



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** December 22, 2016

**AGENDA ITEM: 3**

**Project Description**

**Vicinity Map -**

**APN:** 0539-223-04  
**Applicant:** Newberry Springs Investment LLC  
**Community:** Yermo  
**Supervisor District:** 1<sup>st</sup> Supervisorial District  
**Location:** Southeast corner of Harvard Road & Hacienda Road.  
**Project No:** P201500299  
**Staff:** Reuben J. Arceo  
**Rep:** Ray Stadler  
**Proposal:** Conditional Use Permit to construct a 4,341 square foot retail/convenience store and fuel station on 2.22 acres of a 3.78 acre vacant property.



**10 Hearing Notices Sent on : December 9, 2016**

Report Prepared By: Reuben J. Arceo

**SITE INFORMATION:**

Parcel Size: 3.78 Gross Acres  
 Terrain: The site is currently vacant and relatively flat  
 Vegetation: Very sparse desert plants

**SURROUNDING LAND DESCRIPTION:**

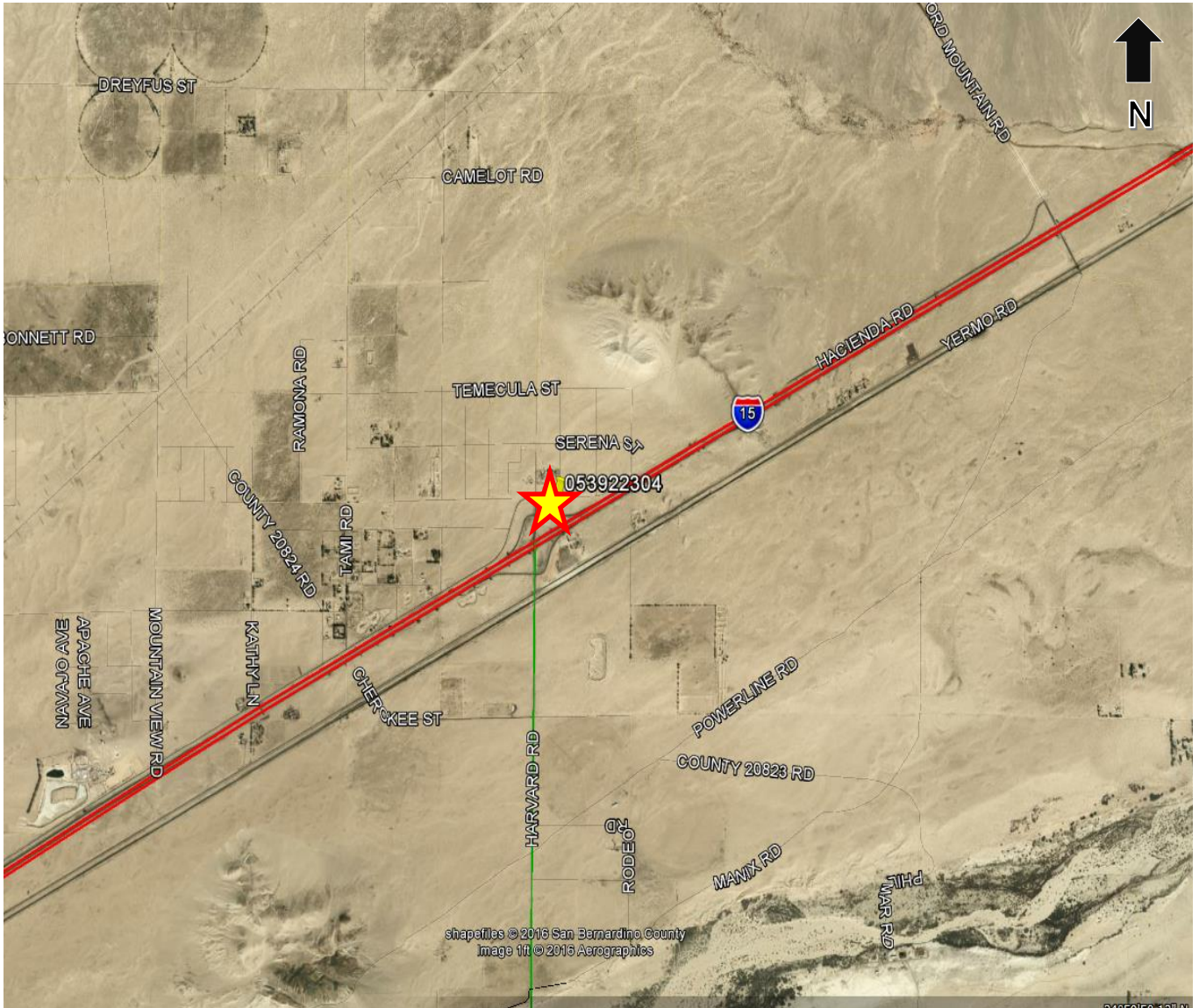
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant Land	Rural Commercial (CR)
North	Open Storage Yard	Rural Commercial (CR)
South	Vacant Land	Rural Commercial (CR)/Interstate 15
East	Vacant Land	Rural Commercial (CR)
West	Vacant Building	Rural Commercial (CR)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	On-Site Well	30,000 Gallon 16 foot High Water Tank
Sewer Service:	Septic	Percolation report required

**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the proposed Findings, **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval, and **FILE** a Notice of Determination.<sup>1</sup>

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

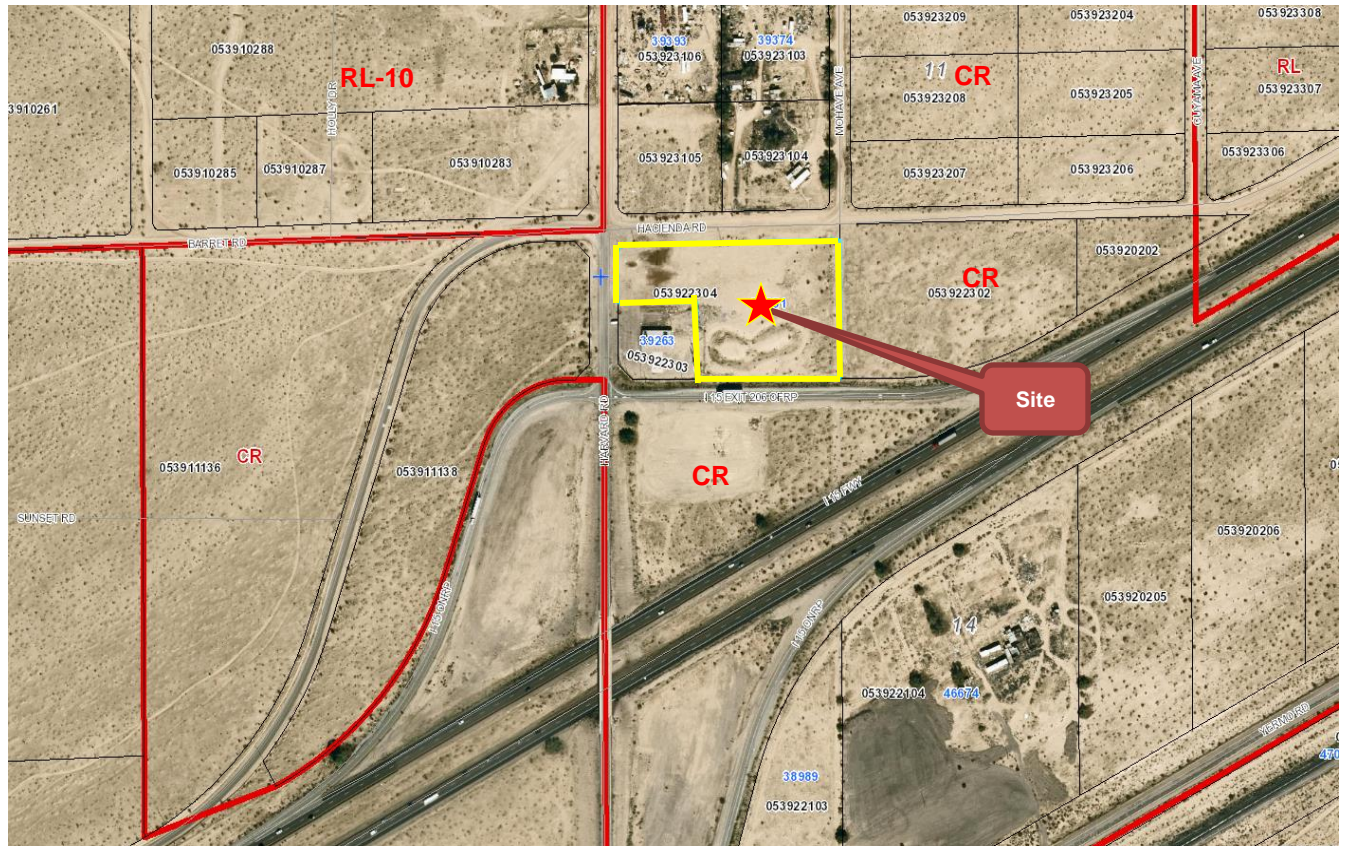
**VICINITY MAP:**  
Aerial view of the Newberry Springs Community and Project Site



(Imagery ©2016 Google Earth)



**OFFICIAL LAND USE DISTRICT MAP:**



(Imagery © 2016 Google Earth)





**SITE PHOTOS:**

The Project site is currently vacant. The street view below is facing east from Harvard Road.



The street view below is facing north east from Harvard Road



The view below is facing north from the 15 Fwy. Exit 206 Off ramp



Southeast view from Harvard Road



## **PROJECT DESCRIPTION AND BACKGROUND:**

Project Description. The Conditional Use Permit application (Project) is proposed to establish a 4,341 square-foot retail convenience store and fueling station containing twelve (12) gasoline pumps and four diesel dispensing units for tractor-trailers on a portion of a 3.78-acre vacant site. The Project is located in the community of Newberry Springs, in the Rural Commercial (CR) land use district. The Project design provides for a 20-foot high commercial retail structure, a 14-foot high fuel-station canopy, a 25-foot high free-standing pole sign, and a four (4)-foot high monument sign. The Project will incorporate hardscape and landscape improvements, parking and driveway paving, two (2) storm water detention basins, and right-of way improvements. Ancillary equipment associated with the operation will include a 16-foot high water storage tank, approximately 17 feet in diameter, and two above ground fuel tanks which will extend to a height of 10 feet 6 inches, located at the northeast corner of the site, adjacent to one of two main vehicular entry points.

CUP Application. The subject property is located in the community of Newberry Springs at the southeast corner of Harvard Road and Hacienda Road. The site abuts a one (1) acre lot containing a commercial structure that once operated commercially as a retail and service use. The owner of the adjacent vacant structure has submitted an application to rehabilitate the structure to develop a coffee shop with a drive-through and a gas station with five fuel pumps. The subject site and the adjacent property are zoned Rural Commercial (CR), which provides for a variety of retail and commercial service uses, including restaurants, gas stations and retail stores. Gas (service) stations are permitted in the CR zone subject to approval of a Minor Use Permit (MUP) or Conditional Use Permit (CUP). The San Bernardino County (County) Development Code (Code) specifies in section 85.06.040 (b) (3) that any application that is likely to result in controversy shall not be processed as an MUP. Instead, the Code requires that the application be processed as a CUP, which requires a public hearing by the Planning Commission. The adjoining property owner submitted a letter of objection to the Project, which specifically cites section 85.06.040 of the Code. Based on this controversy, the Project is presented for review by the Planning Commission as a CUP.

## **PROJECT ANALYSIS:**

Road Improvements. The site's primary and only means of access will be off Hacienda Road. There are no secondary access points proposed on Harvard Road. The Project has been conditioned to improve Hacienda Road, which is currently unimproved, with curb and gutter and paving to a minimum width of 26 feet along the entire northerly Project boundary. The Hacienda Road street improvements will extend approximately 640 feet, between the intersections with Harvard Road and Mohave Avenue. Improvement of the Harvard Road frontage is also required, including curb and gutter, with match-up paving. Two 50-foot wide driveway entries are designed to accommodate two-way vehicular and truck traffic onto the site from Hacienda Road. All required street improvements are required to comply with the latest County Standard Plans, in accordance with "Desert" Road Standards.

Traffic Analysis. A Traffic Impact Analysis (TIA) and update was prepared by Kunzman Associates dated June 22, 2016. Project traffic was studied for daily traffic and morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic. The Project trip generation is estimated to be approximately 2,279 daily vehicle trips, 190 of which will occur during the Friday evening peak hour and 190 during the Sunday mid-day peak hour. Traffic impact mitigation recommended by the TIA has been incorporated in the conditions of approval recommended for the Project. Caltrans reviewed the TIA and the Project plans, and concurred with approval of the Project subject to the recommended conditions of approval, as indicated in the letter dated September 12, 2016, attached as Exhibit D.

Airport Safety. The site is located within the Airport Safety Overlay District 4 (AR4), which includes low-altitude/high speed corridors designated for military aircraft use. The applicant will be required to obtain an Avigation Easement from the appropriate military agency and recorded. A copy must be submitted to the county before the issuance of building permits.

Code Compliance. The Project as proposed satisfies the applicable standards of the Development Code. The proposed site plan complies with the applicable CR development standards as noted in the following Table 1:

**Table 1: Project Facilities**

Site Development	Required		Proposed
Parking	24		30
Landscaping	Trees Minimum Retail Landscaping	3 20%	15 23%
Setbacks	Front Side Rear	15' 15' 10'	16' 30' 18'
Drive Aisle	24'		50'
Signage	Pole Sign Monument Sign	Height 25' Height 4'	25' 4'

Proposed Operations. The Project will employ 10 full-time and 3 part-time employees, with both the convenience store and fueling station operating 24 hours a day. The convenience store will provide cold drinks, snacks and other similar merchandise for sale. Currently, no beer or wine sales are proposed. If the applicant decides to pursue a license to sell alcoholic beverages in the future, an application to the California Department of Alcoholic Beverage Control (ABC) will be required.

**PUBLIC COMMENTS:**

Upon initial acceptance of the Project application, the Planning Division sent project notices to surrounding property owners within the required radius of the site. Hearing notices were also mailed to surrounding property owners in advance of the public hearing. The only public comment received is the letter of objection attached as Exhibit E. The letter objects to the Project on the grounds that the Project is a deliberate attempt to deprive the adjacent property owner of the opportunity to develop a gas station on his property, by getting a development plan approved first.

**ENVIRONMENTAL REVIEW:**

An Initial Study (IS)/Mitigated Negative Declaration (MND) has been prepared to evaluate the environmental impacts of the Project, in compliance with the California Environmental Quality Act (CEQA). The IS/MND was posted on the County website and a Notice of Availability/Notice of Intent to adopt an MND was mailed to surrounding property owners on November 4, 2016 for a twenty (20)-day review and comment period. No comments were received on the IS/MND. With the recommended mitigation measures incorporated as conditions of approval, the IS/MND concludes that the Project will have no significant impacts on the environment. Therefore, staff recommends adoption of the MND.



**RECOMMENDATION:**

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **APPROVE** the Conditional Use Permit to establish a 4,341 square-foot retail convenience store and fueling station on a portion of 3.78 acres subject to the Conditions of Approval;
3. **ADOPT** the Findings as contained in the Staff Report; and
4. Direct staff to **FILE** the Notice of Determination.

**ATTACHMENTS:**

- EXHIBIT A: Findings
- EXHIBIT B: Conditions of Approval
- EXHIBIT C: Site Plan
- EXHIBIT D: Caltrans Letter
- EXHIBIT E: Public Comment Letter
- EXHIBIT F: Initial Study/Mitigated Negative Declaration

# EXHIBIT A

## Findings

## PROJECT FINDINGS

The Conditional Use Permit (CUP) (Project) is conditionally approved to establish a 4,341 square-foot retail convenience store and fuel station containing twelve (12) gasoline pumps and four (4) diesel dispensing units for tractor-trailers and 396 square foot patio on a portion of a 3.78-acre vacant site in the community of Newberry Springs subject to the Conditions of Approval and Project consistency with the following finding requirements:

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

The site's gross acreage is 3.78, of which 2.2 acres will be developed to accommodate the convenience store, fueling station and appurtenances. The site is currently vacant, and located on an 'L' shaped lot. The site is adequate in shape and size to provide all required features pertaining to the proposed retail and fueling station. The proposed use is in compliance with applicable development standards of the Rural Commercial zoning district and accommodates the following required Project features: landscaping, loading areas, open spaces, parking areas, and aisle widths yard setbacks in accordance with the CR zoning district.

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

The proposed Project will have two main entries to provide vehicular access from Hacienda Road once the street improvements on Hacienda Road are completed. The proposed road improvements are a condition set forth on the Project, designed to incorporate appropriate street characteristics to serve the Project. In addition, there is adequate interior circulation on the parcel to facilitate circulation for both vehicles and trucks utilizing the fuel station facilities and convenience store.

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

The proposed convenience store and fueling station is a conditionally permitted use in the Rural Commercial (CR) zoning district. The Project requires a thorough review and approval of a submitted CUP application. The Project's operational conformance is predicated on the evaluation of the noise and septic tank system by Environmental Health Services, on traffic by Public Works and Caltrans, and street improvements by Land Development to ensure that the County's development requirements are met. The agencies determined that with incorporation of design criteria and adherence with the Conditions of Approval, the Project's proposed standards will reduce any potential operational disturbances and improve traffic efficiency.

Once constructed, the store will operate 24 hours a day, seven (7) days per week on property that is zoned for such uses. The adjacent properties to the north and south are within the same zoning district. The properties located east west, and directly south of the subject parcel are vacant. An existing vacant structure located south east on a separate parcel once operated as a similar commercial establishment. The property to the north operates as an unofficial rest stop for travelers. The Project adheres to all



required building and development setbacks in the CR zoning district. The structures and proposed use will not substantially interfere with the present or future ability to use solar energy systems.

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

The proposed Project and manner of development are consistent with the General Plan and Rural Commercial zoning district of the Development Code. The proposed convenience store and fueling station incorporate a color and design scheme and landscaping that is sensitive to the desert environment. The proposed Project will cater to the community's current needs and desires.

Moreover, the General Plan is supportive of the development of retail establishments, in particular ones that preserve the unique character of the desert/rural community. Specifically, the General Plan states that the County should implement the following goal and policy:

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 areas.

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.

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

Street infrastructure improvements are contained in the Conditions of Approval to facilitate vehicular and truck movement and circulation to the site. Road improvements have been conditioned along Harvard Road and Hacienda Road to provide access. The Project has been conditioned to require curb and gutter and a minimum of 26 feet in width of paving along the entire street fronting the north boundary line of the Project. The Hacienda Road street improvements shall extend east to the intersection of Hacienda Road and Mohave Avenue. Two main driveway entries 50 feet in width are designed to accommodate two-way vehicular and truck traffic. All required street improvements are required to comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans in accordance with "Desert" Road Standards. Staff has concluded that adequate services levels for infrastructure will be maintained when considering the development as proposed.

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

The Project's Conditions of Approval, including mitigation, largely reflect standard County conditions and environmental vetting provisions of CEQA, refined over time and designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare.

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

The design of the building has adequate building setbacks and space for the future ability to construct rooftop and ground solar facilities. The proposed structures and impervious surfaces will only occupy 47% of the 3.78 gross acres, allowing space for the use of solar energy systems and passive or natural heating and cooling opportunities. Implementation of the Project will not impede any future development of solar energy generation systems on adjacent parcels.

### **ENVIRONMENTAL FINDING**

In conformance with the requirements of the California Environmental Quality Act (CEQA), an Initial Study (IS) was prepared to evaluate the environmental impacts of the Project. Mitigation measures incorporated as part of the Project's conditions of approval reduce impacts to a level less than significant, so a Mitigation Negative Declaration (MND) is appropriate for adoption. The IS and MND represent the independent judgment of the County acting as lead agency for the Project. The MND/IS was posted on the County website for the twenty (20) day review and comment period and a Notice of Availability/Notice of Intent was mailed to property owners within 300 feet of the Project.

## **EXHIBIT B**

### Conditions of Approval



**CONDITIONS OF APPROVAL**

Newberry Springs Investment P201500299  
Conditional Use Permit

**GENERAL REQUIREMENTS**

Conditions of Operation and Procedure

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

1. Project Approval Description. This Conditional Use Permit (CUP) is approved to establish a 4,341 square-foot retail convenience store and attached 396 square foot patio, fuel station containing twelve (12) gasoline pumps and four diesel dispensing units for tractor-trailers on a portion of 3.78 acre vacant site. Project APN: 0539-223-04, Project No. P201500299.
2. Code Compliance. The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and approved site plan to every current and future developer to facilitate compliance with these conditions of approval and continuous use requirements for the project site.
3. Project Location. The Project site is located in the community of Newberry Springs at the southeast corner of Harvard Road and Hacienda Road.
4. 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)
5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

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

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

7. Continuous Effect/Revocation. All Conditions of Approval applied to this Project shall be effective continuously throughout the operative life of the Project for the approved use. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

Newberry Springs Investment, LLC

APN: 0539-223-04/P201500299

Planning Commission Hearing: December 22, 2016

Effective Date: January 3, 2017

Expiration Date: January 3, 2020

9. Project Account. The Job Costing System (JCS) account number is P201500299. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
  
10. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
  - 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.
  
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
  
12. 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.
  
13. Additional Permits. The property owner, land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
  - a) FEDERAL: None Identified
  - b) STATE: California Department of Fish and Wildlife
  - c) COUNTY: Land Use Services/Building and Safety/Code Enforcement/Land Development and Planning, County Fire; Public Health/Environmental Health Services (DEHS), Public Works, AND
  - d) LOCAL: Military (Avigation Easement)
  
14. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property



owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
- b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
- c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
- d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
- e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
- f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
- g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
- h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
- i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
- j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

- 15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

16. Lighting. Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
  
17. 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: public transit information, 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.
  - 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.
  
18. Operating Hours. The convenience store and fueling station will operate twenty-four (24) hours per day, seven (7) days per week.
  
19. 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.
  
20. 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.
  
21. 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.

- 22. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - a. All construction equipment shall be muffled in accordance with manufacturer’s specifications.
  - b. 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.
  - c. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

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

- 23. Enforcement. If any County agency is 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.
- 24. Weed Abatement. The “developer” shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] 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**

- 25. 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.
- 26. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
- 27. 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.

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

- 28. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
- 29. Septic System Maintenance. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a Department of Environmental Health Services (DEHS) permitted pumper.

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

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

- 31. Construction Permit. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permits is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 day 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 (1) 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.
- 32. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
- 33. Permit Expiration. 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.

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- 34. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and 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.
  
- 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 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 of one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance # 3586.

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

- 36. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
  
- 37. Mandatory Commercial Recycling. Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
  
- 38. Mandatory Organics Recycling. As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction’s franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction’s franchise agreement includes 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.



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

The Following Shall Be Completed

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

- 39. 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.
- 40. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cubic Yards.
- 41. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
- 42. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
- 43. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
- 44. Regional Board Permit Letter. CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

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

- 45. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
  - a. Implement the approved Coating Restriction Plans.
  - b. Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
  - c. Grading contractor shall provide the implement the following when possible:
    - 1. training operators to use equipment more efficiently.
    - 2. identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
    - 3. replacing older, less fuel-efficient equipment with newer models
    - 4. use GPS for grading to maximize efficiency
  - d. Grading plans shall include the following statements:
    - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”

- “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
  - e. Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person 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.
46. Burrowing Owl Mitigation – *Pre-Construction Survey. Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:*
- *If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible.*
  - *If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW’s Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.*
  - *Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.*
47. Burrowing Owl Mitigation. – *Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted. At a minimum, the plan will include the following elements:*

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

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

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

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

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

49. *Excavation*. *If human remains are encountered on the property, the San Bernardino County Coroner’s Office Must be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. Contact the County Corner at 175 South Lena Road, San Bernardino, CA 92415-0037 or (909) 387-2543.*

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

- 50. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
  
- 51. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 4000H dated 08/28/2008. The flood area is undetermined in this area. 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 the issuance of grading permit.
  
- 52. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
  
- 53. Grading Plans. Grading plans shall be submitted for review and approval obtained. An \$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

- 54. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
- 55. Outdoor Lighting Plans. Any proposed outdoor lighting shall require the preparation of a lighting plan. One copy of a professionally prepared outdoor lighting plan shall be submitted for plan review with appropriate fees and the plan shall be approved and permits obtained, prior to any lighting installation.

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

- 56. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code, as well as the East Valley Area Plan requirements. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
- 57. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning that the following measures have been incorporated into the design of the project. These are to reduce potential project impacts on greenhouse gases (GHGs): 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 implemented July 1, 2014. 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 January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):
    - 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.



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- 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.
  - If possible, utilize grey water systems and dual plumbing for recycled water.
- 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.
  - The developer shall ensure that a minimum of 2.5 percent of the project's electricity needs is provided by on-site solar panels.
- d) Building Design. Building design and construction shall incorporate the following elements:
- 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 equipment 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. 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. If available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program

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shall ensure that appropriate bus route information is available to tenants and homeowners.

- 58. Water Silo. The seventeen (17) foot wide diameter, sixteen (16) foot high water silo as noted in the site plan shall be painted to match the color scheme of the building.
- 59. Avigation Easement. The applicant shall obtain an avigation easement from the airport authority and/or military agency whose air flight easement is affected by the project. The applicant shall submit evidence of the avigation agreement and submit a copy of the agreement to the Planning Division for filing.
- 60. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
  - a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - b. All sign lighting shall not exceed 0.5 foot-candle.
  - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
  - d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
- 61. *Building Elevations.* *The developer shall obtain approval from County Planning for exterior elevations on all four sides of the proposed building and any proposed walls or fences. The elevations shall demonstrate horizontal and vertical elements (e.g. trim design, architectural elements, windows, etc.). All sides of the building, except loading dock areas shall have landscape planters adjacent to the building walls. The building shall be a neutral or earth tone color and shall include elements of design that are typical of the desert region (e.g. stucco, and natural wood etc.). The use of trellis and arbors are encouraged for the patio. Where possible, all new proposed structures and their related elements shall be painted, or treated to blend in with the natural environment and the proposed building structure. All roof mounted mechanical equipment shall be screened from view and shall be painted to match the roof color. All above ground storage tanks shall be painted a neutral or earth-tone color. The pole for the proposed pylon sign shall be painted a neutral or earth-tone color.*

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

- 62. 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.

**Harvard Road (Local Street – 60’)**

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.

**Hacienda Road (Local Street, No Designation – 60’)**

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline with a minimum 26 feet paved section within a 40 foot right-of-way.
- Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.

63. 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.
64. 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.
65. 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.
66. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
67. 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.

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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.

- 68. 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.
- 69. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

**COUNTY FIRE DEPARTMENT– Community Safety (909) 387-4140**

- 70. Rural Water System Commercial. In areas without water serving utilities, the fire protection system shall be designed to NFPA 1142 and shall be operational prior to framing. All NFPA 1142 systems shall provide an approved permanent water supply. Water supply systems may be mitigated with an approved NFPA 13 or 13R fire sprinkler system.
- 71. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Single Story Road Access Width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. Multi-Story Road Access Width: Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
- 72. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
- 73. 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.
- 74. 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.
- 75. 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.

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- 76. 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, to including width, vertical clearance and turnouts, if required.
- 77. 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.
- 78. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
- 79. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8” scale) with manufactures’ specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

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

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

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

- 81. Water Purveyor. Water Purveyor shall be DEHS approved. Applicant shall procure a verification letter from the water agency that has jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor’s Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
- 82. Water System Permit. If an approved water purveyor cannot serve the project, individual wells may be authorized for each parcel, providing that the County Development Code standards can be met. Plans will be required to demonstrate compliance with well and septic system location requirements (§ 83.09.060). Each source of water shall meet water quality and quantity standards. Test results confirming that each 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 (909) 387-4655.
- 83. Well Closure. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to DEHS standards, properly sealed and certified as inactive OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
- 84. Wastewater Treatment Systems. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may be allowed under the following conditions: A



soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.

- 85. Existing Septic Systems. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.) Registered Environmental Health Specialist (REHS), C42 Contractor, Certified Engineering Geologist (C.E.G.), etc) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
- 86. Water/Sewer Connection. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor’s jurisdiction. For information, contact LAFCO at: 909 383-9900.
- 87. RWQCB. Written clearance shall be obtained from the designated California Regional Water Quality Control Board and a copy forwarded to DEHS: Lahontan Region, 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583.
- 88. Acoustical Study. 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.
- 89. Food Establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800 442-2283.

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

- 90. 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/solidwaste](http://www.sbcounty.gov/dpw/solidwaste). An approved CDWMP Part 1 is required before a demolition permit can be issued.

Upon completion of demolition, the developer shall complete SWMD’s CDWMP Part 2 and shall provide documentation of diversion of materials including but not limited to receipts, invoices or letters showing material type(s) and weights or volume from diversion facilities or certification of reuse of materials on site. An approved Part 2 of the CDWMP is required prior to issuance of building permits.

Newberry Springs Investment, LLC  
 APN: 0539-223-04/P201500299  
 Planning Commission Hearing: December 22, 2016

Effective Date: January 3, 2017  
 Expiration Date: January 3, 2020

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

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

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

- 92. 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 P201500299.
- 93. 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).
- 94. 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.
- 95. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
- 96. 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.
- 97. Installation of Improvements. All required on-site improvements shall be installed per approved plans.

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

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

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

- 99. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
- 100. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

Newberry Springs Investment, LLC  
 APN: 0539-223-04/P201500299  
 Planning Commission Hearing: December 22, 2016

Effective Date: January 3, 2017  
 Expiration Date: January 3, 2020

- 101. Caltrans approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.
- 102. 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.
- 103. 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.
- 104. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

**COUNTY FIRE DEPARTMENT – Community Safety (909) 387-4140**

- 105. Inspection by 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 “fire final”.
- 106. 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.
- 107. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- 108. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
- 109. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

Newberry Springs Investment, LLC  
 APN: 0539-223-04/P201500299  
 Planning Commission Hearing: December 22, 2016

Effective Date: January 3, 2017  
 Expiration Date: January 3, 2020

**COUNTY FIRE - Hazardous Material Division (909) 386-8401**

- 110. Business Emergency Plan. Prior to occupancy, the operator shall submit either a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact County Fire Department/Hazardous Materials Division/Emergency Response and Enforcement Section at (909) 386-8401.
  
- 111. Hazardous Material Permits. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, call County Fire Department/Hazardous Materials Division/Field Services Section at (909) 386-8401.

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

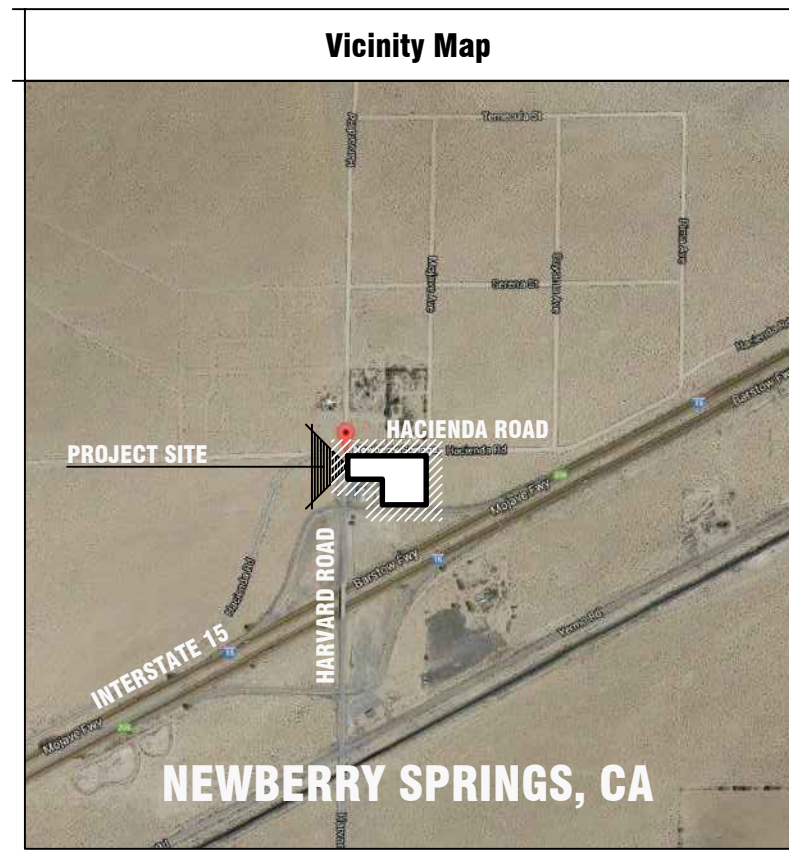
- 112. C&D Plan – Part 2. The developer shall complete SWMD’s C&D Plan Part 2”. This summary shall provide documentation of actual diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall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

END OF CONDITIONS

# EXHIBIT C

## Site Plan





**Utilities**

<b>WATER</b>	ON SITE WELL
<b>SEWER</b>	ON SITE SEWAGE DISPOSAL SYSTEM
<b>ELECTRICITY</b>	PACIFIC ELECTRIC & GAS 35863 FAIRVIEW RD HINKLEY, CA (760) 233-2925
<b>GAS</b>	N/A

**Land Use**

<b>LAND USE DISTRICT</b>	CR, RURAL COMMERCIAL
<b>LAND USE CLASSIFICATION</b>	RETAIL, CONVENIENCE STORE
<b>OVERLAY DISTRICT</b>	AR-4, BIOTIC RESOURCES
<b>BUILDING COVERAGE</b>	3%

**Parking**

CATEGORY (LIST ALL APPLICABLE, MIN. 4 PARKING SPACES(SP))	SQ FT	FACTOR	REGD PARKING
5. TOTAL EMPLOYEES LARGEST SHIFT (1sp/employee)	3	1	3
6. LOADING ZONE (1sp/500sq. ft.)	4352	5000	1
9. DISABLED PARKING (min. 1 Van accessible, 17x19)	1	1	1
10. LIST OTHER PARKING STANDARDS HERE	0		
CONVENIENCE STORE	4352	250	17
COVERED PATIO	456	250	2
<b>TOTAL PARKING REQUIRED (TOTAL MINUS DISABLED)</b>			<b>24</b>

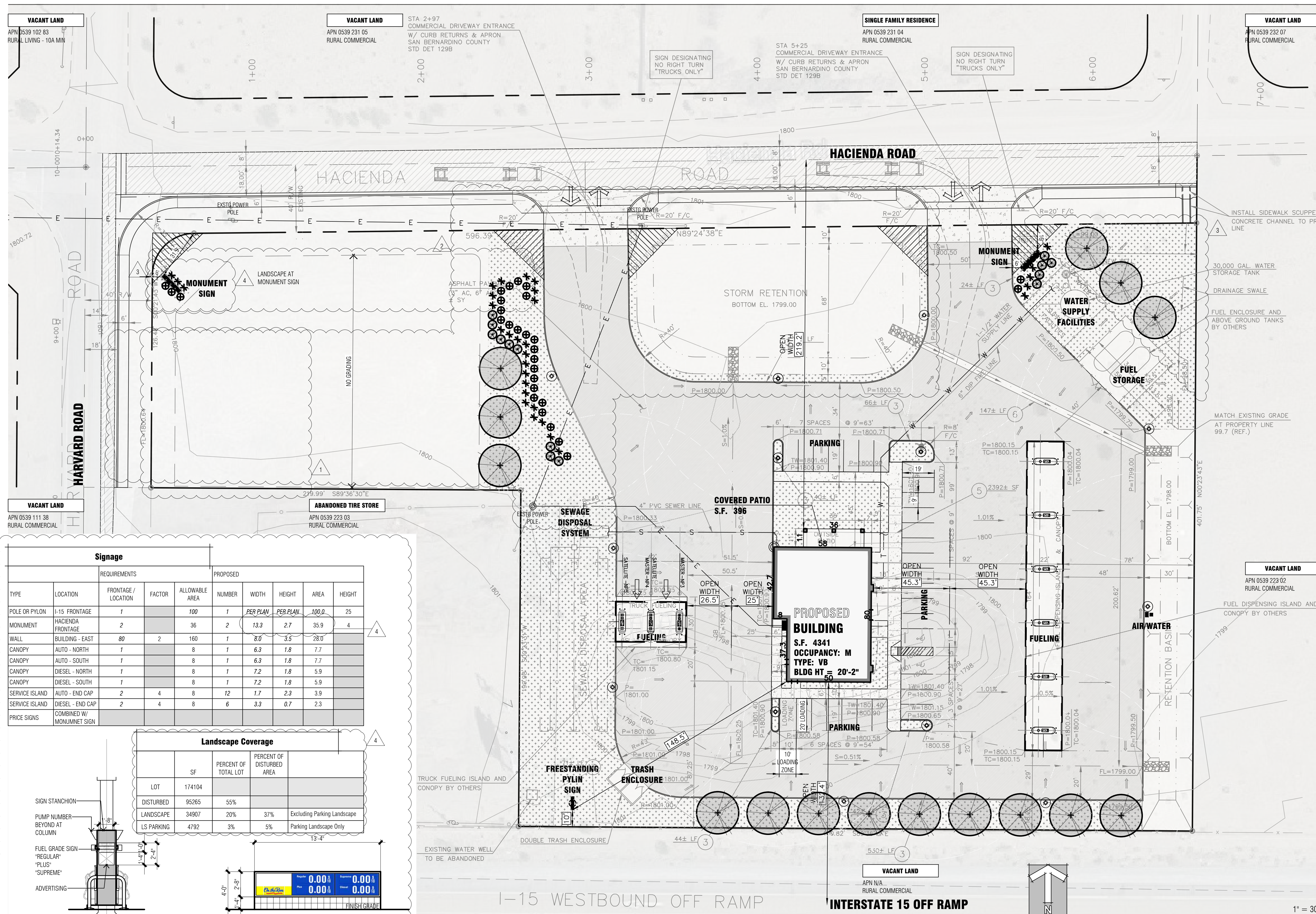
**PROPOSED PARKING**

1. Regular parking (minimum 9' x 19')	27		
2. Compact parking (no more than 25%, min. 7.5' x 15')	0		
3. Van accessible Disabled parking (min. 1sp, min. 17' x 19')	1		
4. Disabled parking (1sp. per 25, min. 14' x 19')	1		
5. Loading zone (min. 1sp/5,000 sq. ft., min. 10' x 20')	1		
<b>TOTAL PARKING PROPOSED</b>	<b>30</b>		

Note: All parking must be double striped and all access drives shall be paved a minimum of 2'

**Lot Coverage**

<b>BUILDING</b>	3%
<b>PAVING</b>	44%
<b>LANDSCAPING</b>	20% EXCLUSIVE OF PARKING LS 3% PARKING LS ONLY 23% TOTAL
<b>OPEN SPACE</b>	56%



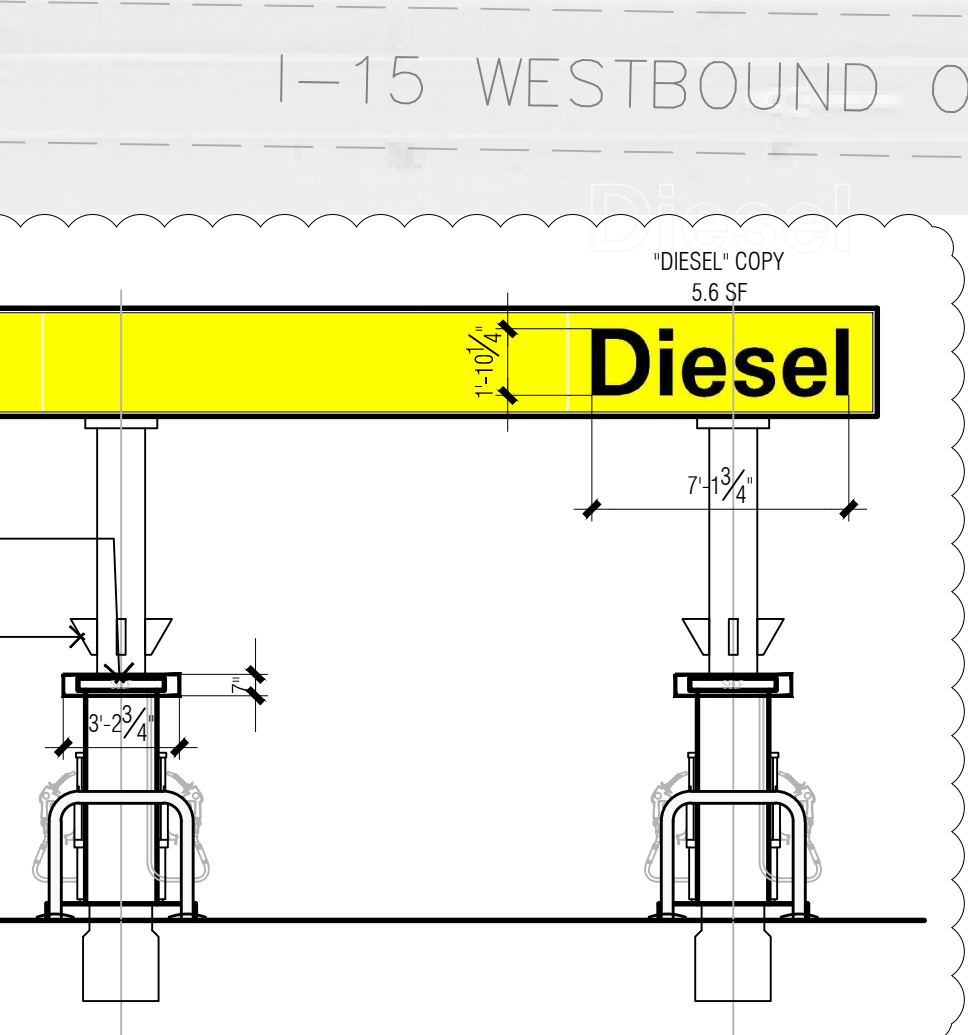
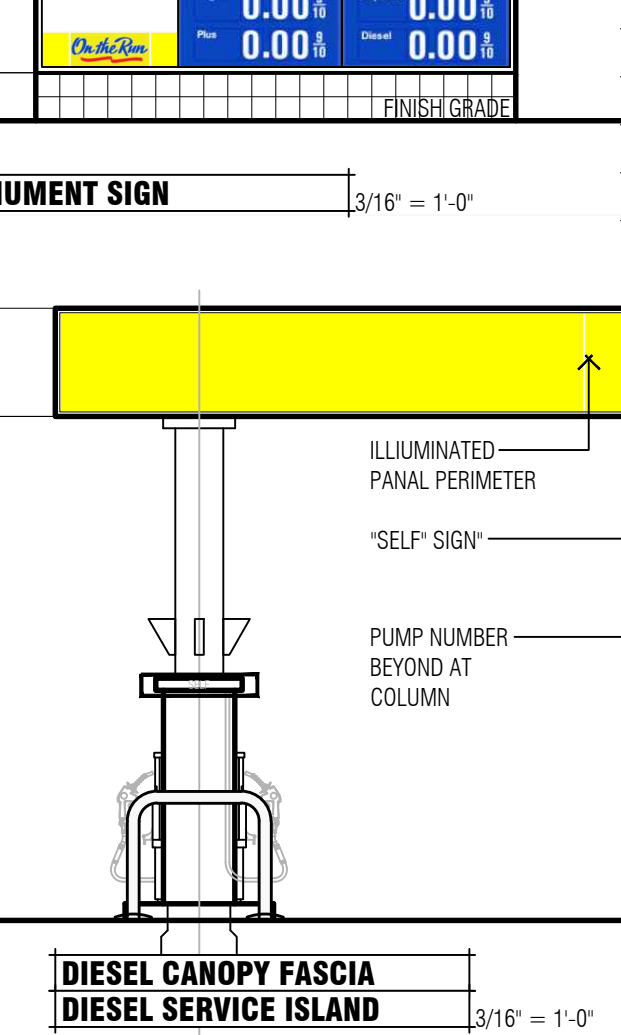
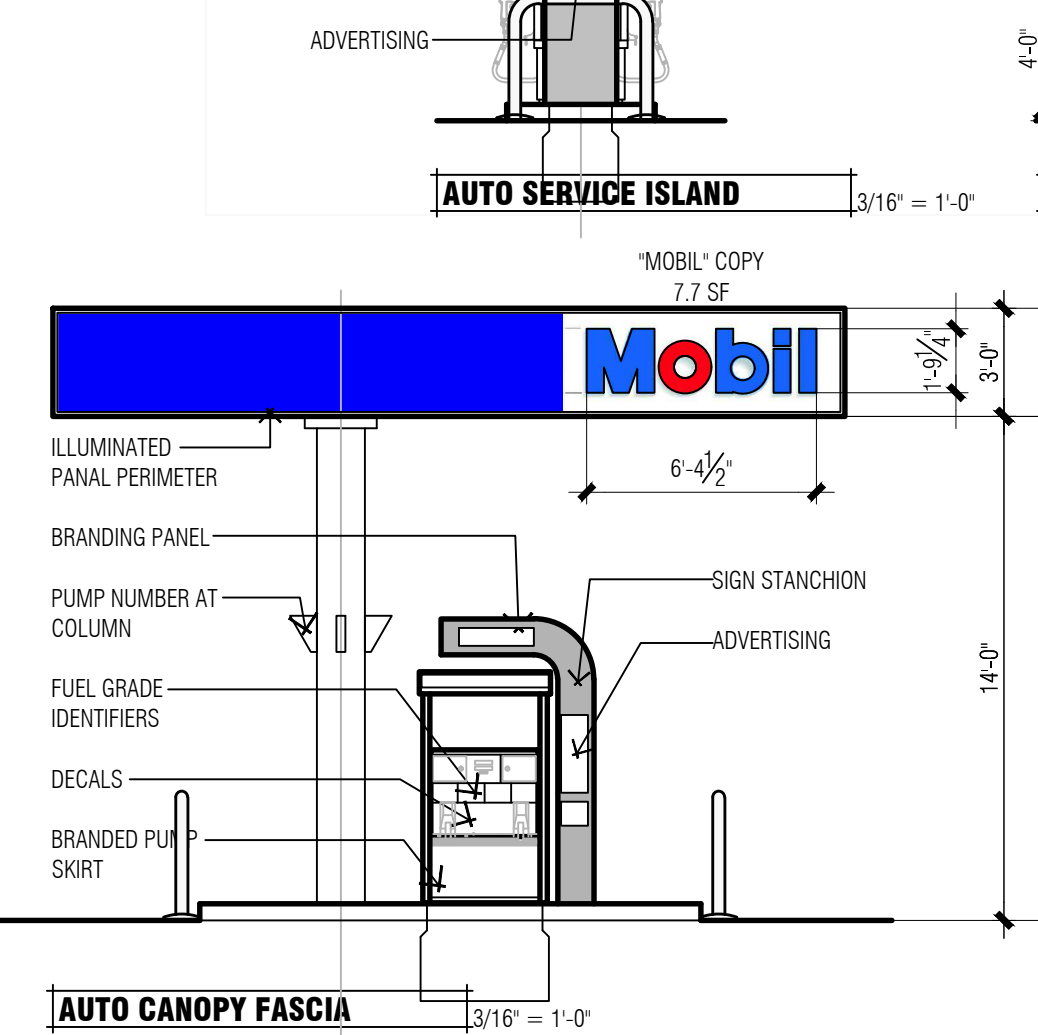
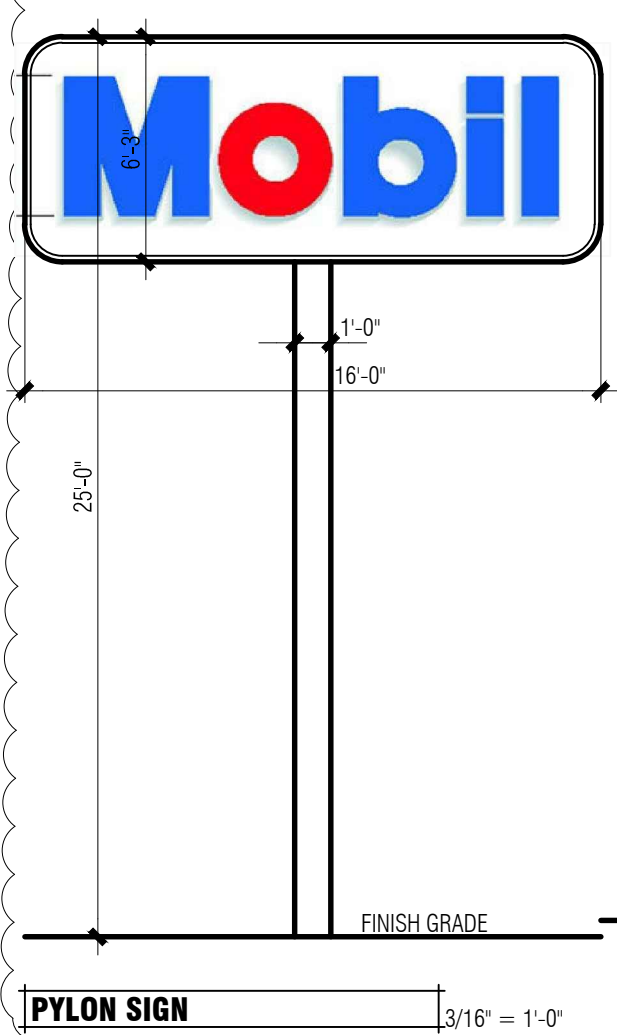
**Signage**

REQUIREMENTS		PROPOSED							
TYPE	LOCATION	FRONTAGE / LOCATION	FACTOR	ALLOWABLE AREA	NUMBER	WIDTH	HEIGHT	AREA	HEIGHT
POLE OR PYLON	I-15 FRONTAGE	1	100	100	1	PER PLAN	PER PLAN	100.0	25
MONUMENT	HACIENDA FRONTAGE	2	36	2	13.3	2.7	35.9	4	
WALL	BUILDING - EAST	80	2	160	1	8.0	3.5	28.0	
CANOPY	AUTO - NORTH	1	8	1	6.3	1.8	7.7		
CANOPY	AUTO - SOUTH	1	8	1	6.3	1.8	7.7		
CANOPY	DIESEL - NORTH	1	8	1	7.2	1.8	5.9		
CANOPY	DIESEL - SOUTH	1	8	1	7.2	1.8	5.9		
SERVICE ISLAND	AUTO - END CAP	2	4	8	12	1.7	2.3	3.9	
SERVICE ISLAND	DIESEL - END CAP	2	4	8	6	3.3	0.7	2.3	
PRICE SIGNS	COMBINED W/ MONUMENT SIGN								

**Landscape Coverage**

LOT	SF	PERCENT OF TOTAL LOT	PERCENT OF DISTURBED AREA
LOT	174104		
DISTURBED	95265	55%	
LANDSCAPE	34907	20%	37%
LS PARKING	4792	3%	5%

Excluding Parking Landscape  
Parking Landscape Only



- LANDSCAPE LEGEND**
- PALO VERDE BLUE, MULTI TRUNK
  - DECOMPOSED ROCK
  - TEXAS RANGE
  - AGAVE
  - RED YUCCA
- PLANT & TREE PROTECTION**
- NO PROTECTED PLANTS ON SITE
  - NO NATIVE TREES
  - NO CACTI
  - NO YUCCAS
  - NO PALMS
  - NO JOSHUA
  - NO CENTURY PLANTS
  - NO NOLINAS
  - NO CREOSOTE RINGS > 10'

- PROJECT NOTES**
- CONVENIENCE STORE, MASONRY EXTERIOR BEARING WALL WITH EXTERIOR INSULATION FINISH SYSTEM ENTABLATURE BAND, ALUMINUM FAÇADE PANEL TRIM, WOOD TRUSS ROOF STRUCTURE
  - OUTDOOR LIGHTING, AREA LIGHT, POLE MOUNTED, 25' HT, MCCRAW EDISON, GLEON-AE-06-LED, FIELD FABRICATE SHIELDS AS REQUIRED TO CONTROL SPILL LIGHT
  - PROPERTY WILL BE OCCUPIED BY SINGLE TENANT, OPEN 24 HOURS PER DAY
  - PRODUCTS STORED WILL BE FOOD ITEMS INCLUDING WATER, SODA, SNACKS, JUICES, ETC.

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 65, TRACT 5655 IN THE COUNTY OF SAN BERNARDINO AS PER MAP RECORDED IN BOOK 72, PAGES 90 AND 91 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OO SAID COUNTY.

EXCEPT THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEEDS RECORDED NOVEMBER 30, 1961 IN BOOK 5598, PAGES 13 AND 17, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION LYING SOUTHEASTERLY OF THE SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEEDS RECORDED NOVEMBER 30, 1961 IN BOOK 5598, PAGES 13 AND 17, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LOT 65, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUR-INCH SCRIBED POST MARKING THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 3 EAST, SAN BERNARDINO MERIDIAN, THENCE SOUTH 0°16'30" EAST 350.41 FEET ALONG THE WEST LINE OF SAID SECTION 14; THENCE NORTH 89°43'30" EAST 40 FEET TO THE EAST LINE OF HARVARD ROAD AS SHOWN ON SAID MAP; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 45°16'20" EAST 56.57 FEET; THENCE NORTH 89°43'30" EAST 180.00 FEET; THENCE NORTH 89°43'30" WEST 220 FEET PARALLEL WITH THE EAST LINE OF SAID HARVARD ROAD; THENCE SOUTH 89°43'30" WEST 220 FEET TO THE EAST LINE OF SAID HARVARD ROAD; THENCE SOUTH 0°16'30" EAST 160.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM AN UNDIVIDED 1/2 INTEREST IN ALL MINERAL RIGHTS, AS RESERVED IN DEED RECORDED DECEMBER 15, 1959 IN BOOK 5010, PAGE 303, OFFICIAL RECORDS.

**preliminary not for construction**

1470-A02-SITE3

GDF 3/31/16

SBC MINOR USE PERMIT REFER TO ACCOMPANYING DWGS

**REVISED AS1**

**Official Use Only**

**Project Information**

<b>APN</b>	0539-233-04
<b>ADDRESS</b>	39281 HARVARD ROAD NEWBERRY SPRINGS, CA 92365
<b>APPLICATION TYPE</b>	MINOR USE PERMIT
<b>PROPOSED LAND USE</b>	RETAIL, CONVENIENCE STORE
<b>BUILDING SIZE</b>	STORE = 4341 SF / PATIO = 3965 SF
<b>CUP FOR</b>	
<b>APPLICANT</b>	NEWBERRY SPRINGS LAND INVESTMENT, LLC 738 DESARTES STREET HENDERSON, NV 89002 702.845.9667
<b>REPRESENTATIVE</b>	RAYMOND STADLER 2504 AIRFIELD COURT KINGMAN, AZ 86401 623.363.9778
<b>PROPERTY OWNER</b>	NEWBERRY SPRINGS LAND INVESTMENT, LLC 738 DESARTES STREET HENDERSON, NV 89002 702.845.9667
<b>PLAN PREPARER</b>	SEABURY FRITZ ARCHITECTS, INC 5902 HWY 95, STE 106 FORT MOHAVE, AZ 86426 928.577.0077
<b>DATE</b>	6.18.15
<b>REVISED</b>	8.6.15 - SBC COMMENTS - REMOVE PARKING LOT LANDSCAPE FROM CALCULATION, ADDED LANDSCAPING AT HARVARD ENTRANCE
	11.4.15 - SBC COMMENTS - DRIVE REARRANGEMENT, SIGNAGE COMMENTS
	11.6.15 - SBC COMMENTS - ADD LANDSCAPING, LOCATE MONUMENT SIGN AT HARVARD
	2.15.16 - SBC COMMENTS - LANDSCAPING



# EXHIBIT D

Caltrans Letter



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING (MS 722)

464 WEST 4th STREET, 6<sup>th</sup> FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8

*Serious Drought.  
Help save water!*

September 12, 2016

**File: 08-SBd-15-PM R96.41**

Heidi Duron  
Land Use Services  
County of San Bernardino  
825 East Third Street  
San Bernardino, CA 92415-0835

**Newberry Springs Service Station Project – Traffic Impact Analysis dated June 22, 2016 and Response to Comments Memorandum dated July 28, 2016**

Dear Ms. Duron:

The California Department of Transportation (Caltrans) has reviewed the Traffic Impact Analysis dated June 22, 2016 and response to comments memorandum dated July 28, 2016 for the Newberry Springs Service Station Project (Project). The proposed project is located on the southeast corner of Harvard Road and Hacienda Road, north of the I-15, in the community of Newberry Springs in the County of San Bernardino. The project proposes to construct a gas station with convenience market, which will include a total of fourteen (14) service stations.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when 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.

At this time Intergovernmental Review has no further comment. The project may proceed to the Office of encroachment Permit. Issuance of an Encroachment Permit will be required for any work or activity performed within, under, or over State R/W. Detailed information regarding permit application and submittal requirements is available at:

Caltrans Office of Encroachment Permits  
464 West Fourth Street, MS 619  
San Bernardino, CA 92401-1400  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Ms. Duron  
September 12, 2016  
Page 2

If the 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 Adrineh Melkonian (909) 806-3928 or myself at (909) 383-4557.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roberts", with a horizontal line extending to the right.

MARK ROBERTS  
Office Chief  
Intergovernmental Review, Community and Regional Planning

# EXHIBIT E

## Public Comments Letter

# ELIAS ANTOUN

3463 HOLLY CIRCLE  
HIGHLAND, CA 92346

September 9, 2015

**VIA FACSIMILE TO 760-995-8167**  
**AND CERTIFIED MAIL**

San Bernardino County and Services Planning Dept.  
15900 Smoke Tree Street  
Hesperia, CA 92345

**Re: Letter of Objection to Planning Application No. P201500299/MUP**

To Whom It May Concern:

As a matter of introduction, my name is Elias Antoun, and I have been a resident and business owner in Yermo for many years. Since 2012, I have been the owner of the real property located in the city of Yermo, identified as parcel number 0539-223-03 (hereinafter "Subject Property"). The sole reason that I acquired the Subject Property was because it was previously an approved fuel station, and my goal was to reestablish a fuel station and a convenience store on the Subject Property as expeditiously as possible.

A Nevada investment group identified as Newberry Springs Land Development, LLC (hereinafter "Applicant") has recently acquired the real property adjacent to the Subject Property, identified as parcel number 0539-223-04 (hereinafter "Adjacent Property"). I have recently been made aware that Applicant has requested a use permit to construct a 4,341 square foot retail convenience store and fuel station on the Adjacent Property.

Please be advised that the undersigned hereby vehemently objects to Applicant's proposed plan for the Adjacent Property, as the proposed plan is a deliberate attempt to deprive the undersigned from the opportunity to reestablish a fuel station on the Subject Property. Specifically, prior to acquiring the Adjacent

Property, Applicant became aware that the undersigned had retained numerous professionals and expended considerable resources for plans and studies to reestablish a fuel station on the Subject Property, as the undersigned was nearly ready to apply for a use permit to accomplish these goals. Applicant realized that the Subject Property and the Adjacent Property may not successfully sustain two (2) similar projects, so it quickly acquired the Adjacent Property and applied for the use permit which is the subject of this correspondence to deprive the undersigned from the ability to fulfil his objectives with the Subject Property. Applicant's modus operandi has been to seek out small business owners that want to establish fuel stations and usurp their opportunity through financial bullying. Applicant's intentional actions are tantamount to stealing the undersigned's planned use of the Subject Property simply because of its financial resources. Such conduct is despicable and cannot be condoned by any governmental agency.

The San Bernardino County Development Code ("SBCDC") embodies our public policy which prohibits Applicant's conduct. Specifically, section 85.06.040(a)(3) of the SBCDC specifies that the review authority shall first find and justify that Applicant's proposed use "will not have a substantial adverse effect on abutting property or the allowed use of the abutting property..." Additionally, section 85.06.040(b)(3) of the SBCDC specifies that the "review authority shall first find and justify that the project is not likely to result in controversy."

Applicant's conduct, as described herein, was and continues to be intentional, malicious and harmful to the undersigned, inasmuch as Applicant has acted in a calculated and diabolical manner to attempt to deprive the undersigned of his planned use of the Subject Property. If Applicant's use permit is approved, then Applicant's conduct will in fact have a substantial adverse effect on the Subject Property for the reasons articulated herein, in contravention of SBCDC section 85.06.040(a)(3). The undersigned intends to steadfastly oppose Applicant's conduct to the fullest extent permitted by law, which will inevitably result in considerable controversy, in contravention of SBCDC 85.06.040(b)(3).

Unlike Applicant, the undersigned and his family have considerable ties and roots within the Yermo community, as they live and operate their family restaurant

San Bernardino County and Services Planning Dept.  
September 9, 2015  
Page 3 of 3

in Yermo (Cali Burgers), and the income derived from their employment is inevitably used to patronize Yermo businesses. On the other hand, Applicant is a Nevada company that has no interest in the betterment of Yermo, but its goal is to exploit Yermo's property and its residents to extract financial gain which will inevitably be invested outside of Yermo. Consequently, the undersigned respectfully asks that Applicant's request for a use permit be denied. The undersigned wishes to further articulate his opposition to Applicant's use permit request at the city meeting which will address the subject application. In this regard, please provide the undersigned with the date and time of the proposed meeting at your convenience.

Your valued time in evaluating the foregoing is extremely appreciated.

Sincerely,  
*Elias Antoun*  
Elias Antoun

# EXHIBIT F

## Initial Study/Mitigated Negative Declaration



## SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

### PROJECT LABEL:

<b>APN:</b>	0539-223-04	<b>USGS Quad:</b>	HARVARD HILL
<b>Applicant:</b>	Newberry Springs Land Development, LLC	<b>T, R, Section:</b>	T10N R3E Sec. 14 & 11
<b>Community:</b>	Newberry Springs	<b>Planning Area:</b>	N/A
<b>Project No:</b>	P201500299/CUP	<b>LUZD:</b>	RURAL COMMERCIAL (CR)
<b>Staff:</b>	Reuben J. Arceo		
<b>Rep:</b>	Raymond Stadler, P.E.		
<b>Proposal:</b>	CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A GAS STATION WITH TWELVE (12) AUTOMOBILE FUEL DISPENSING PUMPS, TWO (2) TRACTOR TRAILER FUEL DISPENSING PUMPS AND A 4,341 SQUARE-FOOT CONVENIENCE STORE ON A PORTION OF 3.78-ACRES IN THE COMMUNITY OF NEWBERRY SPRINGS.	<b>Overlays:</b>	AIRPORT SAFETY 4 (AR4) BIOLOGICAL RESORUCES (BR)

### PROJECT CONTACT INFORMATION:

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

**Contact person:** Reuben J. Arceo, Contract Planner  
**Phone No:** (909) 387-4374  
**E-mail:** [reuben.arceo@lus.sbcounty.gov](mailto:reuben.arceo@lus.sbcounty.gov)

**Fax No:** (909) 387-3249

**Project Sponsor:** Raymond Stadler  
2504 Airfield Court  
Kingman, AZ

### PROJECT DESCRIPTION:

The proposed project is a Conditional Use Permit (CUP) to construct and operate a 4,341 square-foot convenience store with twelve (12) gasoline pumps and two diesel dispensing units for tractor-trailers on a portion of 3.78-acres in the community of Newberry Springs as noted in Exhibit 1. The Project will also include a paved parking lot with 30 parking-spaces, of which 27 are regular striped parking stalls (9'x19') one (1) Van accessible disabled stall, one (1) disabled parking stall (14'x19') and one loading zone stall. Part of the lot coverage includes the installation of landscaping and signage, and the construction of two storm water detention basins as shown in Exhibit 2. The project will involve approximately 2,311 cubic yards of cut and 704 cubic yards of fill, the construction of the convenience store, the installation of above ground fuel storage tanks, the installation of one (1) above ground water storage tank, and the installation of a septic system. Off-site improvements will consist of street improvements, including curb, gutter and sidewalks along the property frontage of Harvard Road and street improvements, including, curb gutter and sidewalks along the property frontage of Hacienda Road. The project site is located on the southeast corner of Harvard Road and Hacienda Road. The County's General Plan designates the project area as Rural Commercial (CR). The site is regulated by the Airport Safety 4 (AR4) Overlay, and the Biological Resources (BR) Overlay.



**ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

The project site is vacant undeveloped and cleared of native vegetation. As cited in Table 1 below, the properties to the east and west are vacant undisturbed and the property to the north has previously been occupied by a manufactured home but is currently vacant. It currently acts as an unofficial rest stop for travelers along Interstate 15 and is subject to disturbances associated with those activities. The existing circulation is Interstate 15, Harvard Road and Hacienda Road. The property to the west is currently vacant but was once occupied by a gas station and tire shop. The zoning districts surrounding the project site are zoned Rural Commercial (CR) as noted in Table 1.

**Table 1: Surrounding Land Use Zoning Districts**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	OVERLAYS
Site	Vacant	CR	AR4, BR
North	Vacant/Residential	CR	AR4, BR
South	Interstate 15	CR	AR4, BR
East	Vacant	CR	AR4, BR
West	Vacant	CR	AR4, BR

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

Federal: Fish & Wildlife

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

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

Local: N/A

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## EVALUATION FORMAT

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

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

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

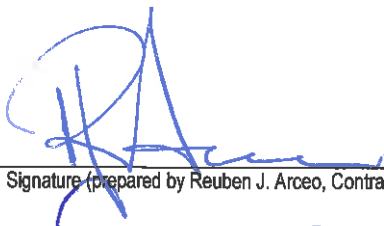
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

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

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

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



Signature (prepared by Reuben J. Arceo, Contract Planner):

Nov 1, 2016  
Date



Signature: Heidi Duron, Supervising Planner

10/1/2016  
Date

### Exhibit 1 Vicinity Map







**Exhibit 3**  
**Photos**

Easterly View from Harvard Road



Northview from Interstate 15 Fwy Exit 206 Off Ramp



Northwesterly View of Project Site from 15 Fwy 206 Off Ramp



Southeasterly View of Project Site from Harvard Road



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

**I. AESTHETICS - Would the project**

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 with Mitigation Incorporated.** General Plan Open Space Element Policy OS 5.1. states that a feature or vista can be considered scenic if it:
- A roadway, vista point, or area that provides a vista of undisturbed natural areas,
  - Includes a unique or unusual feature that comprises an important or dominant portion of the view shed, or
  - Offers a distant vista that provides relief from less attractive views of nearby features (such as views of mountain backdrops from urban areas).

The Project site is located in the community of Newberry Springs, which consists largely of rural residential development and vacant land. Surrounding land uses are vacant, with single-family residences located west of the project site within the site's general vicinity. The Project site itself does not provide a vista of undisturbed natural areas as demonstrated in the photos in Exhibit 3. The property directly to the north operates as an unofficial rest stop for travelers. Interstate 15 and the freeway off-ramps are directly to the south. The overall general terrain in the vicinity is sparsely vegetated.

There are no unique or unusual features on the site that could comprise an important or dominate position in the view shed because the Project site lacks any unusual or unique feature. The Project site has been heavily disturbed and graded at some point. There are no unique geologic or natural features present.

Finally, the Project site does not offer distant vistas that provide relief from less attractive nearby features. The proposed project would alter the existing vacant and undeveloped condition of the property as there are relatively few commercial structures that are similar in scale, size and function. While the Project will introduce structural elements that will be seen from roadways and the freeway, such as the construction of the 20 foot high convenience store building, 17 foot high gas station canopy, 16 foot high water storage tank and 25-foot high pole sign; the distant view of mountain backdrops will not be affected due to the relatively low building height of the fueling station canopy.

The County's General Plan Open Space Element Policy OS 5.3 includes a list of designated scenic corridors. Development within 200-feet on either side of the ultimate road right-of-way of a designated scenic corridor is required to demonstrate through visual analysis that the proposed improvements are compatible with the scenic qualities present. Interstate 15 is defined in the General Plan as a scenic corridor, the visual simulations as shown from vantage points along Interstate 15 demonstrate the proposed Project will be compatible with the visual backdrop by incorporating neutral colors. The pole sign proposed will also not exceed the 25-foot maximum height as allowed in the CR zone for onsite Freeway Oriented Signs. In order to ensure that the proposed development is an aesthetic enhancement and is compatible with the surrounding area, the applicant will be required to submit architectural elevations of the proposed development for review and approval by the Planning Division prior to the issuance of building permits. **[Mitigation Measure I a-1]**

- b) **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the project site. The nearest state scenic highway is Highway 38, approximately 55-miles to the southeast of the project site.
- c) **Less Than Significant with Mitigation Incorporated.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the existing project site has been heavily disturbed and graded with sparse vegetation. The siting of the building and on-site improvements will meet all setback and adhere to the Development Code requirements to ensure the building is consistent with the planned visual character of the area and will incorporate native landscaping. As discussed in Section I a, the proposed Project's visual simulations demonstrate the Project will blend with the natural environment and setting. To ensure appropriate and compatible design is achieved, the applicant will be required to comply with Mitigation Measure 1 a-1 described in Section 1 a, of this document. **[Mitigation Measure I a-1]**
- d) **Less Than Significant.** The proposed project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07 - Glare and Outdoor Lighting of the Development Code ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required as a condition of project approval to ensure the standards are met.

**Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are:**

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

**Prior to the issuance of building permits, the following shall be completed:**

**Building Elevations.** The developer shall obtain approval from County Planning for exterior elevations on all four sides of the proposed building and any proposed walls or fences. The elevations shall demonstrate horizontal and vertical elements (e.g. trim design, architectural elements, windows, etc.). All sides of the building, except loading dock areas shall have landscape planters adjacent to the building walls. The building shall be a neutral or earth tone color and shall include elements of design that are typical of the desert region (e.g. stucco, and natural wood etc.). The use of trellis and arbors are encouraged for the patio. Where possible, all new proposed structures and their related elements shall be painted, or treated to blend in with the natural environment and the proposed building structure. All roof mounted mechanical equipment shall be screened from view and shall be painted to match the roof color. All above

**ground storage tanks shall be painted a neutral or earth-tone color. The pole for the proposed pylon sign shall be painted a neutral or earth-tone color.**

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

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

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

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forest land because the project site is not zoned forest land and is not timberland as defined by Public Resources Code section 4562, or timberland zoned Timberland Production. The site will not result in the loss of forest land or the conversion of forest land to non-forest use because the subject property is not forest land, the nearest forest is the San Bernardino National Forest located nearly (55) miles to the south.

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



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

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

III a) **Less Than Significant.** The project will not conflict with or obstruct implementation of the Mojave Desert Air Quality Management Plan (MDAQMP). The MDAQMP for the Mojave Desert Basin, the identified air basin for the project site, sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. The Mojave Desert Basin is in a non-attainment for ozone (O<sub>3</sub>), inhalable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>). A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly induced in the applicable plan). The MDAQMP control measures and related emission reduction estimates are based on emission projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. The *MDAQMD CEQA Guidelines* state, "conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast". The project is located in the County's Rural Commercial (CR) Land Use Zoning District. The CR zone is intended to accommodate sites for retail trade and personal services, recreation and entertainment services, transportation services, and similar and compatible uses, including convenience and support service stations subject to the approval of a Minor Use Permit. Since the project involves the establishment of a convenience and support service station, the use is consistent with the County's General Plan, and therefore conforms to the MDAQMP projections for development and population and is not anticipated to conflict with the applicable MDAQMP.

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

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

**Table 1. MDAQMD Significance Thresholds**

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

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

Activity	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Unmitigated	0.09	0.69	0.48	6.9E-03	0.05	0.04
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

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

Activity	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Unmitigated	3.87	5.22	37.56	0.02	1.20	0.35
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

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

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

- III c) **Less Than Significant.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). In evaluating the cumulative effects of the project, Section 21100(e) of CEQA states, "previously approved land use documents including, but not limited to, general plans, specific plans and local coastal plans, may be used in cumulative impacts analysis". In addressing cumulative effects for air quality, the MDAQMP utilizes approved general plans and therefore, is the most appropriate document to use to evaluate cumulative impacts of the subject project. The MDAQMP evaluated air quality emissions for the entire Mojave Air Basin using a future development scenario based on population projections and set forth a comprehensive attainment program that would lead the basin into compliance with all federal and state air quality standards. Since the project is consistent with the approved Land Use Plan (as discussed in Section III b) used to create the MDAQMP and the project does not exceed any of the quantitative thresholds for ozone precursors, according to CalEEMod. As discussed in Section III b, a conditions of approval will require the project proponent to implement MDAQMD Rule 403 to reduce fugitive dust. For these reasons, the project will not have a cumulatively considerable net increase of any criteria pollutant listed in Table 3.
- III d) **No Impact.** The project will not expose any sensitive receptors to substantial pollutant concentrations, because there are no known sensitive receptors within 300-feet of the project site. The Mojave Desert Air Quality Management District defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned sensitive receptor must not expose sensitive receptors to substantial pollutant concentrations. Any industrial project within 1,000 feet, a distribution center (40 or more trucks per day) within 1,000 feet, a major transportation project (50,000 or more vehicles per day) within 1,000 feet, a dry cleaner using perchloroethylene within 500 feet or a gasoline dispensing facility within 300 feet.

There are no planned residences, schools, daycare centers, playgrounds and medical facilities within 300-feet to the proposed project and the nearest single-family residence is 367-feet to the north at 39374 Mohave Avenue.

- III e) **No Impact.** The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors. In accordance with the CEQA Air Quality Handbook developed by the South Coast Air Quality Management District, and used as guide for projects

in the Mohave Air Basin, land uses associated with odor complaints include agriculture operations, wastewater treatment plants, landfills, and certain industrial operations. The proposed gas station and minimart is not proposing any of the uses listed that may produce objectionable odors.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The information contained in this section is based in part on *General Biological Resources Assessment And Special-status Species Habitat Assessment* prepared by ECORP Consulting, Inc. dated April 2015.

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

A literature search was conducted prior to the biological reconnaissance survey, ECORP biologists performed the literature search to determine the special-status species that have been documented in the Harvard Hill and surrounding USGS 7.5-minute topographic quadrangles. The literature search included the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB; CDFW 2015a) and the

California Native Plant Society's (CNPS) Electronic Inventory (CNPSEI; CNPS 2015). Additional information was gathered from federal and state inventories, research documents and manuals, and online sources. Using this information and observations in the field, a list of special-status plant and animal species that may have the potential to occur on the Property was generated. The reconnaissance survey consisted of driving existing access roads and walking to vantage points so that 100 percent visual coverage of the property and surrounding vicinity was achieved. A buffer area of 500 feet surrounding the Property was also surveyed. During the survey, the habitat on the Property was assessed for its potential to provide suitable habitat for the special-status species identified during the literature search. ECORP biologist Wendy Turner conducted the biological reconnaissance field survey on March 25, 2015.

The literature search documented thirteen (13) special-status plant species in the Project vicinity. None of the 13 special-status plant species were discovered during the field reconnaissance survey. All 13 species are ranked based on level of concern as part of the CNPS Rare Plant Program (CNPS 2015) and none of them are federally or state listed. All 13 species were presumed absent from the Property based on a lack of suitable habitat, soils, or appropriate elevation. Table 5 presents an abbreviated list of the 13 plant species that were researched during the literature search and an assessment of their potential to occur on the Property. The full list of plant species is presented in the ECORP Consulting, Inc. General Biological Resources Assessment and Special-Status Species Habitat Assessment, dated April 2015, attached as Appendix A.

The literature search documented 15 special-status wildlife species in the Project vicinity. None of the 15 special-status species were discovered during the field reconnaissance survey. One species was determined to have moderate potential to occur on the Property, burrowing owl (*Athene cucularia*). The burrowing owl is considered a California Species of Special Concern by CDFW. Seven species were determined to have a low potential to occur on the Property: desert tortoise (*Gopheris agassizii*), golden eagle (*Aquila chrysaetos*), loggerhead shrike (*Lanius ludovicianus*), pallid bat (*Antrozous pallidus*), Townsend's big ear bat (*Corynorhinus townsendii*), American badger (*Taxidea pallidus*), and desert kit fox (*Vulpes macrotis arsipus*). The desert tortoise is federally and state listed as threatened; Townsend's big eared bat is a candidate for state listing as threatened; the golden eagle is classified as a Fully Protected species by CDFW; the loggerhead shrike, pallid bat and American badger are California SSC; and the desert kit fox is protected as a fur-bearing mammal in the state of California. The remaining eight (8) species were presumed to be absent from the Property due to lack of suitable habitat. Table 6 presents a number of the wildlife species researched during the literature search and an assessment of their potential to occur on the Property. The full list of wildlife is presented in the ECORP Consulting, Inc. General Biological Resources Assessment and Special-Status Species Habitat Assessment, dated April 2015 attached as Appendix A.

Desert tortoises were neither observed nor detected on or adjacent to the site and there was no sign of previous desert tortoise use (scat, burrows, carcasses, etc.) observed during the assessment. The property itself does not support any suitable desert tortoise habitat as the entire site is unvegetated, graded and comprises soils that are very compacted. The surrounding areas within the creosote bush scrub vegetation community support low quality habitat for tortoises; however, the amount of disturbances due to trash dumping, off-road vehicle use, and human activity further reduce the suitability of these areas for tortoise presence and no documented desert tortoise occurrences were recorded within five (5) miles of the Project site. The U.S. Fish & Wildlife Service, during informal consultation, reviewed the results of the survey and concurred with the biologist's recommendation.

Although burrowing owls or suitably sized burrows were not observed during the survey, it was determined that the Property contained suitable foraging habitat for burrowing owl, thus, the potential for owls is considered moderate. As a result, pre-construction surveys for borrowing owls will be required a maximum of 14-days prior

to construction, regardless of time of year, in accordance with the most recent CDFW Protocol (CDFW 2012. Mitigation. **[Mitigation Measure IV a-1 & Mitigation Measure IV a-2]**

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

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

Although the Project site is within designated critical habitat for desert tortoise the Project site does not contain the key characteristics (primary constituent elements) that are necessary for desert tortoise survival. The Superior-Cronese Desert Wildlife Management Area (DWMA), located within the Western Mojave Recovery Unit, was designated as desert tortoise critical habitat in 1994 by USFWS and is roughly located east of U.S. 395, north of State Route 58, and north and west of I-15 in the area north of the City of Barstow. Some areas within the designated DWMA were not considered suitable desert tortoise habitat (USFWS 1994; USFWS 2011) due to development, lack of habitat, or other human related disturbances. The Project site can be classified as one of those areas located within designated critical habitat that does not contain key characteristics (or primary constituent elements) that are necessary for tortoise survival. The property does not have any vegetation present and the soils are very compact, both of which do not afford much opportunity for desert tortoises to burrow, shelter, forage or reproduce on site. The areas surrounding the Project site provide low quality habitat for desert tortoise, but the lack of suitable burrows, firm soils, sparse vegetation, and prevalence of human-related disturbances are likely to preclude desert tortoise presence.

The property itself was classified as disturbed with developed areas and creosote bush scrub located in the adjacent areas. Because the Project site is not suitable desert tortoise habitat, the Project is not anticipated to have a substantial adverse effect.

- IV c) **No Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The Project site does not have any federally protected wetlands as defined by Section 404 of the Clean Water Act present.
- IV d) **Less Than Significant.** This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Given the Project site's small size, its proximity to I-15, and the amount of previous disturbances in the vicinity, the Project site would not be considered a major wildlife movement corridor that would need to be preserved in order to allow wildlife to move between important natural habitat areas. The Project site also does not provide a linkage between conserved natural areas. The open expanses of land in the surrounding area will provide similar movement opportunities and will provide wildlife with multiple options when moving about their home ranges.
- IV e) **No Impact.** The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The County's Plant Protection and Management Ordinance requires a Tree

& Plant Removal Permit for the removal of any Native Desert Plant listed in Chapter 88.01.060(c) of the Development Code or listed in Food and Agriculture Code Section 80001 et sq. None of the species listed in Chapter 88.01.060(c) or in Food and Agriculture Code Section 80001 et seq. were identified on site during the Biological Resource Assessment.

- IV f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site.

Table 5: Plant Species

Scientific Name Common Name	Status		Typical Flowering Period Elevation (meters)	Habitat	Potential for Occurrence	Justification
<i>Androstephium breviflorum</i> Small-flowered androstephium	Fed: CA: CNPS:	none none 2B.2	March - April 220 - 800	Desert dunes, Mojavean desert scrub.	Presumed Absent	Suitable sand dune habitat is not present on the Property or surrounding areas.
<i>Castela emoryi</i> Emory's crucifixion-thorn	Fed: CA: CNPS:	none none 2B.2	June - July 90-725	Mojavean and Sonoran desert scrub in alkali playas, washes, or in areas with gravelly soils	Presumed Absent	Suitable wash, playa, and gravelly soil habitat is not present on the Property or surrounding areas.
<i>Cryptantha Clokeyi</i> Clokey's cryptantha	Fed: CA: CNPS:	none none 1B.2	April 725 - 1365	Mojavean desert scrub with gravelly or sandy soils	Presumed Absent	Suitable sandy or gravelly soils are not present on the Property.
<i>Cymopterus multinervatus</i> Purple-nerve cymopterus	Fed: CA: CNPS:	none none 2B.2	March - April 790 - 1800	Sandy and gravelly soils in pinyon and juniper woodland or Mojavean desert scrub,	Presumed Absent	Suitable habitat is not present on the Property.



Table 6: Mammal Species

<i>Scientific Name</i> Common Name	Status	Habitat Preferences	Potential for Occurrence	Justification
<b>MAMMALS</b>				
<i>Antrozous pallidus</i> pallid bat	Fed: none CA: SSC	Inhabits grasslands, deserts, forests, woodlands, and shrublands with rocky areas for roosting.	Low	The Property does not support suitable habitat for this species, but the closest documented occurrences of this species are at Camp Cady Wildlife Area, between 2 and 3 miles south of the Property (CDFW 2015a).
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	Fed: none CA: THR (Can)	Inhabits various habitats, typically in or around permanent water sources. Roosts in the open and will use anthropogenic structures (e.g., buildings) for roosting.	Low	No suitable habitat is present on the Property. The abandoned building located south and west of the Property may provide marginal roosting habitat; however, there are no permanent water sources in or immediately adjacent to the Property. The closest documented occurrence is at the Camp Cady Wildlife Area, located approximately 2 miles south of the Property (CDFW 2015a).
<i>Ovis Canadensis nelsoni</i> desert bighorn sheep	Fed: none CA: FP	Inhabits open, rocky, steep areas.	Presumed Absent	No suitable rocky habitat is present on the Property and the closest recorded observation is approximately 16 miles southeast of the Property (CDFW 2015a).
<i>Taxidea taxus</i> American badger	Fed: none CA: SSC	Inhabits arid, open areas with friable soils for digging. This species is found in desert, shrub, forest, and herbaceous habitats.	Low	There is no suitable habitat on the Property and no records of this species are located in the area; however, the surrounding areas may provide suitable habitat.
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	Fed: none CA: THR	Inhabits area of open desert scrub and Joshua tree woodlands.	Presumed Absent	The Property is located outside (east) of the historic range for the Mohave ground squirrel.

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Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are:

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

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

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

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

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

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

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.

- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

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

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

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

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

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Would the project</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Information contained in this section is based in part on the *Phase I Historical/Archaeological Resources Survey for Harvard Road Project* prepared by CRM Tech, dated January 22, 2016

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

Historical background research for the study completed by CRM TECH was conducted by principle investigator/historian Bai "Tom" Tang. In addition to published literature in local and regional history, sources consulted during the research included U.S. General Land Office (GLO) land survey plat map dated 1856, U.S. Geological Survey (USGS) topographic map dated 1977-1993, and aerial photographs taken in 1995-2012. The historic maps are collected at the Science Library of the University of California, Riverside, and the California Desert District of the U.S. Bureau of Land Management, located in Moreno Valley. The aerial photographs are available at the NETR Online website.

Historical maps and aerial photographs consulted for this study suggests that the project area is relatively low in sensitivity for cultural resources from the historic period. In the 1850s, when the U.S. government conducted the first systematic land survey in the Mojave Desert, no man-made features of any kind were observed at or near the Project location. By the 1970s, I-15 and Harvard Road had become the most prominent man-made features in the project vicinity, but there was no evidence of any settlement or development activities within the project area. The commercial building on the adjacent parcel evidently dates to sometime between 1976 and 1995, and the project area, meanwhile has remained undeveloped to the present time.

The field survey of the project area yielded negative results for potential historical resources and no buildings, structures, objects, features, or artifacts of prehistoric or historic origin were encountered. In the unlikely event previously unknown historical resources are discovered as a result of earth moving activities a condition of approval will require the Project applicant and contractor to submit an agreement on Cultural Resources. The agreement will state that if any historical resources are discovered all work in the vicinity of the find shall cease, a qualified expert hired to assess the find and recommend any mitigation measures if necessary.

- V b) **Less Than Significant.** This project will not cause a substantial adverse change to any archaeological resource because no resources have been identified on the site or within the vicinity of the project site as verified by the Phase I Historical/Archaeological Resources Survey conducted by CRM Tech dated January 22, 2016.

On November 23, 2015, CRM TECH archeologist Nina Gallardo completed the records search at the South Central Coastal Information Center (SCCIC), California State University, Fullerton, which is the State of California's official cultural resource records repository for the County of San Bernardino. According to SCCIC records, the project area was included in a large-scale archaeological survey of the Manix Lake and eastern Calico Mountains area, all of them conducted and published in the 1950s-1960s. Prior to the study conducted by CRM TECH the site had not been surveyed systematically for cultural resources under the current environmental regulatory framework. SCCIC records further indicate that no cultural resources were previously recorded within or adjacent to the project boundaries. Outside the Project area but within a one-mile radius, SCCIC records show 13 additional studies on various tracts of land and linear features. As a result, six historical/archeological sites and two isolates – i.e., localities with fewer than three artifacts – have been recorded within the one-mile radius. Of these eight resources, three of the sites and both of the isolates are of prehistoric – i.e. Native American – origin. All of them appeared to represent remnants of lithic tool production, and were located in and near the rolling hills to the north and west of the project area. The other three sites dated to the historic period and included possible habitation debris and infrastructure features. None of these isolates were found in the immediate vicinity of the project area.

CRM TECH commissioned a Sacred Lands File (SLF) records search through the Native American Heritage Commission (NAHC), which is the State's trustee agency for the protection and preservation of American Indian cultural resources. The SLF search did not indicate the presence of American Indian or prehistoric cultural resources (including properties, places or archeological sites) in the vicinity of the Project site.

An SLF is not an exhaustive inventory of sacred places; thus, NAHC provides a list of culturally affiliated tribes and individuals that may have knowledge of the religious and cultural significance of the properties in the American Indian or prehistoric cultural resources area. In compliance with State and federal mandates, CRM TECH initiated consultation with the 7 listed tribes and interested American Indian consulting parties by requesting information regarding American Indian or prehistoric resources (archaeological sites, sacred lands, or artifacts) that may be affected by the proposed project. As of January 22, 2016, CRM TECH had received two response from the American Indian community. Leslie Mouriquand of the San Manuel Band of Mission Indians responded via email on December 29, 2015, finds the project location to be within the tribe's ancestral territory and an area sensitive for prehistoric lithic resources and requests that the County provides a copy of the Phase I report for review. The report was sent to San Manuel via email on January 28, 2016. A consultation meeting held on February 23, 2016 with San Manuel resulted in no further comment or concern about the project, and no mitigation measures or further studies were required. An email dated December 28, 2015, Dr. Jay Cravath of the Chemehuevi Indian Tribe states that the tribe has no comments regarding this project beyond requesting that all work be halted, the tribe be contacted immediately, if any Native American cultural remains are unearthed during construction. A condition of approval will be incorporated into the document to this effect.

The field survey of the project area yielded negative results for potential historical resources and no buildings, structures, objects, features, or artifacts of prehistoric or historic origin were encountered. Therefore, CRM TECH recommends that no further cultural resource investigation is necessary and if buried cultural materials are discovered during earth moving operations associated with the Project, all work in the area shall be halted or diverted until a qualified archeologist can evaluate the nature and significance of the finds. A condition to this effect will be placed in the Project approval documents.

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

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

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

**VI. TRIBAL CULTURAL RESOURCES - Would the project**

- a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

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

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

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

Public Resource Code §21074, defines Tribal Resources as either, "Sites features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either, (A) included or determined to be eligible for inclusion in the California Register of Historical Resources or, (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe".

At the time environmental review under CEQA was initiated and in accordance with Public Resource Code §21080.3.1, the San Manuel Band of Mission Indians and Morongo Band of Mission Indians have indicated that they are traditionally and culturally affiliated with the geographic area of the proposed project and have requested notification for consultation. Notification was sent on November 18, 2015 via certified mail to both Tribes. The Morongo Band of Mission Indians did not respond during the 30-day consultation request period. The San Manuel Band of Mission Indians responded via email on November 24, 2015 indicating the project is within the Tribes ancestral territory, but that they do not have any concerns with the project location. However, as requested in the Phase I Survey email response to CRM TECH, the results of the Phase I study were forwarded to San Manuel's' CRM department for review. The study was forwarded to San Manuel for review and comment. San Manuel stated, "We have no concerns about this project" and did not request any further consultation.

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

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



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

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

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

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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**VIII. GEOLOGY AND SOILS - Would the project:**

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  |                          |                          |                                     |                                     |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of on-site wastewater treatment tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

VIII a) **Less Than Significant.** The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic related ground failure, including liquefaction or iv) landslides. The nearest earthquake fault zone is the Newberry fracture zone approximately 4.25 miles to the southeast and the project site is not located in any area known to be susceptible to liquefaction or landslide. Most of southern California is susceptible to strong earthquakes and ground shaking; however, California Building Code standards are meant to protect buildings and individuals from loss of life and property related to earthquakes. Any new development will be required to meet the latest adopted California Building Code prior to the issuance of building permits for new construction and materials. Therefore, impacts from proximity to fault zones are considered less than significant. The County has mapped areas of possible landslides, seismic related ground failure and known faults within the Geologic Hazard Overlay. The Project site is not within the mapped overlay.

- VIII b) **Less Than Significant.** The project will not result in substantial soil erosion or the loss of topsoil because standard enforcement of sediment and erosion control measures will be implemented into the Project. At the time ground disturbance occurs, on-site erosion and sediment control measures will be in place as required by the County Development Code and the Building and Safety Division. As discussed in Section III b) of this document, the MDAQMD requires measures be in place during grading and land disturbance activities to minimize fugitive dust. Grading plans, an approved grading permit, and erosion and sediment control plan is required prior to any land disturbance from the Building and Safety Division. In addition, an erosion and sediment control plan must be approved and implemented during grading activity with regular inspections by the County's Land Development Division. A condition of approval from the Building and Safety Division will state, "An Erosion and Sediment Control plan must be submitted and approved by the Building official prior to any land disturbance". The County's Landscape & Irrigation design element of the Development Code will require at a minimum landscaping on disturbed portions of the Project site and 20% of the total disturbed site.
- VIII c) **No Impact.** The Project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse. The County of San Bernardino has mapped Geologic Hazards as part of the adoption of the General Plan and Development Code. The Geologic Hazard Overlay includes any areas of adverse soil conditions, such as those underlain by hydro-collapsible, expansive, and/or corrosive soils. The project site is not within the mapped Geologic Hazard Overlay. Any new construction will be required to meet the latest adopted California Building Code and all measures required by the County's Geologist.
- VIII d) **No Impact.** The Project is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property. As mention in Section VII c above, the project site is not within the County's mapped Geologic Hazard Overlay, including areas as having expansive soils. Any future construction on the newly created parcels must meet the requirements of the latest adopted California Building Code and any requirements set forth by the County's Geologist.
- VIII e) **Less Than Significant.** The Project will require an Environmental Health Services approved wastewater treatment device since no public sewer is available. The County's Environmental Health Services Department reviewed the subject project and has approved the site for on-site wastewater treatment subject to an approved percolation report.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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**IX. GREENHOUSE GAS EMISSIONS – Would the project:**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION**

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

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

As part of the GHG Plan, sample project sizes that exceed the 3000 MTCO<sub>2e</sub> level were established. Projects that exceed the 3000 MTCO<sub>2e</sub> are considered to have a potentially significant impact on the implementation of the County's and the States GHG reduction plan. Gas stations with convenience services in excess of 5,700 square-feet are anticipated to exceed the GHG threshold. The Project is projected to create 63.14 MTCO<sub>2e</sub> during construction and the yearly operational emissions for the Project are anticipated to create 1,651.12 MTCO<sub>2e</sub>. For this reason, it is unlikely that this project would impede the state's ability to meet the reduction targets of AB32 or conflict with the County's adopted GHG reduction plan.

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

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

**SUBSTANTIATION**

X a) **Less Than Significant.** The proposed Project could result in a significant hazard to the public if the Project includes the routine transport, use, or disposal of hazardous materials or places housing near a facility which routinely transports, uses, or disposes of hazardous materials. The proposed Project Site is located within an area that has vacant land to the west, south and east and a manufactured home over 500-feet to the north. The Project does not propose any new housing and therefore would not place housing near any hazardous materials facilities. The routine use, transport, or disposal of hazardous materials is primarily associated with industrial uses that require such materials for manufacturing operations or produce hazardous wastes as by-products of production

applications. The proposed Project does not propose or facilitate any activity involving significant use or disposal of hazardous substances as part of the commercial use. Furthermore, the proposed Project is not located near any listed facilities that emit toxic air containments, utilize toxic or hazardous substances or produce hazardous waste.

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

The operational activity of the Project would involve products commonly found at a gas station convenience store such as, oil and lubricants, cleaning products, and other automotive products. The transport and use of gasoline will also occur. There are existing federal and state laws governing the handling and transport of gasoline to gas stations, and the requirements for gasoline storage tanks, and pumps. The Project will require a permit from the San Bernardino County Fire Department Hazardous Materials Division for the installation of the gasoline storage tanks and a hazardous materials handler permit. The existing regulatory framework governing gas stations, trucks that transport gasoline, and the fueling pumps, ensure that any potential health risk to the community is not significant.

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

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

The Project will be required to obtain a Hazardous Materials Handler Permit from the Hazardous Materials Division of the County Fire Department. In addition, the operator will be required to submit a hazardous materials business plan using the California Environmental Reporting System (CERS) in compliance with the California Environmental Protection Agency. Cal EPA ensures compliance through permitting and reporting requirements that gasoline-dispensing stations will not pose a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. With adherence to existing regulations and laws governing gas stations the proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.

- X c) **Less than Significant.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are more than 1/4 mile away from the project site.
- X d) **No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.

- 
- X e) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a public airport. The nearest public airport is the County Bar/Dagget Airport, which is located approximately 10 miles southeast of the project site. The project site was verified to not be within an Airport Noise Overlay.
  - X f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The nearest private airstrip is over 20 miles away.
  - X g) **No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions via Harvard and Hacienda Road and has been reviewed for adherence with the San Bernardino County Fire Departments regulations for emergency access.
  - X h) **No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with lands because the Project site is not within a wildland urban interface boundary. 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 within the mapped overlay.

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

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

**SUBSTANTIATION**

The information contained in this section is based in part from information obtained from Civil Land Engineers, *Preliminary Hydrology Report for Newberry Springs Gas Station and Mini Mart.*



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

The Project will require an NPDES permit to be obtained from the Lahontan Regional Water Quality Control Board and a regional board permit letter because the Project entails the disturbance of over an acre. The requirement of these permits will ensure that no source point pollution leaves the job site and enters surface or ground water sources.

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

Surface runoff from developed areas is a leading source of non-point source water pollution in California. As roofs and pavement cover natural landscapes, rain no longer soaks into the ground. Instead, storm drains carry large amounts of runoff directly to streams and other water bodies. Runoff from roofs and pavement also flushes sediment, oil, grease, pesticides, nutrients, bacteria, trash and heavy metals into streams, lakes, estuaries, and the ocean. Projects that replace previously undeveloped land with new impervious surfaces, may contribute to such water quality impacts individually and cumulatively with other development. The operational characteristic of the proposed Project will greatly increase the amount of impervious surface area. Sixty-one percent (61%) of the Project site will be covered with non-impervious surfaces, including building roof area, sidewalks, and paving. To help reduce the amount of contaminants leaving the Project site, a series of control measures will be required as a condition of operation, these include the covering of waste receptacle areas, the prompt cleanup of any accidental release of gasoline, oils or other automotive lubricants, and the removal of any trash or debris into approved receptacles. Twenty percent (20%) of the disturbed area of the Project site is required to have a landscaping installed, the runoff from the imperious areas of the Project will be able to enter into planter areas, helping reduce the potential for contaminants to leave the Project site by absorbing into the soil. The Project is also proposing the installation of two storm water retention basins on site. These basins will also allow a natural infiltration of water into the soil and will help naturally dispose of contaminants from storm water runoff generated on site. The Project site is not within an area required to have a Water Quality Management Plan (WQMP), and therefore, these measures are adequate to ensure that the amount of surface water contaminants leaving the job site are below a level of significance.

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

- XI b) **Less Than Significant.** The project will not likely substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Project is located within the Baja Subarea, an adjudicated ground water

basin. The Watermaster is the Mojave Water Agency who is responsible for insuring that sufficient groundwater supplies exist to meet current demand and is the authority authorized to enforce ground water recharge requirements for specific users. The Mojave Water Agency (MWA) has three basic management strategies for reducing overdraft of the ground water basin, water conservation, water supply enhancement and water allocation. The Watermaster has determined that any person or entity producing more than 10-acre feet of water per year within the adjudicated basin is bound by the terms of the judgment. The Mojave Water Agency has an Integrated Regional Water Management Plan to prevent further overdraft conditions of the ground water supply. Any Producer using less than 10-acre feet per year complies with the adopted plan. If an entity is producing more than 10-acre feet of water per year, the MWA assigns a Base Annual Production (BAP) rights to each producer. Each producer is then assigned a variable Free Production Allowance (FPA), which is a uniform percentage of BAP set for each subarea each year by the Watermaster. Any water user that pumps more than their FPA must purchase replenishment water from the Watermaster equal to the amount of production in excess of the FPA or transfer unused FPA from another party within the subarea. The Project will require the installation of one well and one above ground 30,000 gallon water storage tank used for Fire suppression purposes. The water demand from the convenience store and native landscaping will not produce more than 10-acre feet of water per year and therefore is not likely to have a significant effect on groundwater recharge.

- XI c) **Less Than Significant.** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site.

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

The Project will result in 61% of the site being covered by an impervious surface as opposed to the existing uncovered site conditions. An increase in impervious surface area results in an increase in the quantity and velocity of flows from the Project site. Increase velocity of off-site flows into existing drainage may result in an increase in off-site streambed erosion and siltation. In order to ensure that the drainage leaving the site is at a concentration that will not result in substantial erosion, the Project's engineer has developed a preliminary drainage study that demonstrates the velocity and concentration of the drainage will not be increased off-site because all concentrations will be kept on site. The Project will include two storm water retention basins. The purpose of the storm water retention basins are to hold the run-off generated from the Project on-site and slowly infiltrate the water into the ground water supply. A condition of approval will require a registered civil engineer to fully design storm water drainage and retention areas and complete drainage profiles prior to the issuance of a grading permit. The drainage improvements are required to be fully installed and certified by a registered civil engineer prior to obtaining occupancy.

- XI d) **Less Than Significant.** The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site. As discussed in Section XI c, the Project includes two retention basins to ensure the run off from the Project is kept on site. The Project proponent is required to have a Registered Civil Engineer 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. The drainage improvements are required to be fully installed and certified by a registered civil engineer prior to the Project obtaining occupancy.

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- XI e) **Less Than Significant.** The Project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. As discussed in Section XI c, the inclusion of two on-site retention areas will ensure the runoff from the site will not exceed the capacity of existing or planned storm water drainage systems because all runoff will be kept on site.
- XI f) **Less Than Significant.** The project will not otherwise substantially degrade water quality, as discussed in Section XI c of this document.
- XI g, h) **No Impact.** The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map because the Project is in FEMA Flood Zone D according to FEMA Panel Number 4000H dated 8/28/2008. Flood Zone D means Flood Hazards are undetermined in this area but possible.
- XI i) **No Impact.** The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, because the project site is not within any identified path of a potential inundation flow that might result in the event of a dam or levee failure according to the County's Flood Hazard overlay map.
- XI j) **No Impact.** The project will not be impacted by inundation by seiche, tsunami, or mudflow. The project is not adjacent to any body of water that has the potential of seiche or tsunami or is the project site in the path of any potential mudflow according to the County's Flood Hazard Overlay map.

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

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

**SUBSTANTIATION**

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

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

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

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

XIII a) **Less Than Significant.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The Project site contains known mineral occurrences of undetermined mineral resource significance and the site has known concrete aggregate deposits, but of undetermined mineral resource significance. The project site is within the MRZ-3a overlay for concrete aggregate resources, identified by *the Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area* report as being an area containing known mineral deposits of undetermined mineral resource significance. MRZ-3a areas are considered to have a moderate potential for the discovery of economic mineral resources; however, further investigation is required to determine what if any mineral resources are present and their economic value. Most of the alluvial areas of the high desert are within the MRZ-3a classification area, providing an abundant area for potential concrete aggregate resource mining operations in more suitable locations. Given the small project area, the site is of little importance or value for concrete aggregate mining and would be incompatible with surrounding uses for mining operations.

The project site is also located in the MRZ-3a overlay for metallic mineral resources as indicated in the *Mineral Land Classification of a Part of Southwestern San Bernardino County: the Barstow-Newberry Springs Area* report. The MRZ-3a overlay is defined as an area that contains known mineral occurrences of undetermined mineral resource significance. The *Guidelines for Classification and Designation of Mineral Lands*, classifies any area within the MRZ-2a or MRZ-2b overlay as having the potential for significant mineral resources that are of economic value to the region and the residents of the state, and/or "the site must be actively mined under a valid permit or meet certain criteria of marketability and threshold value". The project site is not currently mined, is not mapped as an area for a potential future mining operation and has no known mineral resources of significance or value.

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

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

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

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

XIV a) **Less Than Significant.** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The Project construction and operational activity is required to comply with the noise standards of the County Development Code and noise exceeding these standards is not anticipated to be generated by the allowed uses on site. The Project's construction and operational noise level will not exceed 60 dB(A) on site and the noise level being received by the nearest residential use will not exceed 45 dB(A). The noise level for the interior of the convenience store will not exceed 55 dB(A). The convenience store is required by the Environmental Health Services Division to provide an acoustical sheet demonstrating this noise level is not exceeded. The building shall be sound attenuated against all combined input of all present and projected exterior noise to not exceed this criteria.

XIV b) **Less Than Significant.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project location is not in the surrounding area of any industries or activities that generate excessive ground borne vibration. Temporary construction activity may result in ground borne vibration through the use of grading and construction equipment. However, this short term vibration activity is exempt from the vibration standards of the County code between 7am-7pm except Sundays and Holidays. The operational characteristics of the Project will not result in excessive ground borne vibration above the standard listed in Chapter 83.01.090 of the Development Code.

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- XIV c) **Less Than Significant.** The Project will not generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing or allowed without the Project. The noise standards listed in Section XIV a, are required to be maintained through the duration of the Project's operational life. Any noncompliance will result in Code enforcement action and noise abatement procedures through the use of noise attuning devices. The Project is not anticipated to result in a substantial increase in ambient noise levels that are in excess of the County's standard.
- XIV d) **Less Than Significant.** The project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. There will be a slight increase in temporary or periodic ambient noise levels in the Project vicinity caused by an increase in truck and automobile traffic. However; the surrounding properties are vacant and undeveloped, at the time future development occurs noise standards are required to be met for interior noise levels. The project noise level caused by the Project's construction and operational activity will not exceed any noise standard of the Development Code.
- XIV e) **No Impact.** As stated in section X e), the project is not located within an airport land-use plan area or within two miles of a public/public use airport.
- XIV f) **No Impact.** As stated in section X f), the project is not within the vicinity of a private airstrip.

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

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

**SUBSTANTIATION**

- XV a) **Less Than Significant.** The project will not induce substantial population growth in an area either directly or indirectly. The proposed Project is consistent with the County's General Plan for the underlying zone. The County's General Plan has anticipated and planned for this level of development on the project site. The proposed project may have an indirect impact on population growth because the Project is required to install street improvements that will widen existing roads and provide curb, gutter and sidewalk. However, the Project will not be installing other public improvements that typically result in an increase in substantial growth such as creation of new roads or the installation or extension of public sewer or water as none are located within the vicinity of the Project site.
- XV b) **No Impact.** The proposed use will not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal and the subject site is vacant.
- XV c) **No Impact.** The proposed use will not displace any people necessitating the construction of replacement housing elsewhere, because the project will not displace any existing housing or existing residents because the subject site is vacant.

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



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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**XVI. PUBLIC SERVICES**

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

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

**SUBSTANTIATION**

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

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

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

**SUBSTANTIATION**

- XVII a) **No Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The County's General Plan requires new residential development to provide a local park and recreation facilities at a rate of not less than 3 acres per 1,000 residents. The proposed Project is not a residential development, therefore, no impact.
- XVII b) **No Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. No development of new parkland is required per the County General Plan because the proposed Project is not a residential development.

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

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

**SUBSTANTIATION**

Information contained in this section is derived from the *Newberry Springs Service Station Traffic Impact Analysis (TIA)* by Kunzman Associates dated February 15, 2016

XVIII a) **Less Than Significant.** The proposed Project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit. A Traffic Impact Analysis was conducted for the proposed Project, factoring the number and distribution of trips caused by the new service station. The study was reviewed and approved by the County's Traffic Division and has been found to be accurate for both existing conditions, existing plus Project conditions and projections on opening year and horizon year (2035) scenarios. The San Bernardino County General Plan Circulation Element states that peak hour intersection operations of Level of Service C or better are generally acceptable in the Desert Region. Therefore, any intersection operating at a Level of Service D to F will be considered deficient. In addition, a traffic impact is considered significant if the Project both: i) contributes measureable traffic to and ii) substantially and adversely changes the Level of Service at any off-site location projected to experience deficient operations under foreseeable cumulative conditions, where feasible improvements consistent with the County of San Bernardino General Plan cannot be constructed.

The Project is projected to generate approximately 2,279 daily vehicle trips. Trip generation rates were determined for daily traffic and Friday evening peak hour inbound and outbound traffic, and Sunday mid-day peak hour inbound and outbound traffic for the proposed land use. The development was estimated to generate 190 trips during the Friday evening peak hour and 190 of which will occur during the Sunday mid-day peak hour. The distribution of the project tips were based on existing travel patterns calculated using existing traffic counts. It should be noted that for the service station land use, a portion of trips would come from pass-by trips, trips that are currently on the roadway system. However, the traffic study did not adjust the traffic volumes for the Project as a result of pass-by-trips. The existing Level of Service (LOS) at all studied intersections were found to be operating at a LOS of C or better. The existing plus Project intersection delay and LOS shows that none of the intersections analyzed would fall below a LOS C for opening year or horizon year (2035). The results of the Traffic Study have shown that no additional traffic improvements or mitigation measures are required beyond the standard requirement for roadway improvements along Harvard and Hacienda Road. The County's General Plan and Development Code requires roadway improvements to the fullest half width as identified in the County's General Plan, therefore any traffic impact is anticipated to below a level of significance.

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

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

The Traffic Impact Analysis (TIA) analyzed traffic impacts for conformance with the County's CMP. The analysis determined that the proposed Project would not have a significant impact on the LOS of Interstate 15 and would not necessitate any improvements to the Interstate because the Project does not contribute greater than the freeway threshold volume of 100 two-way peak hour trips.

- XVIII c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed use.
- XVIII d) **No Impact.** The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and

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properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses.

- XVIII e) **No Impact.** The project will not result in inadequate emergency access because there are a minimum of two access points and a condition of approval by the County's Land Development Division Road Section has determined that adequate curb radii and adequate road right-of-way has been granted to the County through highway and roadway dedication and improvements
- XVIII f) **No Impact.** The project will not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Street improvements including sidewalks are required as a condition of project approval. The remote nature of the project and its service to the traveling public along Interstate 15 does warrant the need for improvements related to public transit.

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

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

**SUBSTANTIATION**

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

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

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

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



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

**SUBSTANTIATION**

XX a) **Less Than Significant Impact with Mitigation Incorporated.** The project does not appear to have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

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

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

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

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

and certified Environmental Impact Report used in evaluating and mitigating the cumulative effects of the adoption of the General Plan.

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

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

**Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant.**

## **XX. MITIGATION MEASURES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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