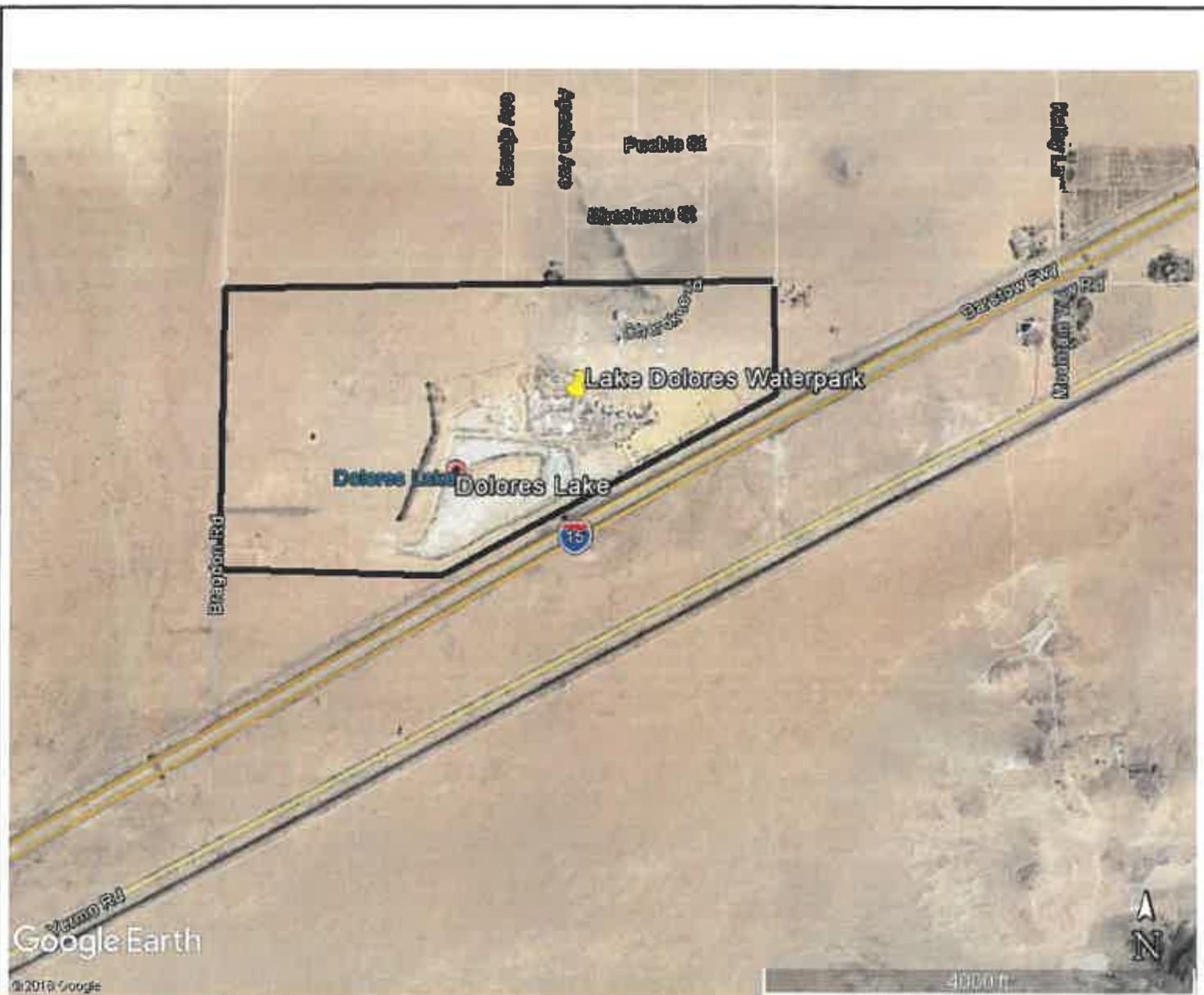
Regional: Mojave Desert Air Quality Management District.



Lake Dolores Waterpark

Regional Location Map

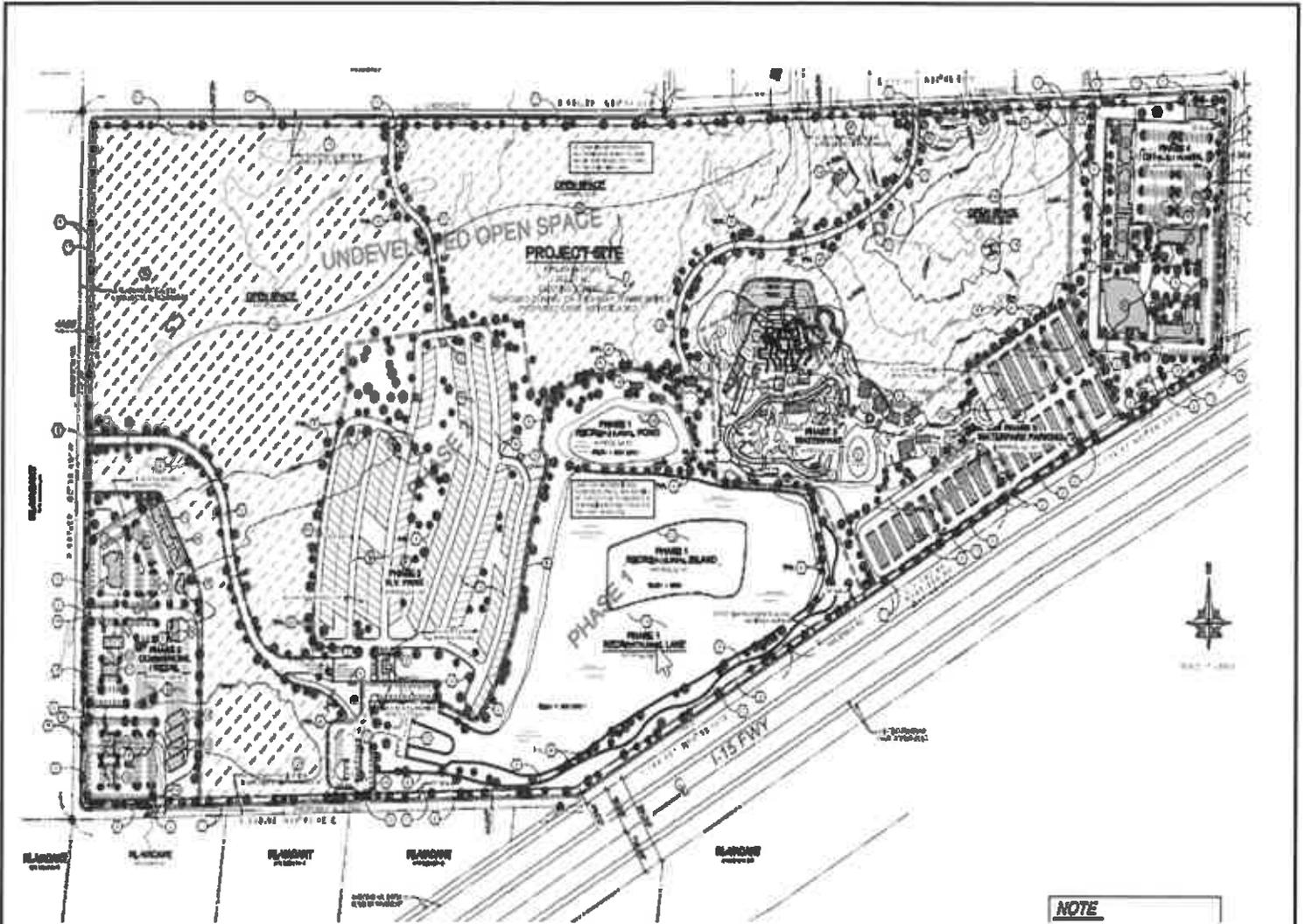
Exhibit 1



Lake Dolores Waterpark

Project Location Map/Aerial Photo

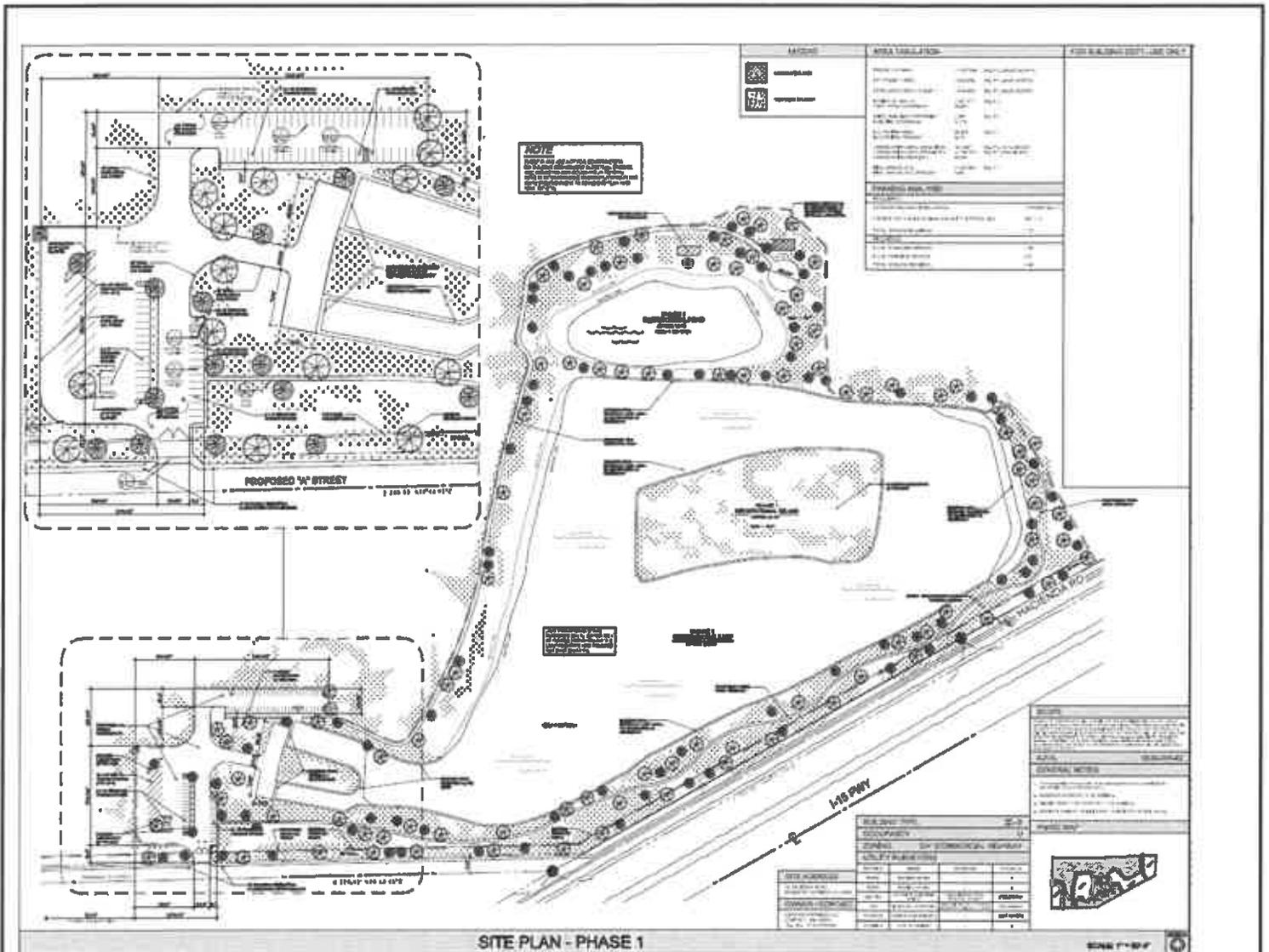
Exhibit 2



Lake Dolores Waterpark

Overall Site Plan

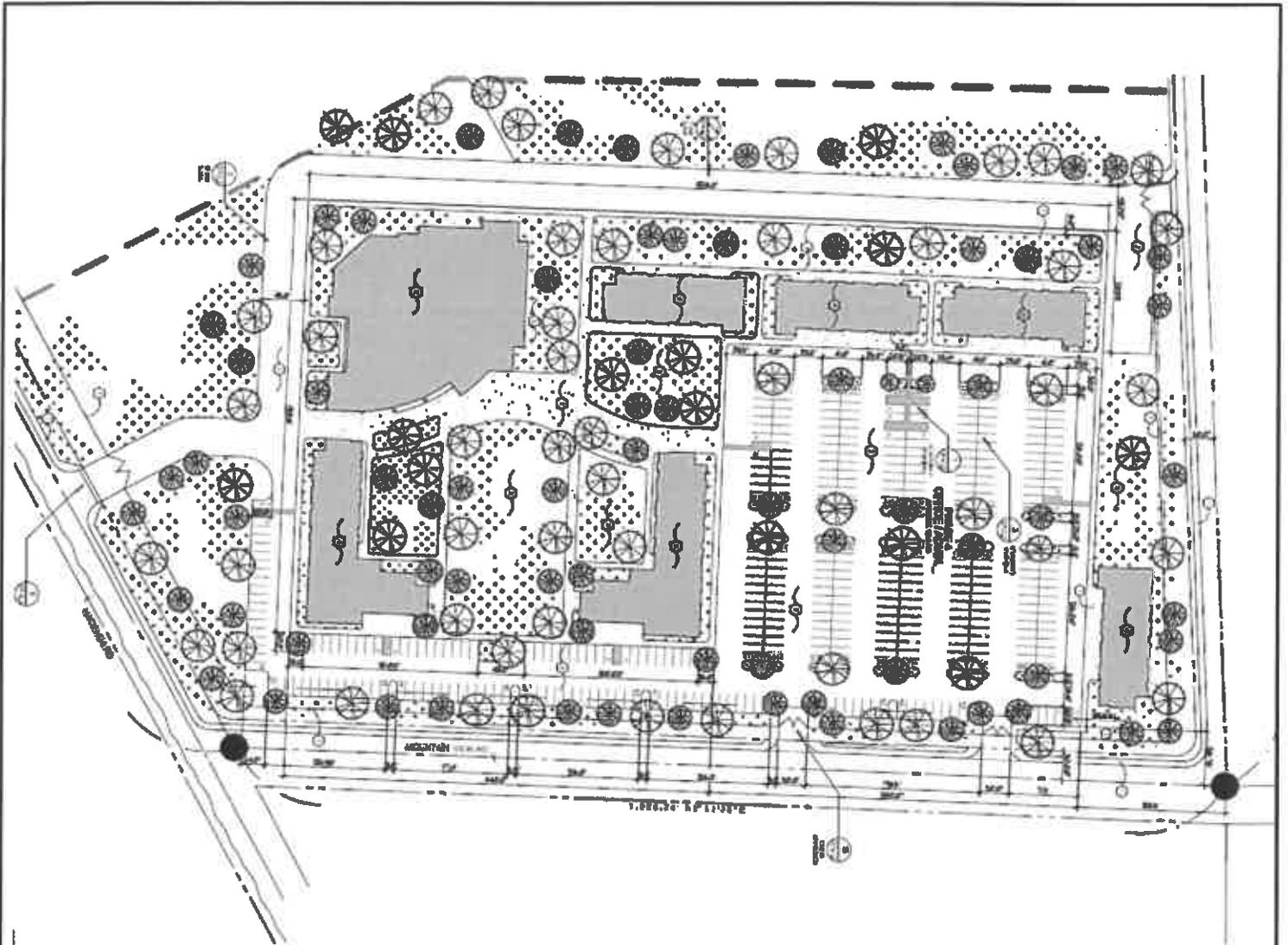
Exhibit 3



Lake Dolores Waterpark

Phase 1 Site Plan
Lake and Pond

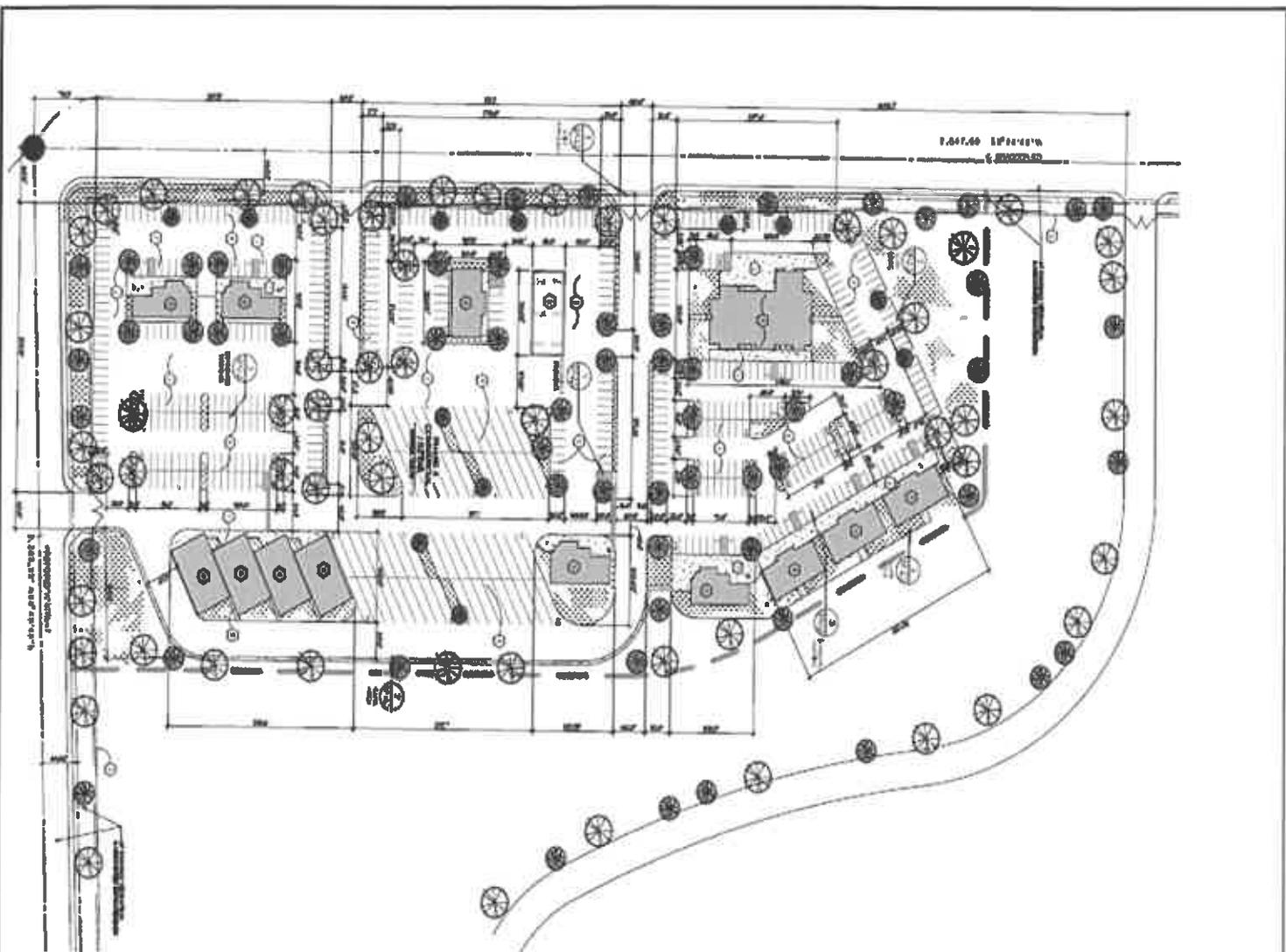
Exhibit 4



Lake Dolores Waterpark

**Phase 4 Site Plan
Office/Administrative**

Exhibit 7



Lake Dolores Waterpark

**Phase 5 Site Plan
Commercial Retail**

Exhibit 8

EVALUATION FORMAT

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

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Reuben Arceo, Planner:

Date

Dave Prusch, Planning Supervisor:

Date

f

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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

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

The Project site itself does not meet the criteria of a scenic vista because of its previous use as a waterpark that has since been abandoned. However, the mountain ranges in the vicinity of the Project site meet the criteria of a scenic vista pursuant to County of San Bernardino General Plan Open Space Element Policy OS 5.1. The proposed Project will rehabilitate the site and construct new structures that include recreational features, office buildings, and commercial buildings. Given the size of the site (260 acres), the new structures will be dispersed throughout the site and will be separated from each other by large expanses of land. As such, public views of the mountain ranges will not be impacted and the Project will have a less than significant impact on a scenic vista.

I b) **No Impact.** According to the California Department of Transportation, I-15 adjacent to the Project site is designated as "Eligible for Scenic Designation" but is not considered a State Scenic Highway absent an official designation as such. However, according to the County of San Bernardino General Plan, Interstate 15 from the junction with Interstate 215 northeast to the Nevada state line, with some exceptions, is considered to be a County Scenic Route. (General Plan p. VI -16). The Project site

does not contain any scenic resources, trees, rock outcroppings, or historic buildings. As such, the Project will not have an impact on such resources within a County Scenic Route.

- I c) **Less than Significant Impact.** According to the Census 2010 Urbanized Area Outline Maps, the project site is not located within an Urbanized Area. In 1962, Lake Dolores Waterpark was constructed which significantly altered the visual character of the site. The waterpark closed down in the late eighties and over the next ten years no commercial activities occurred on the site. In 1998, the site was converted to the Rock-A-Hoola Waterpark facility under new ownership, but closed down again soon after. The site was re-open briefly and operated from 2002 to 2004; however, the site was closed in 2004 and has remained closed over the last thirteen years. A significant amount of vandalism and decay has occurred since the park was closed in 2004, which has resulted in significant impacts throughout the site. The visual character of the site has been highly disturbed by past development activities. The site is surrounded by vacant land with Interstate 15 immediately south of the site, with a few residential dwellings to the north and east. Reestablishment of the waterpark and the addition of office and commercial buildings will change the visual character from that of an abandoned waterpark to a developed site that meets the County's development and design standards which will improve the visual character of the site. Therefore, a less than significant impact is anticipated.
- I d) **Less Than Significant Impact.** The Project would increase the amount of light in the area above what is being generated by the vacant site by directly adding new sources of illumination including security and decorative lighting for the proposed buildings and structures. All outdoor lighting shall be designed and installed to comply with California Green Building Standard Code Section 5.106 or with a local ordinance lawfully enacted pursuant to California Green Building Standard Code Section 101.7, whichever is more stringent. As such, impacts are less than significant.

| Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| II. AGRICULTURE and FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- II a) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.
- II b) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is zoned RL (Rural Living). A General Plan and Zoning Map amendment to Highway Commercial (CH) is proposed. The proposed CH land use zoning district allows the proposed uses on the Project site with approval of a conditional use permit. There are no agricultural uses on the Project site or in the vicinity of the Project site.

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

- II c **No Impact.** The Project site is currently zoned RL (Rural Living). A General Plan and Zoning Map amendment to Highway Commercial (CH) is proposed. The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.
- 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. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.
- II e) **No Impact.** The Project site is approximately 260 gross acres in size and is located in an area largely characterized as vacant desert land with sparse development in the vicinity. Vacant desert land and two (2) single-family dwellings surround the site to the north, east, and west. Hacienda Road and I-15 are located to the south of the site. There is no land is being used for agricultural purposes in the vicinity of the site. As such, the Project would not result in conversion of Farmland to non-agricultural use and no impacts would occur.

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

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

The following is based in part on the *Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis*, Kunzman Associates, Inc., August 21, 2017, (Appendix A).

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

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

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

The Project is proposing a General Plan and Zoning Map amendment from RL (Rural Living) to Highway Commercial (CH). However, based on Table 8 below, Project-generated emissions

generated will not exceed emission thresholds. Therefore, the Project's emissions are in compliance with the thresholds established by the District. The Project would not significantly increase local air emissions with implementation of Mitigation Measure AQ-1 below and therefore would not conflict with or obstruct implementation of the Attainment Plans. Therefore, no impact with mitigation is anticipated.

III b)

Less than Significant Impact With Mitigation Incorporated. The Project is located in a region that has been identified as being in Non-Attainment for Ozone and PM₁₀ (State) according to the California Air Resources Board Area Designation Maps. This means that the background concentration of these pollutants have historically been over the Federal and/or State Ambient Air Quality Standards. With respect to air quality, no individual project would by itself result in Non-Attainment of the Federal or State Ambient Air Quality Standards. However, a project's air pollution emissions although individually limited, may be cumulatively considerable when taken in combination with past, present, and future development projects. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the regional Air Quality Management District.

The Project has the potential to generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the Mojave Desert Air Quality Management District in order to meet national and state air quality standards which are shown in Table 8 below.

Table 8. Mojave Desert Air Quality Management District Air Quality Regional Significance Thresholds

| Pollutant | Annual Threshold (tons) | Daily Threshold (pounds) |
|-------------------|-------------------------|--------------------------|
| VOC | 25 | 137 |
| NOx | 25 | 137 |
| CO | 100 | 548 |
| SOx | 25 | 137 |
| PM ₁₀ | 15 | 82 |
| PM _{2.5} | 15 | 82 |

Source: Mojave Desert Air Quality Management District CEQA Air Quality Significance Thresholds (2016)

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

Construction Related Impacts

The construction-related criteria pollutant emissions for each phase are shown in Tables 8 through 14 in the *Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis*, Kunzman Associates, Inc., August 21, 2017, (Appendix A of this Initial Study). In no case, do any of the

construction activities by phase exceed the MDAQMD significance thresholds. As such, no mitigation measures are required and impacts are less than significant.

However, when construction phases overlap (i.e. Phases 1 & 2 Plus Phase 3 Activity), NOx emissions exceed MDAQMD significance thresholds as shown in Table 9 below.

Table 9. Construction-Related Regional Pollutant Emissions for Overlapping Phases

| Phase 1 & 2 Plus Phase 3 Activity | Pollutant Emissions (pounds/day) | | | | | |
|---|----------------------------------|---------------|---------------|-------------|--------------|--------------|
| | VOC | NOx | CO | SO2 | PM10 | PM2.5 |
| Grading of Phase 3 | 5.23 | 59.63 | 36.36 | 0.06 | 5.35 | 3.79 |
| Overlapping Building Construction, Paving, and Architectural Coating of Phase 1 & 2 | 100.73 | 123.86 | 175.15 | 0.44 | 29.31 | 10.27 |
| Total | 105.96 | 183.49 | 211.51 | 0.51 | 34.66 | 14.07 |
| MDAQMD Thresholds | 137 | 137 | 548 | 137 | 82 | 82 |
| Exceeds Thresholds? | No | Yes | No | No | No | No |

Source: Table 15, Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis, Kunzman Associates, Inc., August 21, 2017, (Appendix A of this Initial Study).

In order to reduce impacts, the following mitigation measure is required:

Mitigation Measure AQ-1- Tier 4 Equipment. Prior to the issuance of a grading permit or building permit for any phase, the following note shall be included on grading plans and building plans.

"The project applicant shall ensure that the construction contractor use construction equipment that have Tier 4 Final engines during construction of Phases 1, 2, and 3."

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

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

Long-Term Regional Operation Related Impacts

The on-going operation of the proposed project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions from the on-going use of the proposed project. The following section provides an analysis of potential long-term air quality impacts due to: regional air quality impacts with the on-going operations of the proposed Project.

The air quality impacts created by vehicle trips associated with the proposed project have been analyzed by using the trip generation provided in the project-specific traffic impact analysis (TIA) conducted by Fehr and Peers. Per the TIA, Park uses generate 4.56 trips/acres weekdays and 5.61 trips/acre weekends, general office building uses generate 11 trips/TSF weekdays and 2.46 trips/TSF on weekends, shopping center uses generate 42.71 trips/TSF weekdays and 49.99 trips/TSF on weekends; the waterslide park will generate 2,073 trips weekdays and 2,657 trips on weekends, which converts to 40 trips/TSF weekdays and 48.7 trips/TSF on weekends. The general office building uses and shopping center uses trip generation rates given in the TIA also match the CalEEMod default trip generation rates for these particular land uses. CalEEMod defaults were used for mobile home park

(RV Park) trip generation park as daily trips were not provided for the RV park in the TIA (Appendix A)..

The annual VOC, NOx, CO, SOx, PM10, and PM2.5 emissions created from the proposed project's long-term operations have been calculated for all phases and are summarized below in Table 10. Table 10 also includes the total emissions for Phases 1 through 5 together. The data provided in Table 17 shows that for the on-going operations activities for each individual phase of the proposed project, none of the operational criteria pollutant emissions would exceed the MDAQMD annual thresholds of significance discussed above in Section V. Furthermore, when all of the phases are totaled together, the project still does not exceed the MDAQMD annual thresholds of significance. Therefore, operation of the proposed Project would not create a significant regional impact from operational emissions.

Table 10. Operational Regional Pollutant Emissions

| Phase 1 & 2 Activity | Pollutant Emissions (tons/year) | | | | | |
|-------------------------------------|---------------------------------|--------------|--------------|-------------|-------------|-------------|
| | VOC | NOx | CO | SO2 | PM10 | PM2.5 |
| Area Sources | 1.74 | 0.02 | 1.68 | 0.00 | 0.01 | 0.01 |
| Energy Usage | 0.04 | 0.30 | 0.13 | 0.00 | 0.02 | 0.02 |
| Mobile Sources | 0.62 | 4.41 | 9.88 | 0.33 | 1.82 | 0.50 |
| Total Emissions | 2.40 | 4.73 | 9.88 | 0.03 | 1.82 | 0.53 |
| MDAQMD Annual Thresholds | 25 | 25 | 100 | 25 | 15 | 15 |
| Exceeds Thresholds? | No | No | No | No | No | No |
| Phase 3 Activity | | | | | | |
| Area Sources | 0.34 | 0.00 | 0.01 | 0.00 | 0.00 | 0.00 |
| Energy Usage | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Mobile Sources | 0.82 | 5.68 | 8.61 | 0.03 | 1.87 | 0.52 |
| Total Emissions | 1.16 | 5.68 | 8.61 | 0.03 | 1.87 | 0.52 |
| MDAQMD Annual Thresholds | 25 | 25 | 100 | 25 | 15 | 15 |
| Exceeds Thresholds? | No | No | No | No | No | No |
| Phase 4 Activity | | | | | | |
| Area Sources | 0.26 | 0.00 | 0.01 | 0.00 | 0.00 | 0.00 |
| Energy Usage | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Mobile Sources | 0.54 | 3.92 | 8.60 | 0.02 | 0.86 | 0.36 |
| Total Emissions | 0.80 | 3.93 | 5.29 | 0.02 | 1.32 | 0.36 |
| MDAQMD Annual Thresholds | 25 | 25 | 100 | 25 | 15 | 15 |
| Exceeds Thresholds? | No | No | No | No | No | No |
| Phase 5 Activity | | | | | | |
| Area Sources | 0.53 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Energy Usage | 0.00 | 0.02 | 0.01 | 0.00 | 0.00 | 0.00 |
| Mobile Sources | 0.25 | 1.88 | 2.84 | 0.01 | 0.86 | 0.24 |
| Total Emissions | 0.78 | 1.89 | 2.86 | 0.01 | 0.87 | 0.24 |
| MDAQMD Annual Thresholds | 25 | 25 | 100 | 25 | 15 | 15 |
| Exceeds Thresholds? | No | No | No | No | No | No |
| Total for Phases 1 through 5 | | | | | | |
| MDAQMD Annual Thresholds | 5.14 | 16.24 | 26.65 | 0.09 | 5.87 | 1.65 |
| Exceeds Thresholds? | No | No | No | No | No | No |

Source: Table 15, Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis, Kunzman Associates, Inc. August 21, 2017. (Appendix A of this Initial Study).

Summary

Construction and operation of cumulative projects will further degrade the air quality of the Mojave Desert Air Basin. The greatest cumulative impact on the quality of regional air cell will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction

of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the MDAQMD methodology, projects that do not exceed the MDAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. With respect to long-term emissions, this project would create a less than significant cumulative impact with implementation of Mitigation Measure AQ-1.

- III c) **Less Than Significant Impact.** For the purposes of a CEQA analysis, the MDAQMD considers a sensitive receptor to be a receptor such as a residence, school, daycare center, playgrounds, and medical facilities where children are present or that it is possible that an individual could remain at the location for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain on-site for a full 24 hours, but are present for shorter periods of time, such as eight hours. Currently, the area is mostly rural, the nearest sensitive receptors to the Project site are a single-family detached residential dwelling unit located along the northern boundary of the Project site (along Cherokee Road) and a single-family detached residential dwelling unit located along the eastern boundary of the Project site (across Mountain View Road). Additional single-family detached residential dwelling units are located approximately 0.44 miles east of the Project site. The majority of the area surrounding the project site is vacant land.

The MDAQMD recommends avoiding siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities within 1,000 feet of a major transportation project (50,000 or more vehicles per day). The proposed Project involves the construction of a waterpark, RV park, recreational lake/pond, commercial/retail uses, and office/administrative uses in close proximity to the I-15 Freeway. According to the latest traffic volume data from the California Department of Transportation, the portion of the I-15 Freeway that runs southeast of the Project site has a current annual average daily trips (AADT) of 42,000 vehicles. Because the I-15 Freeway volume is less than 50,000 vehicles per day, impacts to future visitors of the waterpark, RV park, and other recreational facilities are considered to be less than significant and a health risk assessment is not required. Therefore, as the I-15 Freeway volume is less than 50,000 vehicles per day, a project-specific health risk assessment is not required or warranted. Impacts to future on-site sensitive receptors are considered to be less than significant.

- III d) **Less Than Significant Impact.** Potential sources that may emit odors during the on-going operations of the proposed Project would include odor emissions from diesel truck emissions and trash storage areas. As the project is that of recreational uses (RV park, waterpark, and lake/pond), office/administrative uses, and commercial/retail uses, no significant impact related to odors would occur during the on-going operations of the proposed Project.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| IV. BIOLOGICAL RESOURCES - Would the project: | | | | |
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | | <input 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"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 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 checked="" type="checkbox"/> |

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

The following is based in part on the *General Biological Resources Assessment, Dolores Lake Project*, RCA Associates, Inc., March, 2017 (Appendix B) and *Burrowing Owl Survey, Dolores Lake Project*, RCA Associates, Inc., August 15, 2017 (Appendix C)

IV a) **Less Than Significant Impact With Mitigation Incorporated.**

The property is approximately 260-acres in size and is located between Mountain View Road and Bragdon Road, just north of Hacienda Road in the City of Newberry Springs, California (T10N, R3E,

Sections 17 & 20, USGS Harvard Hill, California quadrangle) (Figures 1 and 2). The property has been significantly altered by past development activities associated with the existing waterpark facilities and most of the site supports minimal vegetation. Some areas that have been minimal impacted currently support a sparse creosote bush (*Larrea tridentata*) plant community.

Plant Species

The dominant perennials on the site consists of creosote bush (*Larrea tridentata*), saltbush (*Atriplex californica*), mesquite (*Prosopis glandulosa*), and tamarisk (*Tamarix ramosissima*). Other plants sparsely distributed throughout the site included California buckwheat (*Eriogonum fasciculatum*), brome grass (*Bromus sp.*), Russian thistle (*Salsola kali*) and schismus (*Schismus sp.*). Common reeds (*Phragmites australis*) and cattails (*Typha latifolia*) were also noted around the edges of the ponds. A small windbreak, consisting of pines (*Pinus sp.*), mesquite, and tamarisk, is located in the central portion of the site.

Parish's Phacelia: Parish's phacelia is associated with Mojavean desert scrub and alkali playa habitats. The species was documented in 1992 about 3.7-miles southwest of the site (Occurrence #5, Harvard Hill Quad., California Quad., CNDDDB, 2017) recorded in 1992. The site does not support suitable habitat for this plant species due to past disturbances and development activities.

Jackass-Clover: The Jackass-clover is typically found in desert scrub communities, and in desert washes and desert dunes. The species was observed in 2004 about 3.9-miles northwest of the site (Occurrence #5, Harvard Hill Quad., California quad., CNDDDB, 2017). Based on the existing conditions presence throughout the site, the species is not expected to occur on the property.

Based on the above analysis, no plant species listed as "threatened", "endangered", "special species", or "species of concern" by the Federal government or State of California are located on the site.

Wildlife Species

The site supports a variety of wildlife species with jackrabbits (*Lepus californicus*) and desert cottontails (*Sylvilagus auduboni*) common on the property and frequently observed during the field investigations. Reptile observations were somewhat limited with western whiptails (*Cnemidophorus tigris*) and side-blotched lizards (*Uta stansburiana*) the only species observed. Birds observed in association with the ponds included mallards (*Anas platyrhynchos*) and American coot (*Fulica Americana*); however, numerous other aquatic birds and shorebirds are likely to utilize the ponds, especially during fall and spring migration periods. Other bird species observed during the field investigations included mourning dove (*Zenaidura macroura*), western kingbird (*Tyrannus verticalis*), western bluebird (*Sialia Mexicana*), pigeon (*Columba livia domestica*), and common raven (*Corvus corax*).

Burrowing Owl: The site was initially evaluated in January and February 2017 for the presence of suitable habitat for the species. Owls utilize a variety of natural and modified habitats for nesting and foraging where the vegetation is low-growing. Typical habitats for the species includes native and non-native grasslands, interstitial grassland within shrub lands, shrubs lands with low density cover, drainage ditches, earthen berms, pasture lands, and fallow fields (CDFW, 1992). Burrowing owls typically utilize abandoned fossorial burrows which have been excavated by various mammals such as coyotes, foxes, ground squirrels, badgers, and dogs. Owls may also use man-made

structures such as electrical vaults, cement culverts, man-made structures, and large debris piles. The existing waterpark has numerous man-made structures which are suitable for use by burrowing owls. As such, a Focused Burrowing Owl survey was conducted as per the requirements of the California Department of Fish and Wildlife (CDFW) survey protocol (march, 2012). The results of the survey found that no burrowing owls or owl signs were observed during the nesting season surveys conducted on the Project site. Based on the results of the field surveys, the property does not currently support any population of burrowing owls and there is a low probability of the species inhabiting the site in the future. However, given that burrowing owls could possibly occupy the site in the future, the following mitigation measure is required:

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

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

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

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

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

Desert Tortoise: Desert tortoises have been documented in the region; although, no tortoises have been recently documented in the immediate area. The nearest documented sighting is about 4.6-miles west of the site (Occurrence #216, Yermo Quad., California Quad., CNDDDB, 2017). A site habitat assessment was performed in January to determine if the site supports suitable habitat for the desert tortoise, and it is the opinion of RCA Associates, Inc. that the site does not support suitable habitat for the species. This conclusion is due in large part to disturbances which have occurred throughout the site since the initial water park was constructed in 1962. Virtually all of the native vegetation which may have been present on the site in 1962 was removed during construction activities and only a minimal amount of re-vegetation has occurred. Furthermore, no tortoises or any potential tortoise burrows or tortoise sign (scats, etc.) were noted during the field investigations conducted on the site in January and February 2017.

Although no desert tortoise were observed on the Project site, the following mitigation measure is recommended to ensure compliance with the requirements of the County of San Bernardino General Plan.

Mitigation Measure -BIO-2: Desert Tortoise. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

"1. All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program. The program shall be administered by the Project Biologist or Environmental Monitor. The program may be given in the field prior to the start of construction activities, and shall include truck drivers, delivery personnel, and other project-related to personnel who have attended the training.

2. An authorized biological monitor shall be present, as needed, during construction to ensure that tortoises or any other special status species enter the construction area and to remove or rescue any individuals that may be injured. Mortality of any tortoise shall be reported to wildlife agency staff.

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

Mohave Tui Chub: The Mohave tui chub populations have been documented in the area with the nearest population about 7.7-miles southwest of the property (Occurrence #17, USGS Harvard Hill Quad., California Quad., CNDDDB, 2017). This population was recorded in 2005. Habitats associated with this species include deep ponds with vegetation; however, the existing ponds on the site have never been connected to any ponds with Mohave tui chub populations; consequently, none of the ponds on the property are expected to support populations of the Mohave tui chub.

Mohave Ground Squirrel: Mohave ground squirrel populations have been documented in the region and the nearest observation was recorded in 2006 about 9.5 miles northwest of the property (CNDDDB, 2017). This species is dependent upon undisturbed Mojave desert scrub, Joshua tree woodlands, and chenopod scrub communities. As previously noted, the site has been disturbed over several decades and currently supports very minimal vegetation. Consequently, no portions of the site have vegetation which would be conducive to supporting populations of the Mohave ground squirrel. Based on its behavior, the species is infrequently observed above ground except during a small window in the spring, but it should be noted that no Mohave ground squirrels were visually observed during the field investigations. It is the opinion of RCA Associates, Inc. that the site does not support populations and this assumption is based on the following criteria:

1. Site has been significantly disturbed over a time period of about 50 years and there is limited native vegetation present on the site.
2. Limited connectivity with suitable habitat in the surrounding area;
3. Absence of small mammal burrows which may be utilized by the species; and
4. No recent documented observations in the immediate area.

Western Pond Turtle: Western pond turtle populations have been documented in the area with the nearest observations was seen in 2005 and is about 3.9-miles southwest of the site (Occurrence #454, USGS Coyote Lake Quad., California quad., CNDDDB, 2017). Although suitable habitat is

present on the site in the form of the various ponds, it is unlikely the on-site ponds support any populations of western pond turtles. None of the ponds have ever been connected to any ponds which support populations of the species, not are any of these occupiable ponds near enough to the site to allow migration of turtles on to the site. The only way the western pond turtle could be present on the site is if it was introduced by humans; however, no turtles were observed during the field investigations.

Vermillion Flycatcher: Vermillion flycatcher populations have been documented in the region including a 2005 observation about 4.1-miles southwest of the property (Occurrence #7, Harvard Hill Quad., California quad., CNDDDB, 2017). Vermillion flycatchers are typically found in association with marshes, riparian woodland areas, and ponds, and there is a possibility that the species could infrequently occur on the site. However, no vermilion flycatchers were observed during the field surveys conducted as part of the biological investigations for the Project.

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

- IV b-c) **No Impact.** No sensitive habitats such as blue-line channels, vernal pools, or critical habitats for sensitive species were noted during the field investigations. As such, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service or have a substantial adverse effect on 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.
- IV d) **No Impact.** Based on the *General Biological Resources Assessment*, the project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none exist on the site.
- IV e) **No Impact:** The San Bernardino County Native Plant Protection Plan (1989) provides protection for all trees greater than 6 inches diameter at breast height (dbh), smoke trees, mesquite, creosote rings, and all plants in the agave family, including Joshua trees. Based on the *General Biological Resources Assessment*, the Project site does not have any trees or protected native plants. 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 Project site is located within the planning area of the *West Mojave California Desert Conservation Area Plan Amendment*. The *West Mojave California Desert Conservation Area Plan Amendment* was adopted by the Bureau of Land Management in 2006. The Record-of-Decision applies only to 3.3 million acres of BLM-managed lands. To date no approvals have been issued for the Habitat Conservation Plan component by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. All land within the Project site is located on private property outside of the Bureau of Land Management; therefore the *West Mojave California Desert Conservation Area Plan* does not apply. Additionally, the Project site is located within the boundaries of the *Desert Renewable Energy Conservation Plan*. Phase I of the *Desert Renewable Energy Conservation Plan* was approved on September 14, 2016 and applies to Bureau of Land Management land only. Phase II which would apply to non-federal land is an on-going process and no implementing agreements have been issued. All land within Project site is located on private property outside of the Bureau

of Land Management land; therefore the *Desert Renewable Energy Conservation Plan* does not apply.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| V. CULTURAL RESOURCES - Would the project | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

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

The following is based in part on the *Cultural Resources (Phase I), Dolores Lake Project*, RCA Associates, Inc., April, 2017 (Appendix D).

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

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

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

Based on the *Phase I Cultural Resources Investigation* (Appendix D) prepared for the Project, the Project site has been heavily disturbed and there were no findings of cultural resources, including historic structures. As such, there will be no impact with respect to surface historical resources as a result of the Project and no mitigation measures are required.

Vb) **No Impact:** Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As noted under Issue Va) above, based on the *Phase I Cultural Resources Investigation* (Appendix D) prepared for the Project, the Project site has been heavily disturbed and there were no findings of cultural resources, including prehistoric or historic archaeological sites within the Project boundaries. As such, there will be no impact with respect to archaeological resources as a result of the Project and no mitigation measures are required.

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

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

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

SUBSTANTIATION

Via) **Less Than Significant Impact.**

Short-Term Construction Impacts

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

Table 11 below shows the estimated energy consumption for Project construction.

Table 11. Energy Consumption Estimate for Project Construction.

| Constructi on Phase | Number of Constructi on Days | Average Worker and Vendor Trips Per Day | Horse Power Hours per Construction Phase | Construction Equipment | | Worker and Vendor Trips |
|---|------------------------------|---|--|------------------------|---------------------|-------------------------|
| | | | | Energy Use (1) | Gas & Fuel Use (2) | Gas & Fuel Use (3) |
| Grading | 25 | 20 | 2,357 | | 127.41 | .313.78 |
| Building Const., Paving, Architectural Coating. | 278 | 2288 | 12,770 | | 690.27 | 257,407.44 |
| | | | TOTALS | 21.44 kWh | 2,335.4 Gal. | 257,721.22 Gal. |

1: Calculation is based on an average construction energy cost of \$2.28 per month of energy use per 1,000 square feet of building space (8,660 s.f.) over the total duration of construction (13 months), at the rate of 8 cents per kilowatt hour (kWh).

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

3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 16.8 miles workers and 6.60 miles for vendors based on the average fuel economy of a light duty automobile of 26.77 miles per gallon.

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

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

Long-Term Operational Impacts

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

Electricity

The Project site is located within the service area of Southern California Edison (SCE). The overall Project would create a net increase in electricity demand of approximately 2,225,891 kWh per year. This net increase is well within SCE's system wide net increase in electricity supplies of approximately 15,273 GWh annually over the 2012-2024 period (CEC, Electricity Consumption by County, 2017). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies.

Natural Gas

The Project site is located within the service area of Southwest Gas. Southern California Gas (SoCal Gas) provides natural gas to Southwest Gas. SoCal Gas receives gas supplies from several sedimentary basins in the western United States and Canada including supply basins located in New Mexico (San Juan Basin), West Texas (Permian Basin), Rocky Mountains, Western Canada, and local California supplies. Gas supply available to SoCalGas (including SDG&E) from California sources averaged 323 MMcf/day in 2017. The Project would create a net increase in natural gas demand of approximately 364,664,610 kBtu per year. The Project's demand is minimal based on the available supply.

According to *2018 California Gas Report* prepared in part by California Gas and Electric Utilities, SoCal Gas, projects total gas demand to decline at an annual rate of 0.74 percent from 2018 to 2035. The decline in throughput demand is due to modest economic growth, CPUC-mandated energy efficiency (EE) standards and programs, tighter standards created by revised Title 24 Codes and Standards, renewable electricity goals, the decline in commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure (AMI).

Conclusion

Plans submitted for building permits of development projects in the Project area would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards and are also required to be reviewed. The Project would also be required adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency.

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

- Vib) **Less Than Significant Impact With Mitigation Incorporated:** The County of San Bernardino General Plan Renewable Energy and Conservation Element RE Policy 1.1 states: "*Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan. The County's Greenhouse Gas Emissions Reduction Plan is considered a "local plan" for renewable energy or energy efficiency.*" As noted in the analysis for Issue VIIIa-b, *Greenhouse Gas Emissions*, Mitigation Measures GHG-1 through GHG-6 will be included as Conditions of Approval for the Project. As such, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency
-

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| VII. GEOLOGY AND SOILS - Would the project: | | | | |
| VIIa) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| VIIb) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| VIIc) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| VIIId) Be located on expansive soil, as defined in Table 181B of the California Building Code (2001) creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| VIIe) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| VIIIf) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

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

The following is based in part on the *Geotechnical/Geologic Evaluation for CEQA Study, Dolores Lake Project*, CHG Consultants, March 2, 2017 (Appendix E).

VII a) ai) **No Impact.** The site does not lie within or immediately adjacent to an Alquist Priolo Earthquake Fault Zone (APZ) designated by the State of California to include traces of suspected active faulting. The closest APZs are designated for the Calico-Hidalgo fault zone and Newberry fracture zone, located approximately 4.2 miles southwest and southeast of the site, respectively. According to the

County of San Bernardino General Plan (Hazard Overlay Map – Harvard Hill), the site is not located in a County-designated Earthquake Fault Zone. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.

aii) **Less Than Significant Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition.

The Manix fault is a north-dipping, left-lateral, strike-slip fault consisting of three segments that together extend approximately 22 miles from the Yermo area to Afton Canyon. The western segment of the Manix fault is located 0.2 mile west of the site and projects toward the site. Historic rupture of the central segment of the Manix fault, located approximately 6 miles east of the site, was observed after the 1947 magnitude 6.4 Manix earthquake. The Manix fault is considered Holocene active for planning purposes.

The Dolores Lake fault is an inferred (concealed) fault extending from Harvard Hill to a point approximately 3-1/2 miles north of the site and is considered potentially active.

The Eastern California Shear Zone (ECSZ) is a zone of surface tectonism that includes a system of predominantly northwest-trending strike-slip faults traversing the Mojave Desert. The Calico section of the Calico-Hidalgo fault zone is located approximately 4.9 miles southwest of the site. The Camp Rock, Pisgah, Lenwood-Lockhart and Black Mountain faults are also included within the ECSZ. Evidence for Holocene displacement along several of these faults includes sag ponds, fresh fault scarps, offset drainages, linear scarps, shutter ridges and faceted spurs. The Newberry fracture zone, a northeast striking zone of an echelon faults located approximately 4-1/2 miles southeast of the site, is interpreted as an offshoot of the Calico fault and formed during the 1992 Landers earthquake. A number of faults of the ECSZ system, including the Camp Rock-Emerson fault, ruptured in combination during the 1992 Landers earthquake. Aftershocks of that event extended into the Barstow area on several faults. The more recent Hector Mine earthquake of 1999 occurred on the Lavic Lake fault. The Camp Rock fault is located approximately 14 miles southwest of the site.

The San Bernardino Mountains segment of the San Andreas fault zone is located approximately 63 miles southwest of the site. The mountain front in the San Bernardino Valley approximately marks the active trace of the San Andreas fault, here characterized by youthful fault scarps, vegetation lineaments, springs and offset drainages. There is a 53 percent probability to a magnitude 6.7 or greater earthquake occurring on the southern segment of the San Andreas fault between 2014 and 2044.

Based on the above, the site is located within the seismically-active southern California region. Any of the active faults of the Mojave region are capable of producing strong ground shaking during earthquakes. However, construction or restoration of site improvements according to applicable building codes can mitigate the potential for damage to site facilities.

aiii) **No Impact.** The site is not located within an area identified as having a potential for liquefaction by the County of San Bernardino General Plan (2010). Based on the anticipated historic high groundwater depth (82 feet bgs), liquefaction is not considered a hazard at the site. Therefore, this impact is considered less than significant.

aiv) **Less Than Significant Impact.** The relatively flat-lying topography of the site and surrounding area precludes the potential for instability of natural slopes. Site development will include geotechnical evaluation of existing fill slopes and, if required, engineered grading or foundation designs that reduce the potential for slope instability of fill slopes. The potential for landslide or slope instability is considered low. Therefore, this impact is considered less than significant.

- VII b) **Less Than Significant Impact.** The native and disturbed soils mantling the site are considered slightly to moderately susceptible to erosion. Construction activities have the potential to contribute to soil erosion and the loss of topsoil which could be eroded by wind or water. The project is required to comply with the mandatory requirements of the National Pollutant Discharge Elimination System (NPDES) requirements and prepare a Stormwater Pollution Prevention Plan (SWPPP) during construction activities. The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP would identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control Best Management Practices (BMPs) to reduce or eliminate the erosion and loss of topsoil, such as use of: silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding.

The development on the site will include paving and the installation of landscaping throughout the development site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed Project.

Based on the above, impacts are anticipated to be less than significant.

- VIIc) **Less Than Significant Impact.** The site is not located in an area of known subsidence or collapse. As a part of the standard conditions of approval for the Project on a general basis, existing and proposed structures and site infrastructure and improvements will be designed and repaired/constructed in compliance with applicable building codes. The County of San Bernardino will require that local building code requirements and project considerations be met prior to issuing a building permit. Proper design and construction in conformance with the recommendations of project geotechnical reports, and compliance with applicable building codes, will reduce the potential adverse impacts of identified geotechnical hazards. Impacts related to subsidence, liquefaction or collapse are considered less than significant.

- VII d) **No Impact.** Plasticity index values available from the USDA (2017) indicate non-plastic soils. The soils on the site are generally considered non-expansive based on the reported plasticity index values. Therefore, impacts related to expansive soils are considered to have no impact.

- VII e) **No Impact.** Based on soils mapping performed by U.S. Department of Agriculture (2017), the project site is underlain by several USDA soils types including Cajon Sand, Cajon Gravelly Sand and Cajon Loamy Sand. An existing underground septic system has performed well during previous park operations from 1998-2004. It is expected that suitable soils with the capacity to serve future septic systems are present on site. Therefore, no mitigation of subsurface water conditions is required.

- VII f) **Less Than Significant Impact With Mitigation Incorporated:** Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The Project area is located in the Northern and Eastern Mojave planning area of the California Desert Conservation Area Plan. According to Figure III.10-2- Plan *Potential Fossil Yield Classification of*

Geology - Subarea Index Map of the Draft Desert Renewable Energy Conservation Plan EIR/EIS (August 2014), the Project area is identified as having a Moderate/Unknown potential to contain paleontological resources. To minimize the effects of this potential impact, Mitigation Measure CR-1 is recommended.

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.

Prior to the issuance of a grading permit, the following note shall be placed on the grading plans:

"If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. If the discovery is located on BLM land, the Ridgecrest field office shall be contacted to evaluate the resource and make necessary plans for treatment. If the resource is located on private land, the County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

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

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

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources."

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

| Issues | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| VIII. GREENHOUSE GAS EMISSIONS - Would the project: | | | | |
| VIIIa) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☒ | ☐ | ☐ |
| VIIIb) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☒ | ☐ | ☐ |

SUBSTANTIATION:The following is based in part on the *Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis*, Kunzman Associates, Inc., August 21, 2017, (Appendix A).

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

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

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

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

The GHG emissions have been calculated based on the parameters described above. Unmitigated emissions for the project would result in annual emissions of: 3,547.30 MT CO₂e per year for Phase 1 and 2; 2,895.73 MT CO₂e per year for Phase 3; 2,096.86 MT CO₂e per year for Phase 4; and 1,632.44 MT CO₂e per year for Phase 5. Unmitigated emissions for the entire project (Phase 1

through Phase 5 together) would result in annual emissions of 10,172.34 MT CO₂e per year (which includes the amortized construction emissions, which contributes approximately 139.41 MT CO₂e per year for all 5 phases to the total.

As shown in Table 17 *Dolores Lake Park, Air Quality and Global Climate Change Impact Analysis* (Appendix A), this level of emissions exceeds the San Bernardino County GHG Reduction Plan screening threshold of 3,000 metric tons per year of CO₂e, but does not exceed the MDAQMD annual threshold of 100,000 MTCO₂e. Table 17 also shows that the Project's total (Phase 1 through Phase 5 together) daily operational emissions of 113,765.25 lbs of CO₂e does not exceed the MDAQMD's daily GHG threshold of 548,000 lbs of CO₂e. During construction, 55,880.10 lbs of CO₂e will be emitted, which would not exceed the MDAQMD daily threshold either. However, as the San Bernardino County GHG Reduction Plan screening threshold of 3,000 metric tons per year of CO₂e would be exceeded, mitigation is required.

Mitigation Measure GHG- 1.GHG Reduction Measures. Prior to the issuance of a building permit for any phase, Project plans shall demonstrate that the project shall accrue at least 100 points in the Screening Table for implementation of GHG Reduction Measures for Commercial Development as detailed in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.

Mitigation Measure GHG-2- Waste Recycling. The Project operators for any phase shall require recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by 2020 per AB 341).

Mitigation Measure GHG-3. Sidewalks. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that sidewalks shall be provided within the Project boundary.

Mitigation Measure GHG-4. High Efficiency Lighting. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that high-efficiency lighting shall be installed that is at least 10% more efficient than standard lighting and install Energy Star® appliances on-site.

Mitigation Measure GHG-5. Plumbing Fixtures. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20% per CalGreen Standards.

Mitigation Measure GHG-6. Exceed Title 24 Requirements. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet Green Building Code Standards.

With implementation of Mitigation Measures GHG-1 through GHG-6, impacts are less than significant.

VIIIb) **Less Than Significant Impact With Mitigation Incorporated.** The State and local regulatory programs for GHG emissions and climate change are described in the response to Issue VIIIa above. The Mitigation Measures described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts will be less than significant with implementation of Mitigation Measures GHG-1 through GHG-6 above.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| IX. HAZARDS AND HAZARDOUS MATERIALS - Would the project: | | | | |
| IXa) 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"/> |
| IXb) 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| IXc) 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"/> |
| IXd) 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"/> |
| IXe) 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| IXf) 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"/> |
| IXg) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: The following is based in part on the *Phase I Environmental Site Assessment, 72 Hacienda Road, Newbury Springs, California, 92365*, EFI Global, Inc., March 24, 2017, (Appendix F)

IX a-b) Less Than Significant Impact.

Existing Hazardous Materials

The *Phase I Environmental Site Assessment* (Appendix F) prepared for the Project indicated that there are no known Recognized Environmental Conditions existing on these parcels. A Recognized Environmental Concern is one of the terms used to identify environmental liability within the context of a Phase I Environmental Site Assessment. The American Society for Testing and Materials defines the Recognized Environmental Condition in the E1527-13 standard in part as "the presence

or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

Based on the age of the on-site structures associated with the water park (i.e. locker rooms, concessions, restrooms), the potential for asbestos containing building materials and lead-based paint to be present in these buildings is considered to be low. However, the maintenance building was constructed at an earlier time (sometime during the 1950s to 1970s) and thus has the potential to have been built with asbestos containing building materials and lead-based paint. Individual suspect materials would need to be tested in order to confirm the presence or non-presence of asbestos.

A Phase II Environmental Site Assessment (ESA) was conducted at the subject property by Andersen Environmental (now EFI Global) on October 30, 2007 which was provided by the User for EFI Global's review. The scope of the assessment was determined based on review of a prior Phase I ESA also conducted in October 2007 by All Appropriate Inquiries (AAI) Environmental Corporation. Field activities were focused on a bermed concrete aboveground storage tank (AST) area with fuel pump (i.e. fuel dispenser), a water pump area where the backup generator is located, and the maintenance building where a 55-gallon drum and one abandoned AST was observed.

The Phase II investigation included seven soil borings to a maximum depth of 2 feet below ground surface (bgs) for the collection and analysis of polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), and petroleum hydrocarbons. Three soil borings were advanced in the vicinity of the bermed concrete AST and fuel pump area (SS1, SS2, and SS3), two soil borings were advanced in the area of the maintenance building and near the deteriorated 55-gallon drum (SS4 and SS5), one soil boring was advanced adjacent to the generator (SS6), and one soil boring was advanced adjacent to the rusted AST which Andersen Environmental indicated to be 15,000-gallons in size (SS7).

According to the laboratory results, no PCBs were detected in the soil samples submitted for this analysis. Various fuel related VOCs were detected in the samples collected and analyzed from the concrete bermed AST area but were found to be below regulatory screening levels. Petroleum hydrocarbons were also detected in the samples collected from the concrete bermed AST area. Maximum concentrations of gasoline, diesel, and motor oil range hydrocarbons were identified in the 6 inch bgs soil sample from SS2 and included 890 milligrams per kilogram (mg/kg), 9,200 mg/kg, and 440 mg/kg, respectively. These concentrations were found to exceed regulatory screening levels. However, the 2 foot bgs sample from SS2 contained diminishing concentrations of gasoline and diesel below screening levels.

Based on the findings of elevated petroleum hydrocarbons above soil screening levels in the area of the concrete bermed ASTs, Andersen Environmental recommended that the impacted soil be removed along with the ASTs during anticipated site clearance operations.

According to EFI Global's interview with the Manager/Member of the owning entity of the subject property, Mr. Om P. Garg, excavation of the petroleum hydrocarbon impacted soil that was discovered during Andersen Environmental's Phase II ESA has not occurred. Currently, there are no ASTs or fuel pump located in the concrete bermed area. These features have since been removed from the property.

Based on the rapid decrease in gasoline and diesel concentrations from the 6 inch to the 2 foot sample in soil boring SS2 and delineation laterally with samples from SS1 and SS3, it does not appear that a wide-spread petroleum hydrocarbon release has occurred. Nevertheless, should

construction activities be planned in this area of the property in the future, a soils management plan is recommended to assist in properly handling and disposing the impacted soil if encountered.

Mitigation Measure HAZ-1. Asbestos Removal.

Prior to the issuance of a grading permit or building permit (whichever comes first) for any area within the Open Space Area as shown on the site plan, the following note shall be included on the plans:

"The County of San Bernardino Land Use Services Department-Planning Division shall condition all grading and demolition permits associated with the clearing of existing on-site structures for any phase to comply with Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as specified under 40 CFR 61, Subpart M per MDAQMD Rule 1000 as it applies to asbestos removal and demolitions. All asbestos-related clearing work conducted on the site shall be performed by a licensed asbestos-abatement contractor under the supervision of a certified asbestos consultant. Asbestos-containing construction materials shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in MDAQMD rule 1000 to reduce asbestos-related health risks. The construction contractor shall maintain all records of compliance with Rule 1000, including, but not limited to, the following: evidence of notification of MDAQMD. Contact information for the asbestos-abatement contractor and asbestos consultant; and receipts (or other evidence) of off-site disposal of all asbestos containing materials. These records shall be made available for County inspection upon request."

Mitigation Measure HAZ-2. Soils Management Plan. Prior to the issuance of a grading permit for any area within the Open Space Area as shown on the site plan, the following note shall be included in the grading plans:

"Should construction activities be anticipated in the concrete bermed area where petroleum hydrocarbon contamination was found during the 2007 Phase II ESA, preparation of a soils management plan is recommended to assist in properly handling and disposing the impacted soil if encountered."

With implementation of Mitigation Measures HAZ-1 and HAZ-2, impacts relating to existing hazardous materials are less than significant.

Construction Activities

Heavy equipment that would be used during construction of the proposed Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the development on the proposed Project site than would occur on any other similar construction site.

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

Operational Activities

Federal and State Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals that may be used by the businesses that would operate at the Project site. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (§ 25500 of California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit a Hazardous Materials Business Emergency Plan (HMBEP) to the San Bernardino County Department of Environmental Health in order to register the business as a hazardous materials handler. Such business is also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to San Bernardino County Fire Department and State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business.

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

Based on the above analysis, the routine transport, use or disposal of hazardous materials during mining activities of the Project would be less than significant.

- IX c) **No Impact.** The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school.
- IX d) **No Impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.
- IX e) **Less Than Significant Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The nearest airport is the Barstow-Daggett Airport located approximately 8 miles to the southwest of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses from the Barstow-Daggett Airport and no impact will occur.

However, the Project site is located within Airport Safety Review Area 4 (AR4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use. As required by Section 82.09.060 of the Development Code, an Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4. This is a mandatory requirement and not considered a mitigation measure.

- IXf) **No Impact.** Access to the Project site is proposed from Hacienda Road, Bragdon Road, Mountain View Road, and Cherokee Road (future access). The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles via Hacienda Road, and connecting roadways as required by the County. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan No impacts.
- IX g) **No Impact.** According to the San Bernardino County Hazards Overlay Map (Harvard), the Project Site is not located within Fire Safety Overlay District. Because the site is proposed for surface mining and will not contain permanent habitable structures, it would not result in any safety hazard impacts from wild fires. No impact is anticipated.

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

SUBSTANTIATION

The following is based in part on the *Water Supply Assessment, Lake Dolores Project*, RCA Associates, Inc., March, 2017, (Appendix G), and *Hydrology and Hydraulic Report*, Sake Engineers, Inc., April 2019 (Appendix H).

IX a) Construction Impacts

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

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

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

Operational Impacts

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

Pursuant to the requirements of CalGreen Code Section 5.106.2 *Stormwater Pollution Prevention for Projects that Disturb One or More Acres of Land*, the Project is subject to NPDES permits that require post-construction runoff (post-project hydrology) to match the preconstruction runoff (pre-project hydrology) with the installation of post-construction stormwater management measures. The NPDES permits emphasize runoff reduction through on-site stormwater use, interception, evapotranspiration, and infiltration through nonstructural controls, such as Low Impact Development (LID) practices, and conservation design measures. Stormwater volume that cannot be addressed using nonstructural practices is required to be captured in structural practices and be approved by the enforcing agency.

Post-development, runoff will be captured in a series of detention basins which are designed to temporarily store stormwater runoff, thereby reducing the peak rate of runoff to pre-development flow conditions to prevent localized flooding and water quality treatment before the runoff is discharged into the downstream drainage facilities.

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

- IX b **Less Than Significant Impact.** Water supplies for the construction and operation of the proposed Lake Dolores Project are available; however is limited and under the regulation of the Watermaster (Mojave Water Agency). Appendix B of the 2015 Watermaster report indicates that in 2014-2015 (the most recent year for which data are available) water producers in the Baja Subarea pumped a total of 6,773 acre feet (af) more than their Free Production Allowance (FPA). Water producers in the Baja Subarea pumped 32.7 percent over the Production Safe Yield (PSY) which is the rate at which groundwater can be withdrawn without causing long-term decline of water groundwater levels. Although water supplies in the Baja Subarea have been depleting since 1996 due to water producers in the Baja Subarea exceeding their PSY, the project proponent has only pumped on average 2.3 percent of the allowed 483 af (BPA) and therefore has not pumped beyond the PSY. Construction and renovation of the waterpark will take a significant amount of water; however, the proposed Lake Dolores Project is not expected to have a significant adverse effect on groundwater water levels in the region, nor is the project expected to exceed the PSY at any time. Because the Project cannot exceed the PSY, impacts to groundwater are less than significant.
- IX ci to civ **Less Than Significant Impact.** Development of the Project site will create impervious surfaces and increase the amount of surface runoff. Post-development, runoff will be captured in a series of detention basins which are designed to temporarily store stormwater runoff, thereby reducing the peak rate of runoff to pre-development flow conditions to prevent localized flooding and water quality treatment before the runoff is discharged into the downstream drainage facilities.
- IXd **Less Than Significant Impact.** The Project site is located within FEMA Zone D (per FEMA National Flood Hazard Map 06071C4000H) and is not subject to flooding. According to the California Department of Conservation, California Official Tsunami Inundation Maps the site is not located within a tsunami inundation zone. The Project would not be at risk from seiche because there are no upstream waterbodies large enough to produce a seiche in close proximity to the Project site.
- IXe **Less Than Significant Impact.** With construction of the water quality detention basins, the Project will not conflict with or obstruct implementation of the *Lahontan Basin Plan*.

| ISSUES | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant | No Impact |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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.** An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site is surrounded by vacant desert land with two (2) residential dwellings in the near vicinity. No impact is anticipated.
- X b) **Less Than Significant Impact.** The applicant is proposing a GPA to rezone the site to Highway Commercial (CH) from Rural Living (RL) to insure zoning compatibility for the proposed use. The proposed CH zoning district is consistent with the proposed Lake Dolores park/entertainment facility and proposed future retail and commercial uses as the intent of the CH District is to provide suitable locations for retail and service commercial establishments intended to meet the daily convenience needs of the traveling public. Furthermore, the project meets the locational criteria of the CH zone in that:
- The project site is intended to be occupied by a relatively contiguous grouping of businesses that provide transient services to travelers on major highway; and,
 - The project is designed to preserve a block of land for the use of small somewhat isolated transient commercial uses along major highways.

Subject to approval of the CUP and Conditions of Approval the project comports with the intent of the County's General Plan in that it meets the intent of the following goals and polices:

County General Plan – Land Use Element:

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.

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

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

GOAL LU 3 The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.

Policy LU 3.1 Protect areas best suited for commercial uses by virtue of their location, access to major arterials and availability of infrastructure and other utilities from other incompatible uses.

GOAL LU 6 Promote where applicable, compact land use development by mixing land uses, creating walkable communities and strengthening and directing development towards existing communities.

Policy LU 6.1 Mixed-use developments will be encouraged in the unincorporated areas of the County for projects that have adequate acreage to accommodate different land uses while providing buffers and other mechanism to minimize or avoid land use conflicts.

Policy LU 6.2 To expand opportunities for future employment centers in the unincorporated County recruit industrial and commercial development to urban infill areas.

Policy 6.3 To support the expansion of opportunities for future employment, promote use of grants for upgrading infrastructure in urban infill areas.

Policy 6.4 To facilitate future development of employment centers, design incentive actions to be consistent and compatible with adopted applicable city sphere of influence policies and other regulations.

GOAL LU 7. The distribution of land uses will be consistent with the maintenance of environmental quality, conservation of natural resources, and preservation of open spaces.

GOAL LU 10. Encourage distinct communities with a sense of "place" and identity.

GOAL D/LU 1. Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.

GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

Policy D/LU 3.2 Avoid strip commercial development along major roadways within the region that would detract from the rural character by encouraging the development or expansion of commercial uses within core areas. Commercial uses shall be compatible with adjacent land uses and respect the existing positive characteristics of the region and its natural habitat.

Subject to approval of the General Plan Amendment, the Project meets the goals and policies of the County General Plan and will not conflict with surrounding land uses.

In addition, as demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the Project would not conflict with any applicable policy document, including, without limitation, the *California Desert Conservation Area Plan*, the Mojave Desert Air Quality Management District's *Air Quality Management Plan*, and the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan*. The purpose of these plans is to avoid or mitigate an environmental effect.

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

- X c) **No Impact.** The Project site is located within the planning area of the *West Mojave California Desert Conservation Area Plan Amendment*. The *West Mojave California Desert Conservation Area Plan Amendment* was adopted by the Bureau of Land Management in 2006. The Record-of-Decision applies only to 3.3 million acres of BLM-managed lands. To date no approvals have been issued for the Habitat Conservation Plan component by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. All land within the Project site is located on private property outside of the Bureau of Land Management; therefore the *West Mojave California Desert Conservation Area Plan* does not apply. Additionally, the Project site is located within the boundaries of the *Desert Renewable Energy Conservation Plan*. Phase I of the *Desert Renewable Energy Conservation Plan* was approved on September 14, 2016 and applies to Bureau of Land Management land only. Phase II which would apply to non-federal land is an on-going process and no implementing agreements have been issued. All land within Project site is located on private property outside of the Bureau of Land Management land; therefore the *Desert Renewable Energy Conservation Plan* does not apply.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| 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-b) **No Impact.** The aggregate resource potential for the area of the site is addressed in a report titled, "Mineral Land Classification of Concrete Resources in the Barstow-Victorville Area" (CDMG, 1993). This report addresses the sand and gravel resource potential according to the presence or absence of significant sand and gravel deposits for use in construction-grade aggregate. The resource quality of surrounding lands was reported according to the following Mineral Resource Zone (MRZ) classification system:

MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

MRZ-2: Areas where adequate information indicates mineral deposits are present, or where it is judged that a high likelihood for their presence exists.

MRZ-3: Areas containing mineral deposits, the significance of which cannot be evaluated from available data.

MRZ-4: Areas where available information is inadequate for assignment to any other MRZ.

The site is situated in primarily alluvial terrain underlain by unconsolidated sediments. No economically significant sources of aggregate material were observed within the site. The project site is placed within MRZ-3a defined as "may contain significant aggregate deposits." No aggregate mining currently occurs in similar geologic terrain in the immediate project vicinity.

The site is situated approximately 1 mile northwest of the Harvard Hill prospect, which occurs in an isolated bedrock outcrop and is described as an unknown metallic mineral deposit. No economically significant sources of metallic or industrial materials were observed within the site. The project site is placed within MRZ-4, defined as "unknown mineral resource significance". As the project area is not presently used for mineral resource extraction and does not contain identified sources of aggregate materials, the proposed project will not result in the loss of availability of any known mineral resources. Thus, no significant impacts are anticipated.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| 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 groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 Impact With Mitigation Incorporated.**

Construction Noise

The proposed Project would require the use of heavy-duty, off-road construction equipment throughout development activities. Since project specific information is not available at this time, potential construction-related noise impacts can only be evaluated based on the typical construction activities associated with industrial development. Potential construction source noise levels were developed based on methodologies, reference noise levels, and equipment usage and other operating factors documented and contained in the Federal Highway Administration's (FHWA) Construction Noise Handbook (FHWA, 2010), Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment document (FTA, 2006), and Caltrans' Transportation and Construction Vibration Guidance Manual (Caltrans, 2013).

Project construction activities would include: staging, site preparation (e.g., land clearing), grading, utility trenching, foundation work (e.g., excavation, pouring concrete pads), material deliveries, building construction (e.g., framing, concrete pouring, welding), paving, coating application, and site finishing work. In general, these activities would involve the use of worker vehicles, delivery trucks, dump trucks, and heavy-duty construction equipment such as (but not limited to) backhoes, tractors, loaders, graders, excavators, rollers, cranes, material lifts, generators, and air compressors. Table 11 presents the noise levels associated with typical types of construction equipment that could be used to develop the Project.

With regard to construction noise, site preparation and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. As shown in Table 11, the worst-case Leq and Lmax noise levels associated with the operation of a dozer, excavator, scraper, etc. are predicted to be approximately 81 to 82 dBA, respectively, at a distance of 50 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 81 to 82 dBA at a distance of 50 feet from equipment operating areas. These maximum noise levels would occur for a short period time; as site preparation and grading is completed and building construction begins, work activities would occur further from property lines and generate lower construction noise levels.

Table 11. Typical Construction Equipment Noise Levels (dBA)

| Equipment Type | Reference Noise Level at 50 feet (Lmax) | Predicted Noise Levels (Leq) at Distance | | | | | |
|------------------|---|--|----------|----------|----------|----------|----------|
| | | 50 Feet | 100 Feet | 150 Feet | 250 Feet | 350 Feet | 450 Feet |
| Bulldozer | 85 | 81 | 75 | 71 | 67 | 64 | 62 |
| Backhoe | 80 | 76 | 70 | 66 | 62 | 59 | 57 |
| Compact Roller | 80 | 73 | 67 | 63 | 59 | 56 | 54 |
| Concrete Mixer | 85 | 81 | 75 | 71 | 67 | 64 | 62 |
| Crane | 85 | 77 | 71 | 67 | 63 | 60 | 58 |
| Excavator | 85 | 81 | 75 | 71 | 67 | 64 | 62 |
| Generator | 82 | 79 | 73 | 69 | 65 | 62 | 60 |
| Pneumatic Tools | 85 | 82 | 76 | 72 | 68 | 65 | 63 |
| Scraper | 85 | 82 | 76 | 72 | 68 | 64 | 62 |
| Delivery Truck | 85 | 81 | 75 | 71 | 67 | 64 | 62 |
| Vibratory Roller | 80 | 73 | 67 | 63 | 59 | 56 | 54 |

Sources: Caltrans, 2013, FHWA, 2010

dBA: Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response.

Lmax: The RMS (root mean squared) maximum level of a noise source or environment where peak is the maximum level of the raw noise source.

Leq: The method to describe sound levels that vary over time, resulting in a single decibel value which takes into account the total sound energy over the period of time of interest.

Per Section 83.10.080 (g) (3) of the Development Code, temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays are exempt from noise standards.

Regardless of the Project's consistency with the Development Code as described above, construction activities on the Project site, especially those involving heavy equipment, would result in noise levels up to 81 to 82 dBA at the nearby residences during grading which would exceed the exterior noise level for residential uses of 55 dBA. The following mitigation measure is required to reduce construction noise impacts to the maximum extent feasible:

Mitigation Measure NOI-1-Construction Noise Mitigation Plan. Prior to the issuance of a grading permit for any phase, the developer is required to submit a construction-related noise mitigation plan to the County Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

"a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 7:00pm.

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors."

With implementation of Mitigation Measure NOI-1, construction noise impacts will be reduced to the maximum extent feasible.

Operational Noise

The surrounding area mainly consists of undeveloped vacant land with very few single-family residences throughout. (See Exhibit 2). One residence is located on the southeast corner of Mountain View Road and Cherokee Road. According to the Project Site Plan (Exhibit 3), Phase 4 development is proposed across Cherokee Road from this residence. Phase 4 covers approximately 12.4 acres of the Project site and includes 97,241 square feet of commercial/retail use structures with 471 standard parking spaces.

The other residence is located along the northern border of the Project site on Apache Road. (See Exhibit 2). According to the Project Site Plan (Exhibit 3), the area in the vicinity of this residence is proposed as Open Space. However, Cherokee Road will be improved along the northern border of the Project site which will increase noise from vehicle traffic.

Approval of the Project would require operations to conform to all applicable noise control regulations. Therefore, impacts are anticipated to be less than significant.

- XII b) **Less Than Significant Impact.** Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

Construction Vibration

According to vibration standards promulgated by Caltrans in past CEQA documents, the threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV inch/second. Primary sources of vibration during construction would be bulldozers. A large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 15 feet a bulldozer would yield a worst-case 0.027 PPV (inch/sec) which is within the threshold of perception and below any risk or architectural damage.

The closest sensitive receptors are residences to the Project area are the two (2) residences located on the southeast corner of Cherokee Road and Mountain View Road and along the northern boundary of the Project site at Apache Road. At their closest point, both of the residences are approximately 50 feet from the Project site. Construction vibration level of vibration would not exceed 0.20 PPV inch/second at this distance. As such, construction vibration would not result in the excessive groundborne vibration or groundborne noise levels.

Operational Vibration

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

Therefore, a less than significant impact is anticipated.

- XII c) **Less Than Significant Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The nearest airport is the Barstow-Daggett Airport located approximately 8 miles to the southwest of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses from the Barstow-Daggett Airport and no impact will occur.

However, the Project site is located within Airport Safety Review Area 4 (AR4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use. As required by Section 82.09.060 of the Development Code, an Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4. This is a mandatory requirement and not considered a mitigation measure. **Less Than Significant Impact.** Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

Construction Vibration

According to vibration standards promulgated by Caltrans in past CEQA documents, the threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV inch/second. Primary sources of vibration during construction

would be bulldozers. A large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 15 feet a bulldozer would yield a worst-case 0.027 PPV (inch/sec) which is within the threshold of perception and below any risk or architectural damage.

The closest sensitive receptors are residences to the Project area are the two (2) residences located on the southeast corner of Cherokee Road and Mountain View Road and along the northern boundary of the Project site at Apache Road. At their closest point, both of the residences are approximately 50 feet from the Project site. Construction vibration level of vibration would not exceed 0.20 PPV inch/second at this distance. As such, construction vibration would not result in the excessive groundborne vibration or groundborne noise levels.

Operational Vibration

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

Therefore, a less than significant impact is anticipated.

| ISSUES | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant | No Impact |
|---|--------------------------------|---|--------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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) **No Impact.** The Project would not induce substantial population growth in the area either directly or indirectly because the Project does not propose any residential dwelling units. No impacts are anticipated.
- XIII b) **No Impact.** The Project would not displace substantial numbers of existing housing units, or require the construction of replacement housing, as no housing units exist on the site.
- XIII c) **No Impact.** Implementation of the Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, as no housing exists on the Project site.

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|---|---|---|--------------------------|
| 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 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 San Bernardino County Fire Department provides fire protection services to the Project area. The Project would be primarily served by the San Bernardino County Fire Station #52 located approximately less than one (1) miles northwest of the Project site at 39059 Kathy Lane.

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources should its resources not be augmented. To offset the increased demand for fire protection services, the Project would be conditioned by the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. The Fire Department indicated that no new fire facilities are required to provide fire protection services to the Project site.

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

Police Protection

The San Bernardino County Sheriff's Department provides police protection services to the Project site. The Project site would be primarily served by the Barstow Sheriff's Station located at 225 East Mt. View, Barstow. Deputy Sheriffs assigned to the Barstow Station patrol the Newberry Springs in which the Project site is located. The Sheriff's Department has indicated that it can provide police

protection services to the Project site from existing facilities so the provision of new or physically altered sheriff facilities or need for new or physically altered sheriff facilities is not required. In addition, construction of the Project will increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the demand for police protection services.

Schools

The Project does not propose any housing and would not directly create additional students to be served by the Silver Valley Unified School District. However, the 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 an additional need for housing thus directly increasing the overall population of the County and generating additional need for parkland.

Other Public Facilities

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

| ISSUES | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

XVa) **No Impact.** The Project would not generate the need for new jobs or housing which would induce population growth in adjacent areas, and ultimately increase the use of park facilities or other recreational facilities in the region because it does not result in a direct increase in the population that would use parks.

XVb) **Less Than Significant Impact With Mitigation Incorporated.** The construction of the recreational facilities proposed on the Project site would result in physical impacts to the surface and subsurface of the Project site. These impacts are part of the Project's construction phase and are evaluated in the appropriate sections of this Initial Study. In any instances where significant impacts have been identified, the Mitigation Measures identified throughout this Initial Study are required to reduce impacts to less than significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study would not be required

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

SUBSTANTIATION

XVI a) Motor Vehicle Analysis

Significance Thresholds

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

Study Area Intersections

The following intersections were analyzed:

1. Minneola Road & Yermo Road.
2. Minneola Road & I-15 Southbound Ramps.
3. Minneola Road & I-15 Northbound Ramps.
4. Coyote Lake Road & Yermo Road.
5. Harvard Road & Barrett Road & Hacienda Road.
6. Harvard Road & I-15 Southbound Ramps.

7. Harvard Road & I-15 Northbound Ramps.
8. Bragdon Road & Hacienda Road (Proposed).
9. Bragdon Road & Driveway 1 (Proposed).
10. Hacienda Road & Driveway 2 (Proposed).
11. Hacienda Road & Driveway 3 (Proposed).

Study Scenarios

The following study scenarios were analyzed:

Existing (Year 2017) Conditions – This scenario consists of existing traffic counts collected in the study area in March 2017.

- **Existing Plus Project (2017)** – This scenario consists of adding traffic generated by the proposed Project to the existing counts.
- **Cumulative (2040)** – This scenario consists of determining anticipated growth by the year 2040 using the San Bernardino Traffic Analysis Model (SBTAM) and applying that growth to existing traffic counts to determine the forecasted traffic volumes in year 2040.
- **Cumulative (2040) Plus Project** – This scenario consists of adding traffic generated by the proposed Project to the Cumulative (2040) scenario.

Existing (Year 2017) Conditions

Under Existing Conditions, the study area intersection are operating at an acceptable Level of Service (LOS) in the Friday and Sunday PM peak hours.

Existing Plus Project (2017) Condition

Under the Existing Plus Project Condition, the study area intersections are operating at an acceptable Level of Service (LOS B) or better in the Friday and Sunday PM peak hours.

Cumulative (2040) Condition

All intersections are expected to operate acceptably with minimal delay under Cumulative (2040) conditions with the addition of ambient growth and related projects.

Cumulative (2040) Plus Project Condition

All study intersections operate acceptably with the addition of Project traffic; therefore, there are no significant impacts identified under this scenario.

Based on the analysis above, under all scenarios analyzed, impacts are less than significant and no mitigation measures are required.

Transit Service Analysis

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

Bicycle & Pedestrian Facilities Analysis

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

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

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

- XVI c) **No Impact.** 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. In addition, the Project site is surrounded by vacant land with only two (2) single-family residences in the immediate vicinity. As such, the Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- XVI d) **No Impact.** The Project would result in an increase for the need for emergency vehicle access to and from the site. Adequate emergency access would be provided to the Project site from Hacienda Road, Bragdon Road, Mountain View Road, and Cherokee Road with access to I-15. With the adherence to mandatory requirements for emergency vehicle access, impacts would be less than significant and no mitigation measures are required.

| | Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant impact | No Impact |
|----|--|--------------------------------|---|------------------------------|-----------|
| I. | TRIBAL CULTURAL RESOURCES - Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |

a) 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)?

b) 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?

la) **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.

Based on the *Phase I Cultural Resources Investigation* (Appendix D) prepared for the Project, the Project site has been heavily disturbed and there were no findings of cultural resources, including historic structures. As such, there will be no impact with respect to surface historical resources as a result of the Project and no mitigation measures are required. In addition, during the AB52 and SB18 consultation process, no tribal cultural resources listed or eligible for listing in the California Register

of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) were identified on the site.

- ib) **Less Than Significant Impact With Mitigation Incorporated.** The Project involves a General Plan Amendment and is requesting the adopting of a Mitigated Negative Declaration. As such the Project is subject to the native American consultation of both Assembly Bill (AB 52) and Senate Bill (SB 18) as discussed below.

AB 52

AB 52 created a process for consultation with California Native American Tribes in the CEQA process with respect 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.

Tribal Governments can request consultation within 30-days after being notified by a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Land Use Services Department-Planning notified the following California Native American Tribes per the requirements of AB52:

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

The Twenty-Nine Palms Band of Mission Indians indicated that there is a possibility that Tribal Cultural Resources may be encountered. The following mitigation measure is required.

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

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

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

SB 18

SB 18 requires that, prior to the adoption or amendment of a city or county's general plan, the city or county consult with California Native American tribes for the purpose of preserving specified places, features, and objects located within the city or county's jurisdiction. This bill requires the planning agency to refer to the California Native American tribes specified by the Native American Heritage Commission and to provide them with opportunities for involvement. As required by SB18, the Land Use Services Department-Planning sent out a notification to the Native American tribes listed below. Tribes have 90-days from the date the notice was sent to indicate if consultation is requested,

The Colorado River Indian Tribes requested in-person government-to-government consultation. Land Use Services staff contacted the designated representative of the tribes on April 6, 2018. The tribes have not responded date. As such, the consultation is closed. However, in any event, Mitigation Measure TCR-1 above will ensure that any Native American Tribal Cultural Resources impacted during grading activities will be mitigated.

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

SUBSTANTIATION

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

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

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

The Project site is located within the boundaries of the Mojave Water Agency (MWA). According to the *MWA 2015 Urban Water Management Plan*, the project site is located within the Baja Subarea of the Mojave Water Agency (MWA).

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

Annual water use generated during the overall operation of the Project is estimated to be 220 AFY based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate water use for various types of land uses for analysis in CEQA documents

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

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

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

Construction Waste

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The California Green Building Standards Code ("CALGreen"), requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects required to submit a Waste Management Plan. Mandatory compliance with CALGreen solid waste requirements will ensure that construction waste impacts are less than significant.

Operational Waste

Waste generated during the operation of the Project is estimated to be 374 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents

Solid waste generated in the Project area is generally transported to the Barstow Sanitary Landfill. According to the Cal Recycle Facility/Site Summary Details website accessed on June 14, 2019 (<https://www2.calrecycle.ca.gov/swfacilities/Directory/36-AA-0045/>), the Barstow Sanitary Landfill has a remaining capacity of 71,481,660 cy and is not anticipated to reach capacity until 2071. As such, the Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

XIXe) No Impact. The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the *County of San Bernardino Countywide Integrated Waste Management Plan* which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

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

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

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

SUBSTANTIATION

XXa-d) **No Impact.** The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. The Project site is not located within a Fire Safety Area. As such, there is no impact.

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

SUBSTANTIATION

- XXIa) **Less Than Significant Impact With Mitigation Incorporated.** In instances where significant impacts have been identified, Mitigation Measures GEO-1-1 and TCR-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- XXIb) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures AQ-1, BIO-1, BIO-2, GEO-1, GHG 1-6, HAZ-1, HAZ-2, NOI-1, and TCR-1, are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.
- XXIc) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures AQ-1, GHG 1-6, HAZ-1, HAZ-2, and NOI-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which will cause substantial adverse effects on human beings, either directly or indirectly

XVIII MITIGATION MEASURES. Include mitigation measures here.

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

Mitigation Measure AQ-1- Tier 4 Equipment. Prior to the issuance of a grading permit or building permit for any phase, the following note shall be included on grading plans and building plans.

"The project applicant shall ensure that the construction contractor uses construction equipment that has Tier 4 Final engines during construction of Phases 1, 2, and 3."

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

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

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

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

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

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

Mitigation Measure -BIO-2: Desert Tortoise. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

"1. All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program. The program shall be administered by the Project Biologist or Environmental Monitor. The program may be given in the field prior to the start of

construction activities, and shall include truck drivers, delivery personnel, and other project-related to personnel who have attended the training.

2. An authorized biological monitor shall be present, as needed, during construction to ensure that tortoises or any other special status species enter the construction area and to remove or rescue any individuals that may be injured. Mortality of any tortoise shall be reported to wildlife agency staff.

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

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.

Prior to the issuance of a grading permit, the following note shall be placed on the grading plans:

"If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. If the discovery is located on BLM land, the Ridgecrest field office shall be contacted to evaluate the resource and make necessary plans for treatment. If the resource is located on private land, the County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

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

Mitigation Measure GHG- 1.GHG Reduction Measures. Prior to the issuance of a building permit for any phase, Project plans shall demonstrate that the project shall accrue at least 100 points in the Screening Table for implementation of GHG Reduction Measures for Commercial Development as detailed in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.

Mitigation Measure GHG-2- Waste Recycling. The Project operators for any phase shall require recycling programs that reduces waste to landfills by a minimum of 50 percent (up to 75% by 2020 per AB 341).

Mitigation Measure GHG-3. Sidewalks. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that sidewalks shall be provided within the Project boundary.

Mitigation Measure GHG-4. High Efficiency Lighting. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that high-efficiency lighting shall be

installed that is at least 10% more efficient than standard lighting and install Energy Star® appliances on-site.

Mitigation Measure GHG-5. Plumbing Fixtures. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all faucets, toilets and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20% per CalGreen Standards.

Mitigation Measure GHG-6. Exceed Title 24 Requirements. Prior to the issuance of building permits for any phase, Project plans shall demonstrate that all building structures meet or exceed 2016 Title 24, Part 6 Standards and meet Green Building Code Standards.

Mitigation Measure HAZ-1. Asbestos Removal.

Prior to the issuance of a grading permit or building permit (whichever comes first) for any area within the Open Space Area as shown on the site plan, the following note shall be included on the plans:

"The County of San Bernardino Land Use Services Department-Planning Division shall condition all grading and demolition permits associated with the clearing of existing on-site structures for any phase to comply with Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as specified under 40 CFR 61, Subpart M per MDAQMD Rule 1000 as it applies to asbestos removal and demolitions. All asbestos-related clearing work conducted on the site shall be performed by a licensed asbestos-abatement contractor under the supervision of a certified asbestos consultant. Asbestos-containing construction materials shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in MDAQMD rule 1000 to reduce asbestos-related health risks. The construction contractor shall maintain all records of compliance with Rule 1000, including, but not limited to, the following: evidence of notification of MDAQMD. Contact information for the asbestos-abatement contractor and asbestos consultant; and receipts (or other evidence) of off-site disposal of all asbestos containing materials. These records shall be made available for County inspection upon request."

Mitigation Measure HAZ-2. Soils Management Plan. Prior to the issuance of a grading permit for any area within the Open Space Area as shown on the site plan, the following note shall be included in the grading plans:

"Should construction activities be anticipated in the concrete bermed area where petroleum hydrocarbon contamination was found during the 2007 Phase II ESA, preparation of a soils management plan is recommended to assist in properly handling and disposing the impacted soil if encountered."

Mitigation Measure NOI-1-Construction Noise Mitigation Plan. Prior to the issuance of a grading permit for any phase, the developer is required to submit a construction-related noise mitigation plan to the County Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

"a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 7:00pm."

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors."

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

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

GENERAL REFERENCES

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

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

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

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

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

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

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

CEQA Guidelines, Appendix G.

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

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

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

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

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

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

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

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

Mojave Desert Air Quality Management District, 2004 Ozone Attainment Plan

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

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

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

PROJECT SPECIFIC REFERENCES

Appendices: (Under Separate Cover or on Compact Disk)

- Appendix A:** *Air Quality and Global Climate Change Impact Analysis*, Kunzman Associates, Inc., August 21, 2017,
- Appendix B:** *General Biological Resources Assessment, Dolores Lake Project*, RCA Associates, Inc., March, 2017
- Appendix C:** *Burrowing Owl Survey, Dolores Lake Project*, RCA Associates, Inc., August 15, 2017
- Appendix D:** *Cultural Resources (Phase I), Dolores Lake Project*, RCA Associates, Inc., April, 2017
- Appendix E:** *Geotechnical/Geologic Evaluation for CEQA Study, Dolores Lake Project*, CHG Consultants, March 2, 2017
- Appendix F:** *Phase I Environmental Site Assessment, 72 Hacienda Road, Newbury Springs, California, 92365*, EFI Global, Inc., March 24, 2017.
- Appendix G:** *Water Supply Assessment, Lake Dolores Project*, RCA Associates, Inc., March, 2017, (Appendix G)
- Appendix H:** *Hydrology and Hydraulic Report*, Sake Engineers, Inc., April 2019.
- Appendix I:** *Dolores Lake Traffic Impact Study*, Fehr-Peers, March 2017.

EXHIBIT D

Caltrans 9/11/2018 & 10/8/2019 Letters

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6thFLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-7017

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8

*Making Conservation
a California Way of Life.*

September 11, 2018

File: 08-SBd-15-PM 93.596

Rueben Arceo
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Subject: Dolores Lake Park – Traffic Impact Study dated November 2017

Dear Mr. Arceo,

The California Department of Transportation (Caltrans) has completed the review of the Traffic Impact Study for the Dolores Lake Park (project). This project is located on 267.41 acres in the unincorporated San Bernardino County (County). The project is bound by Mountain View Road on the east, Bragdon Road on the west, Cherokee Road on the north, and Hacienda Road to the south. The project proposes the construction of a Water Park, RV Park, Lake, and various administrative and commercial buildings.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

We have circulated copies of the plans and supporting documentation to our functional units for review. The Traffic Impact Analysis and Response to Comments Letter were reviewed by the Traffic Operations, Forecasting, and Electrical Operations units. Forecasting and Electrical Operations have no further comments at this time. Please see the remaining and/or additional comments below:

HYDRAULICS

1. Please provide 1 hard copy and 1 electronic copy of the Hydrology/Drainage Report.

"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"

Mr. Arceo
September 11, 2018
Page 2

TRAFFIC OPERATIONS

1. Provide a traffic analysis for the existing conditions and for the opening year.

Include Response to Comments with resubmittal. All comments should be addressed prior to proceeding with the Encroachment Permit Process.

Thank you for providing us the opportunity to review the Traffic Impact Study for the Dolores Lake Park Project and for your consideration of these and future comments. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate information to this office so that updated recommendations for impact mitigation may be provided. If you have questions concerning these comments, or would like to meet to discuss our concerns, please contact Ricky Rivers at (909) 806-3298 or myself at (909) 383-4557.

Sincerely,



MARK ROBERTS, AICP
Office Chief
Intergovernmental Review, Community and Regional Planning

DEPARTMENT OF TRANSPORTATION

OFFICE OF LOCAL DEVELOPMENT-INTERGOVERNMENTAL REVIEW

DISTRICT 8, PLANNING

464 W. 4TH STREET, 6TH FLOOR MS-725

SAN BERNARDINO, CA 92401

PHONE (909) 806-3923

TTY 711

www.dot.ca.gov/dist8

*Making Conservation
a California Way of Life.*

October 8, 2019

File: 08-SBd-15-PM 93.596

Cross Street: Hacienda Road

Mr. Rueben Arceo
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Hydrology and Hydraulic Report, Dolores Lake Park

Dear Mr. Arceo

The California Department of Transportation (Caltrans) has completed the review of the Hydrology and Hydraulic Report a park project, proposed on a 267.41 site (APN#: 0539-031-02-0000) at 72 Hacienda Road, east of Bragdon Road, west of Mountain View Road and North Hacienda Road, in the in the unincorporated community of Newberry Springs, San Bernardino County. This project proposes to develop and construct a Water Park, RV Park, Lake and various associated administrative and commercial buildings.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when a proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of San Bernardino, due to the project's potential impact to the State facilities, it is also subject to the policies and regulations that govern the SHS. Based on the provided Hydrology and Hydraulic Report see comments from our Hydraulics Unit below:

1. Post-development runoff should not exceed 90% of pre-development runoff per the requirements of San Bernardino County Flood Control. Some areas show an increase in post-development runoff. The post-development runoff reduction requirement shall be met for all areas at each stage of development.
2. Calculations for Area D show an increase of 8cfs (from 41cfs to 49cfs) not a decrease as stated in the report. Please note, the detention/retention basins for each area should reduce peak runoff rates for the 10 and 100-year storm return intervals per SBCFC requirements.

Mr. Rueben Arceo
October 8, 2019
Page 2

3. Soil (page 6) _ According to Soil Type exhibit, the site also contains soil type "D" not just type "A" as stated. This will affect the calculated runoff rates.
4. Please correct tabulated data to correlate with the calculations.
5. Area B shows a pre-development area of 108 acres and a post- development of 65 acres. It appears a portion of Area B is being diverted to Area A. This diversion will impact Hacienda Road and may potentially impact Interstate 15 right-of-way (R/W).

If a drainage impact or other encroachment into State Right-of-Way is undertaken at time of construction or future development, issuance of a Caltrans Encroachment Permit will be required. For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

All comments should be addressed and resubmitted prior to proceeding with the Encroachment Permit Process. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this project is later modified in any way, please forward copies of revised plans as necessary so that we may evaluate all proposed changes for potential impacts to the SHS. If you have any questions regarding this letter, please contact Jacob Mathew at (909) 806-3928 or me at (909) 806-3923.

Sincerely,



ROSA F. CLARK
Office Chief
Local Development-Intergovernmental Review (LD-IGR)

EXHIBIT E

California Department of Fish & Wildlife Letter and Staff's Response

**RESPONSES TO COMMENTS ON
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**LAKE DOLORES WATER PARK
P201300384
COUNTY OF SAN BERNARDINO
SCH NO. 2019089076**

October 8, 2019

RESPONSE TO COMMENTS

As required by the California Environmental Quality Act (CEQA) Guidelines Sections 15072 and 15073, a public Notice of Intent (NOI) to Adopt a Draft Mitigated Negative Declaration (MND) for the proposed project was posted and filed with the Clerk-Recorder of San Bernardino County on August 28, 2019. The NOI was mailed to the State Clearinghouse, local, and State agencies. The Draft MND was circulated for public review for a period of 30 days from August 22, 2019, to September 20, 2019.

Section 15074 (b) of the State CEQA Guidelines requires that prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

COMMENTS RECEIVED AND RESPONSE FORMAT

One (1) comment letter was received during the public review period from the California Department of Fish and Wildlife (CDFW) dated September 17, 2019.

STANDARD OF REVIEW

Section 15073.5 of the State CEQA Guidelines, Recirculation of a Negative Declaration Prior to Adoption, states:

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A “substantial revision” of the negative declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

(d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 17, 2019

Reuben J. Arceo
County of San Bernardino
Land Use Services Dept.- Planning Division
385 North Arrowhead Ave.
San Bernardino, CA 92415

Subject: Initial Study/Mitigated Negative Declaration- Lake Dolores Water Park (SCH2019089076).

Dear Mr. Arceo:

The California Department of Fish and Wildlife (CDFW) received the Initial Study and Mitigated Negative Declaration (MND) for Lake Dolores Water Park (SCH2019089076) (Project) from the County of San Bernardino Land Use Services Department- Planning Division (Lead Agency) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed project is in the city of Newberry Springs, along Interstate 15 about 20 miles northeast of the City of Barstow. The project location is bounded by Mountain View Road to the east, Bragdon Road to the west, Cherokee Road to the north, and Hacienda Road to the south.

Project Description

The proposed project includes the following:

G&GF Enterprises, LLC (Applicant) is requesting approval of a General Plan Land Use District Amendment to rezone a 267-acre lot from Rural Living to Highway Commercial. The Applicant is also requesting approval of a Conditional Use Permit to redevelop and operate a former water park and lake venue and provide a new RV Park. The Applicant proposes to reconstruct the park and construct approximately 45,727 square feet of Commercial Retail space, and 54,554 square feet of Office and Administrative floor area in 5 phases. Acreage of specified uses are noted in Table 1 below.

Phase I: Lake Operations.

Consists of the reconstruction and reopening and operation of the 22-acre lake and 2-acre pond.

Phase II:RV Park and Campground.

Consists of the construction and development of a Recreational Vehicle (RV) Park facility containing 224 RV trailer and camper stalls. The RV park will offer electrical power, water, gray water and black-water hook-ups services for a variety of RV vehicles that include Class A, B, C motorhomes, including 5th wheels and travel trailers, folding camping trailers and truck campers.

Phase III: Waterpark and Waterpark Parking.

Consists of the rehabilitation and construction of the waterpark and proposed parking area. The phase’s primary concentration is the rehabilitation and upgrade of the 41-acre former waterpark site.

Phase IV: Office/Administrative.

Consists of the construction of approximately 89,730 square feet of office and administrative space. The facilities include a proposed library, amphitheater, offices and public service buildings.

Phase V: Commercial Retail.

The Phase V portion of the project is just over half the building area proposed in Phase IV. Phase V proposes to construct approximately 45,727 square feet of buildable area for commercial and retail uses within a 13.6-acre site.

Table 1: Lake Dolores Specified uses

| SPECIFIED USES | ACRES |
|---|------------------|
| Gross area | 267 acres |
| Net area | 245.89 |
| Commercial | 14.0 |
| R.V. Camping | 27.7 |
| Waterpark | 13.0 |
| Waterpark parking | 14.1 |
| Recreational Water features | 8.7 |
| Administrative | 12.7 |
| Open space | 99 |
| Misc. landscaping, roadways, walkways, etc. | 57.1 |

COMMENTS AND RECOMMENDATIONS

Project Specific Comments and Recommendations

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The IS/MND notes that the information included in Section IV (Biological Resources) is based in part on the findings outlined in the General Biological Resources Assessment, Dolores Lake Project, RCA Associates, Inc., March 2017 and the Burrowing Owl Survey, Dolores Lake Project, RCA Associates, Inc. August 15, 2017. CDFW offers the following comments on RCA Associates, Inc.'s findings and conclusions drawn from these documents about the project's impacts to fish and wildlife resources:

- Subsection A concludes that the proposed project location does not contain any plant species identified as "threatened", "endangered", "special species", or "species of concern" by the Federal government or the State of California. It is unclear what survey method RCA Associates, Inc. used, as Appendix B was not provided for our review. Note that CDFW generally considers biological field assessments for rare plants valid for a period of up to three years. As March 2020 will mark 3 years since the publication of General Biological Resources Assessment, Dolores Lake Project, RCA Associates, Inc., March 2017, CDFW recommends the Lead Agency require a thorough, floristic- based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) before the commencement of project activities. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. If special status plants and natural communities may be impacted from the project, the Department recommends that the Lead Agency include specific avoidance, minimization, and mitigation measures in the environmental document and make the implementation of each measure a requirement. CDFW requests the completed surveys before permitting ground disturbing

CDFW LETTER PAGE 4

activities, and to be consulted for any avoidance, minimization, and mitigation measures that may be required.

- Subsection A concludes that the proposed project location does not support any population of burrowing owls, with a low probability of future presence at the project location. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Therefore, CDFW agrees with the Lead Agency's implementation of a mitigation measure to ensure the presence of burrowing owls has not changed at the project location since the completion of the previous survey in January and February 2017. CDFW recommends the Initial Study's Mitigation Measure- Bio-1- Preconstruction Burrowing Owl Survey be modified to require the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012); available for download from the Department's website:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline>

The Department expects the Lead Agency to follow the Staff Report on Burrowing Owl Mitigation, which specifies that the steps for project impact evaluations include a habitat assessment, surveys, and an impact assessment. If burrowing owls and/or their habitat may be impacted from the project, the Department recommends that the Lead Agency include specific avoidance, minimization, and mitigation measures in the environmental document and make the implementation of each measure a requirement. CDFW requests the opportunity to review the completed surveys before the permitting of ground disturbing activities, and to be consulted for any avoidance, minimization, and mitigation measures that may be required.

- Subsection A concludes that the proposed project location does not support suitable habitat for desert tortoise based on previous disturbances and removal of vegetation associated with the initial construction of the water park in 1962. It is noted in the Initial Study that, "no tortoises or any potential tortoise burrows or tortoise sign (scats, etc.) were noted during the field investigations conducted on the site in January and February 2017". It is unclear what survey method RCA Associates, Inc. used, as Appendix B was not provided for our review. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period and requires 100% cover surveys for determination of desert tortoise presence/absence. Additionally, it is referenced in the Initial study that "the site supports a variety of wildlife species" therefore, desert tortoise presence may be possible. CDFW suggests the Lead Agency modify the Initial Study's recommended Mitigation Measure- BIO-2: Desert Tortoise and require a pre-construction survey following survey and monitoring protocols and guidelines for desert tortoise (see: https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf)

If desert tortoise may be impacted by the project, the Department would like to reiterate that take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project, results in take of CESA-listed species, the Department recommends that the project proponent seek appropriate authorization prior to project implementation. This may include an incidental

DFW LETTER PAGE 5

take permit (ITP) or a consistency determination in certain circumstances (Fish and Game Code, §§ 2080.1 & 2081).

The Department also recommends that the Lead Agency include specific avoidance, minimization, and mitigation measures in the environmental document, and make the implementation of each measure a requirement. The Department requests the opportunity to review the completed surveys before the permitting of ground disturbing activities, and to be consulted for any avoidance, minimization, and mitigation measures that may be required. The permittee should also immediately notify the Department if any desert tortoise is observed/found on the project site.

- Subsection A concludes that the proposed project location does not support suitable habitat for Mohave ground squirrel. (MGS) The IS/MND states this is the opinion of RCA Associates, Inc. and their assumption is based on limited connectivity with surrounding suitable habitat, absence of small mammal burrows, lack of observations, and previous disturbances and removal of vegetation associated with the initial construction of the water park in 1962. It is acknowledged in the Initial Study that “the species is infrequently observed above ground except during a small window in the spring, but it should be noted that no Mohave ground squirrels were visually observed during the field investigations” therefore, CDFW recommends the Lead Agency require a focused species-specific survey, conducted by a qualified biologist at the appropriate time of year and time of day when MGS is active or otherwise identifiable using Mohave Ground Squirrel Survey Guidelines (see: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>) If Mohave ground squirrels and/or their habitat may be impacted by the project, the Department recommends that the Lead Agency include specific avoidance, minimization and mitigation measures in the environmental document, and make the implementation of each measure a requirement. Mohave ground squirrels are CESA-listed species.

Please consider that take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project, results in take of CESA-listed species, the Department recommends that the project proponent seek appropriate authorization prior to project implementation. This may include an incidental take permit (ITP) or a consistency determination in certain circumstances (Fish and Game Code, §§ 2080.1 & 2081). CDFW requests the opportunity to review the completed surveys before the permitting of ground disturbing activities, and to be consulted for any avoidance, minimization, and mitigation measures that may be required.

Lake and Streambed Alteration Program

It is unclear from the project description if any of the project activities will impact any dry washes, drainages, culverts, water crossings, or any surface flow. CDFW requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Fish and Game Code section 1602 states, “An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless

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all of the following occur...." Upon receipt of a complete notification, CDFW determines if the activities may substantially adversely affect existing fish and wildlife resources. CDFW recommends that prior to adoption of the MND the Lead Agency condition a new mitigation measure requiring the submission of a Notification of Lake or Streambed Alteration to CDFW's Lake and Streambed Alteration Program. Specifically, CDFW requests that the Lead Agency include the following new mitigation measure in the MND:

Mitigation Measure: Prior to commencement of Project activities the Applicant shall either: Obtain written correspondence from the California Department of Fish and Wildlife stating that notification under Section 1602 of the California Fish and Game Code is not required for the project; or obtain a copy of a CDFW-executed Lake or Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code, section 1602 resources associated with the project.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Conclusion

CDFW appreciates the opportunity to comment on the IS/MND. If you should have any questions pertaining to this letter, please contact Ashley Rosales, Environmental Scientist at Ashley.Rosales@Wildlife.ca.gov or (909)-980-8607.

SUMMARY OF CDFW COMMENTS AND COUNTY RESPONSES:

COMMENT NO. 1: Subsection A concludes that the proposed project location does not contain any plant species identified as “threatened”, “endangered”, “special species”, or “species of concern” by the Federal government or the State of California. It is unclear what survey method RCA Associates, Inc. used, as Appendix B was not provided for our review. Note that CDFW generally considers biological field assessments for rare plants valid for a period of up to three years. As March 2020 will mark 3 years since the publication of *General Biological Resources Assessment, Dolores Lake Project*, RCA Associates, Inc., March 2017, CDFW recommends the Lead Agency require a thorough, floristic based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities before the commencement of project activities. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. If special status plants and natural communities may be impacted from the project, the Department recommends that the Lead Agency include specific avoidance, minimization, and mitigation measures in the environmental document and make the implementation of each measure a requirement. CDFW requests the opportunity to review the completed surveys before permitting ground disturbing

COUNTY RESPONSE: Although the project description indicates development in phases, there is no restriction that would prohibit mass grading of the entire site prior to March 2020. In addition, due to past disturbances and development activities that have occurred on the site, habitat supporting special status plants and natural communities is not present on the site and is not expected to occur on the site. No revisions to the Initial Study/Mitigated negative Declaration are required.

COMMENT NO. 2: Subsection A concludes that the proposed project location does not support any population of burrowing owls, with a low probability of future presence at the project location. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Therefore, CDFW agrees with the Lead Agency's implementation of a mitigation measure to ensure the presence of burrowing owls has not changed at the project location since the completion of the previous survey in January and February 2017. CDFW recommends the Initial Study's Mitigation Measure- Bio-1- Preconstruction Burrowing Owl Survey be modified to require the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation.

COUNTY RESPONSE: Mitigation Measure BIO-1 states in part: “...*In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls...*” No further revision to Mitigation Measure BIO-1 is required in order to implement the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation.

COMMENT NO. 3: Subsection A concludes that the proposed project location does not support suitable habitat for desert tortoise based on previous disturbances and removal of vegetation associated with the initial construction of the water park in 1962. It is noted in the Initial Study that, “no tortoises or any potential tortoise burrows or tortoise sign (scats, etc.) were noted during the field investigations conducted on the site in January and February 2017”. It is unclear what survey method RCA Associates, Inc. used, as Appendix B was not provided for our review. Note that

CDFW generally considers biological field assessments for wildlife to be valid for a one-year period and requires 100% cover surveys for determination of desert tortoise presence/absence. Additionally, it is referenced in the Initial study that “the site supports a variety of wildlife species” therefore, desert tortoise presence may be possible. CDFW suggests the Lead Agency modify the Initial Study’s recommended Mitigation Measure- BIO-2: Desert Tortoise and require a pre-construction survey following survey and monitoring protocols and guidelines for desert tortoise.

COUNTY RESPONSE: Mitigation Measure BIO-2 will be revised as follows:

Mitigation Measure -BIO-2: Desert Tortoise. Prior to the issuance of a grading permit for any phase, the following note shall be included on grading plans:

1. Prior to grading for any phase, a qualified biologist shall conduct a pre-construction survey following survey and monitoring protocols and guidelines for desert tortoise (see: https://www.fws.gov/nevada/desert_tortoise/documents/manuals/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2017.pdf). The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino Land Use Services Department-Planning Division.

22. All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program. The program shall be administered by the Project Biologist or Environmental Monitor. The program may be given in the field prior to the start of construction activities, and shall include truck drivers, delivery personnel, and other project-related to personnel who have attended the training.

23. An authorized biological monitor shall be present, as needed, during construction to ensure that tortoises or any other special status species enter the construction area and to remove or rescue any individuals that may be injured. Mortality of any tortoise shall be reported to wildlife agency staff.

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

COMMENT NO. 4: Subsection A concludes that the proposed project location does not support suitable habitat for Mohave ground squirrel. (MGS) The IS/MND states this is the opinion of RCA Associates, Inc. and their assumption is based on limited connectivity with surrounding suitable habitat, absence of small mammal burrows, lack of observations, and previous disturbances and removal of vegetation associated with the initial construction of the water park in 1962. It is acknowledged in the Initial Study that “the species is infrequently observed above ground except during a small window in the spring, but it should be noted that no Mohave ground squirrels were visually observed during the field investigations” therefore, CDFW recommends the Lead Agency require a focused species-specific survey, conducted by a qualified biologist at the appropriate time of year and time of day when MGS is active or otherwise identifiable using Mohave Ground Squirrel Survey Guidelines.

COUNTY RESPONSE: As noted in the Biological Report prepared for the project, the site has been significantly disturbed since 1962 and the site provides no suitable habitat for the Mohave ground squirrel given the various development and operational activities which have occurred over the last 50-years. No revisions to the Initial Study/Mitigated negative Declaration are required.

COMMENT NO. 5: It is unclear from the project description if any of the project activities will impact any dry washes, drainages, culverts, water crossings, or any surface flow.

COUNTY RESPONSE: As noted in the Biological Report prepared for the project, no sensitive habitats such as blueline channels, dry washes, drainages, culverts, water crossings, or any surface were noted during the field investigations. No revisions to the Initial Study/Mitigated negative Declaration are required.

CONCLUSIONS

As noted in the responses above, Mitigation Measure BIO-2 has been revised as suggested by the CDFW. The revision to Mitigation Measure BIO-2 does not trigger any recirculation as required by CEQA Guidelines Section 15073.5. No revisions to the Initial Study/Mitigated negative Declaration are required as a result of any other CDFW comments nor does the CDFW question the County's determination that an MND is the appropriate CEQA compliance document for the proposed project.