



LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT

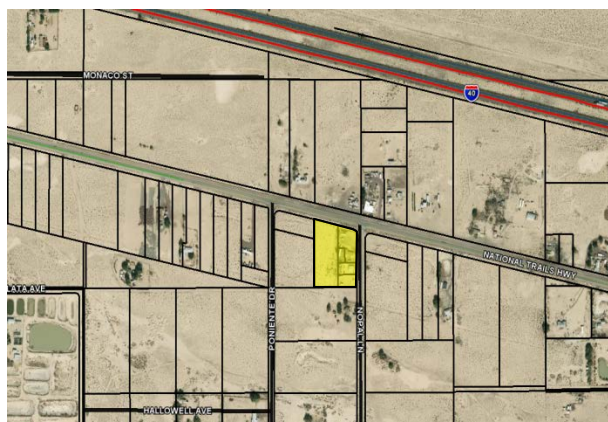


HEARING DATE: February 20, 2014
Project Description

AGENDA ITEM # 02
Vicinity Map



APN:	0528-243-17
Applicant:	Thomas A. Stickley (Silver Valley Towing)
Community:	Newberry Springs/1 st Supervisorial District
Location:	Southwest Corner of National Trails Highway and Nopal Lane
Project No:	P201200300/CF
Staff:	Tracy Creason
Rep:	Inland West Development (Spike Lynch)
Proposal:	A) General Plan Amendment from General Commercial (CG) to Rural Commercial (CR) on 5 parcels totaling 2.89 acres; B) Conditional Use Permit to recognize an existing towing and impound facility on two parcels totaling approximately 0.72 acres



12 Hearing Notices Sent On: February 7, 2014
 Field Review: February 12, 2014

Report Prepared By: Tracy Creason
 Reviewed by: Commissioner Allard

SITE INFORMATION

Parcel Size: 2.89 acres
Terrain: Flat, with an elevation of approximately 1822 feet above mean sea level
Vegetation: Disturbed, developed parcels with minimal installed landscaping

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Silver Valley Towing	CG / AR-4, Biological, Scenic, FEMA Zone D
North	Bagdad Café/Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
South	Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
East	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
West	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D

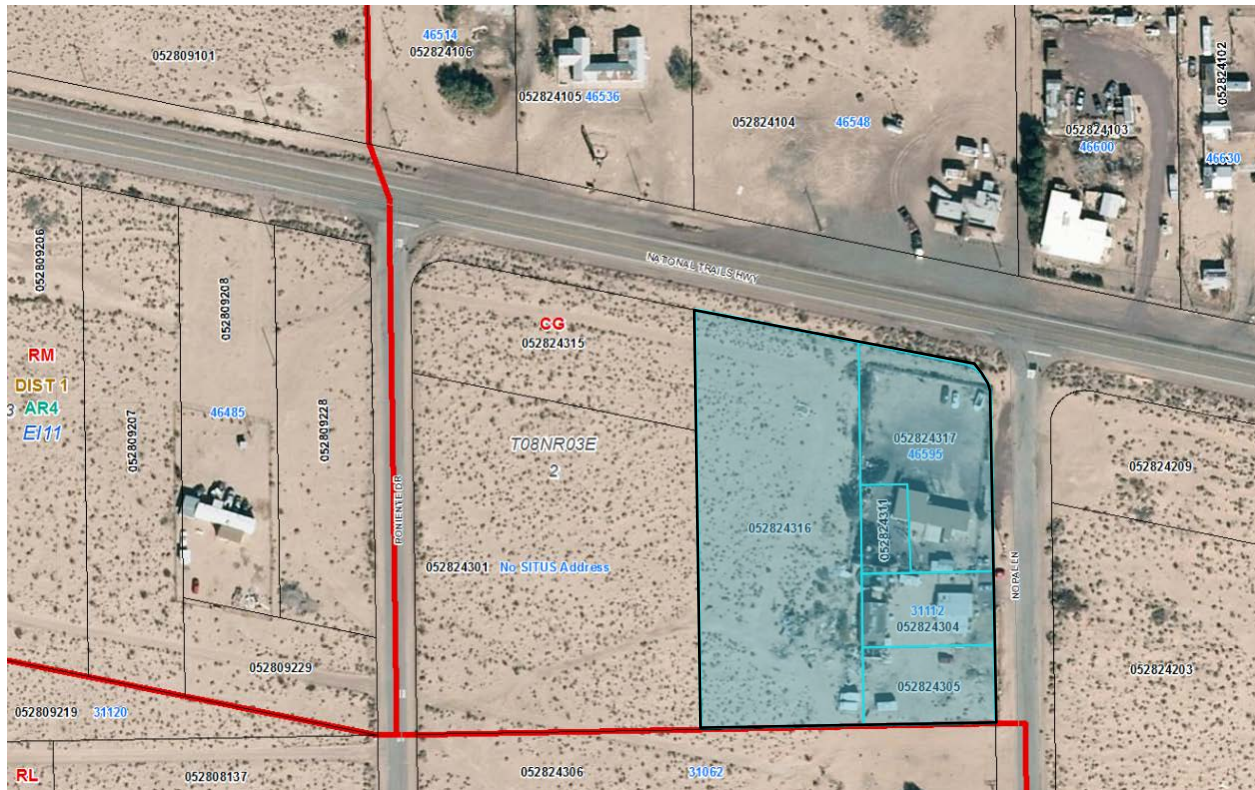
	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	None	N/A
Water Service:	On-site well	EHS approved
Sewer/Septic Service	On-site septic	EHS approved

In accordance with Section 86.12.040 of the Development Code, a disapproval action on this item may be appealed to the Board of Supervisors within 10 days after the Planning Commission action.

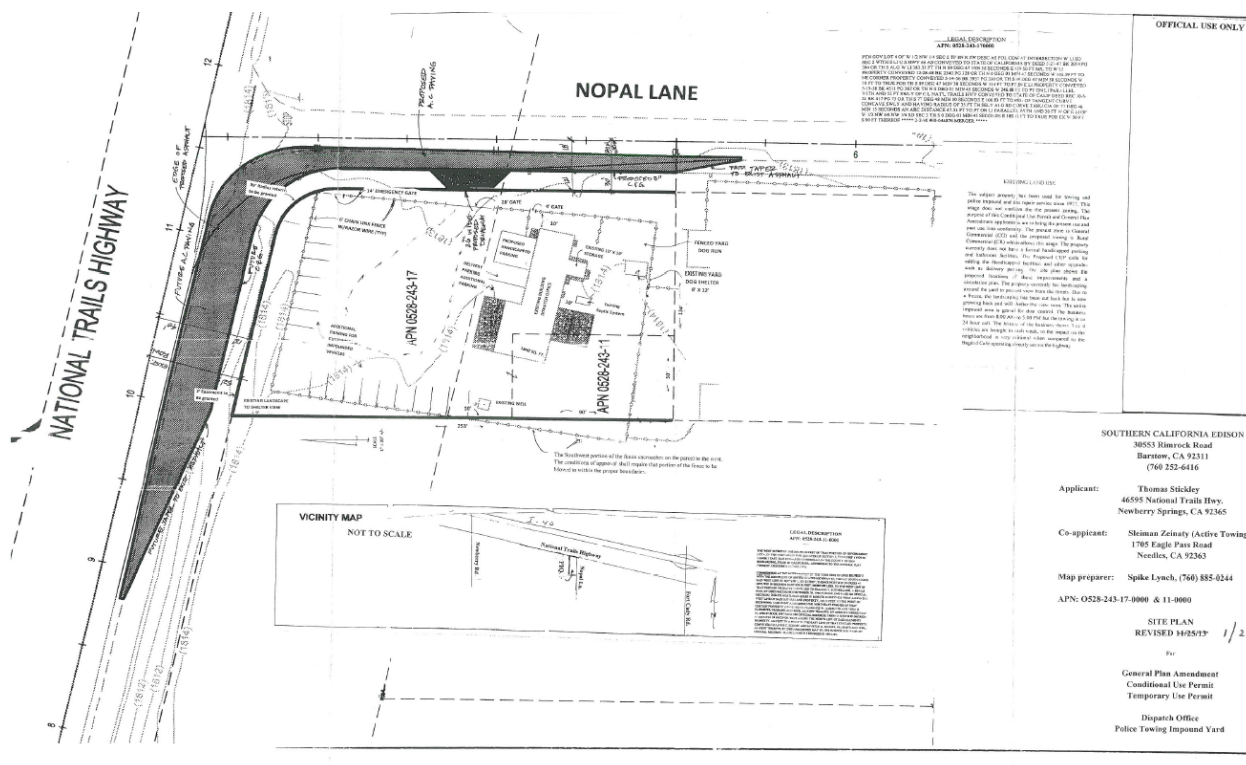
VICINITY MAP



AERIAL VIEW AND LAND USE ZONING DISTRICT MAP



SITE PLAN



BACKGROUND:

According to information provided by the applicant's representative, the towing business has been in operation since about 1980. The current General Commercial (CG) land use zoning does not permit an impound yard and towing facility. In order to legally establish the use, the owner filed applications for a General Plan Amendment (GPA) and a Conditional Use Permit (CUP). Both applications were accepted as complete for processing in August 2012.

In an effort to accommodate an existing, but not legally established business, LUSD conditionally approved a Temporary Use Permit (TUP) for dispatch only in September 2012. The TUP expired in September 2013. A second TUP application for dispatch only was filed in September 2012, and conditionally approved for six months. The current TUP expiration date is April 7, 2014.

Location and Setting: The site is at the southwest corner of National Trails Highway and Nopal Lane in the unincorporated community of Newberry Springs. Access to the development is from a driveway on Nopal Lane. The site contains disturbed developed land, with minimal installed landscaping. The site is flat, with an on-site elevation of approximately 1822 feet above mean sea level. The site is within the Airport Safety Review Area 4.

ANALYSIS: GENERAL PLAN AMENDMENT

Consistency with General Plan Policies: Assessor Parcel Number (APN) 0528-243-17 and APN 0528-243-11 currently support Silver Valley Towing. APN 0528-243-04 contains an existing single family residence. APNs 0528-243-05 and 0528-243-16 are vacant. The proposed Land Use Zoning District (LUZD) change from CG to Rural Commercial (CR) on the five parcels totaling 2.89 acres will permit the legal establishment of the existing towing and impound business on 2 parcels totaling approximately 0.72 acres, will eliminate the non-conforming status of the existing residential structure, and create a CR LUZD conforming to the General Plan requirements and standards.

ANALYSIS: CONDITIONAL USE PERMIT

Project Notice: The original project notifications were mailed to 12 surrounding property owners in August 2012. Staff received no responses.

Aesthetics/Visual: The current visual character of the site is typical of development along National Trails Highway, also known as Historic Route 66. The site is adjacent to Historic Route 66, which is a designated a scenic corridor. The conditions of approval for the towing and impound facility include requirements for submittal of exterior architectural elevations and landscaping plans. These will help to ensure that the proposed development is an aesthetic enhancement to the area and will improve the existing visual character of the site by installing landscaping appropriate to this desert setting along the frontages, adjacent to the buildings, and along the side property lines.

Any security lighting must comply with the Glare and Outdoor Lighting requirements within the Desert Region, which includes shielding to prevent light trespass and protect the night sky.

Biological Resources: Even though the site is within an area known to contain habitat to support Desert Tortoise and Burrowing Owl, it contains no native vegetation, is developed with a commercial use, is adjacent to National Trails Highway, and is adjacent to development on two sides. Therefore, impacts to these biological resources were found to be less than significant.

Transportation/Traffic: The County Traffic Division found that the proposed project would not result in any impacts to traffic. The LUSD Land Development Division is requiring road improvements to National Trails Highway and Nopal Lane where they are adjacent to the project site.

ENVIRONMENTAL REVIEW:

Planning Staff prepared an Initial Study (IS) for the Project pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Staff prepared a Notice of Availability and Notice of Intent (NOA/NOI), posted the NOA/NOI and IS with the Clerk of the Board, and on the County website for public review. Staff received no responses to the NOA/NOI.

The Initial Study concludes that no mitigation measures are required and that the proposed Project will not have a significant effect on the environment. Therefore, a Negative Declaration is proposed for recommendation by the Planning Commission.

SUMMARY:

The proposed project is consistent with County goals and policies regarding land use, specifically Goal LU 3, which supports commercial development within cities and unincorporated communities, and Goal D/LU 3, which strives to ensure that commercial development is compatible with the rural desert character and meets the needs of local residents. Additionally the Project complies with Goal D/ED 1, which promotes economic development that is compatible with the rural desert character of the Desert Region, specifically Policy D/ED 1.1 to support development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character. Therefore, Planning Staff recommends approval of the Project.

RECOMENDATION: That the Planning Commission make the following recommendation to the Board of Supervisors:

- 1) **ADOPT** the Negative Declaration and find that the Initial Study was completed in compliance with the California Environmental Quality Act, that it has been reviewed and considered prior to approving the Project and that the Initial Study/Negative Declaration reflects the independent judgment of San Bernardino County;
- 2) **ADOPT** the Findings for approval of a General Plan Amendment and a Conditional Use Permit as contained in the Staff Report;
- 3) **ADOPT** a General Plan Amendment from General Commercial (CG) to Rural Commercial (CR) on five parcels totaling approximately 2.89 acres;
- 4) **APPROVE** the Conditional Use Permit to recognize an existing towing and impound facility on 2 parcels totaling approximately 0.72 acres, subject to the conditions of approval contained in the Staff Report; and
- 5) **FILE** a Notice of Determination.

ATTACHMENTS:

Exhibit A:	Findings
Exhibit B:	Initial Study
Exhibit C:	Conditions of Approval

EXHIBIT A

Findings

FINDINGS – GENERAL PLAN AMENDMENT

General Plan Land Use Zoning District Amendment from CG (General Commercial) to CR (Rural Commercial) on 5 parcels totaling approximately 2.89 acres.

1. **The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan, or an applicable specific plan.** It is consistent with the following goals and policies of the County General Plan:
 - **Goal LU 3 – The unincorporated communities within the County will be sufficiently served by commercial land uses.**
Goal Implementation: The amendment would agree with Goal LU 3 by permitting the legalization and continuation of an existing commercial land use.
 - **Goal D/LU 3 – Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.**
Goal Implementation: The amendment would agree with the Desert Region Goal D/LU 3 by retaining an existing commercial development that is compatible with the rural desert character. According to the applicant and representative, the original towing and impound business has thrived since it located on the site decades ago. The proposed project is to recognize and legally establish the existing business, which employs local residents.
 - **Goal D/ED 1 – Promote economic development that is compatible with the rural desert character of the Desert Region.**
 - **Policy D/ED 1.1 – Support development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character.**
Goal and Policy Implementation: The amendment would permit the legal establishment of the existing towing and impound business on 2 parcels totaling 0.72 acres. By providing services to the CHP and the traveling public, the project will allow the continuation of the existing small business.
2. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.** The amendment facilitates the legalization and continuation of a Project, which incorporates appropriate conditions of approval to protect and enhance public health and safety, while providing ongoing employment opportunities in the community.
3. **The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.** The proposed amendment will permit the legalization of the existing use and enable it to continue. A community benefit will continue from the retention of employment opportunities. The land use zoning district change will permit the continuation of a development that will provide road and intersection improvements along National Trails Highway and Nopal Lane, which will serve the surrounding community and traveling public.
4. **The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.** The proposed amendment will create a CR land use zoning district adjacent to the existing CG along a portion of National Trails Highway in Newberry Springs.
5. **The proposed land use zoning district change does not conflict with provisions of this Development Code.** The Project site conforms to the size and location criteria specified for the proposed CR land use zoning district. All development must comply with commercial development standards and land use regulations of the proposed CR land use district.

6. **The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.** The proposed amendment will create a CR land use zoning district adjacent to the existing CG along National Trails Highway in the area. Development standards of the proposed CR land use district will limit the potential for any adverse effects on surrounding properties.
7. **The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.** The site contains an existing water well and an existing septic system. The conditions of approval require compliance with solid waste and recycling standards. San Bernardino County Fire Department and Sheriff Department provide fire and police protection to the site. The County Land Development Division evaluated site drainage and water quality associated with the Project. Appropriate drainage improvements are required as conditions of approval.
8. **The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.** The Project will not have a significant adverse impact on the environment. There are no potential impacts that would require mitigation measures. Adoption of a Negative Declaration will be part of the recommendation.

FINDINGS – CONDITIONAL USE PERMIT

Conditional Use Permit to recognize and legally establish an existing towing and impound facility on two parcels totaling approximately 0.72 acres.

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 0.72-acre site is adequate in size and shape to accommodate the existing uses and buildings. The site plan shows all aspects of the Project, which meets the required loading and parking areas, including accessible spaces, adequate drive aisles, required setbacks, and landscaping.
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 project is adjacent to National Trails Highway and Nopal Lane, which provide legal and physical access to the site. The conditions of approval include additional road dedication and intersection improvements. As part of these improvements, the Project driveway will be redesigned to County standards.
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.** The use is consistent with the development allowed in the Rural Commercial (CR) land use zoning district. The Project incorporates landscaped building setbacks to provide a buffer for adjacent properties designated as General Commercial. Although not adjacent to the towing and impound facility, Rural Living zoning exists south of the newly created CR zoning. An existing residence and vacant land buffer this residential land use from the impound yard.
4. **The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan and any applicable specific plan or planning area.** The existing towing and impound business are consistent with the goals, policies, standards, and maps of the General Plan and the Development Code. The Project, together with the provisions for its design and improvement, are consistent with both the General Plan's goals and policies and is consistent with the development standards of the CR Land Use Zoning District. The Project is consistent with the following Goals and Policies of the General Plan:
 - **Goal LU 3 – The unincorporated communities within the County will be sufficiently served by commercial land uses.**
Goal Implementation: The project would agree with Goal LU 3 by permitting the legalization and continuation of an existing commercial land use.
 - **Goal D/LU 3 – Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.**
Goal Implementation: The project would agree with the Desert Region Goal D/LU 3 by retaining an existing commercial development that is compatible with the rural desert character. According to the applicant and representative, the original towing and impound business has thrived since it located on the site decades ago. The proposed project is to recognize and legally establish the existing business, which employs local residents.
 - **Goal D/ED 1 – Promote economic development that is compatible with the rural desert character of the Desert Region.**
 - **Policy D/ED 1.1 – Support development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character.**

Goal and Policy Implementation: The project would permit the legal establishment of the existing towing and impound business on 2 parcels totaling 0.72 acres. By providing services to the CHP and the traveling public, the project will allow the continuation of the existing small business.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** The site contains an existing water well and an existing septic system. The conditions of approval require compliance with solid waste and recycling standards. San Bernardino County Fire Department and Sheriff Department provide fire and police protection to the site. The County Land Development Division evaluated site drainage and water quality associated with the Project. Appropriate drainage improvements are required as conditions of approval.
6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.** All development issues have been evaluated by the appropriate agencies and County staff, and conditions of approval have been required to ensure compliance with applicable development standards, to protect the public health, safety and 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 existing 1,840-square foot building does not cause excessive shadow that would impede the use of solar energy systems and its orientation in a northerly-southerly direction is conducive to utilizing available solar energy. Sufficient space exists to consider the use of solar energy systems and passive or natural heating and cooling opportunities.
8. **An Environmental Initial Study / Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.** The Project will not have a significant adverse impact on the environment. There are no potential impacts that would require mitigation measures. Adoption of a Negative Declaration will be part of the recommendation..

EXHIBIT B

Initial Study

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN:	0528-243-17*
APPLICANT:	THOMAS A. STICKLEY (SILVER VALLEY TOWING)
COMMUNITY:	NEWBERRY SPRINGS/1 ST SUPERVISORIAL DISTRICT
LOCATION:	SOUTHWEST CORNER OF NATIONAL TRAILS HIGHWAY AND NOPAL LANE
PROJECT NO:	P201200300/CF
STAFF:	TRACY CREASON
REP(S):	INLAND WEST DEVELOPMENT (SPIKE LYNCH)
PROPOSAL:	A) GENERAL PLAN AMENDMENT FROM GENERAL COMMERCIAL (CG) TO RURAL COMMERCIAL (CR) ON 5 PARCELS TOTALING 2.89 ACRES; B) CONDITIONAL USE PERMIT TO RECOGNIZE AN EXISTING TOWING AND IMPOUND FACILITY ON TWO PARCELS TOTALING APPROXIMATELY 0.72 ACRES

USGS Quad: NEWBERRY SPRINGS
T, R, Section: T8N R3E Sec 2 NW ¼
Thomas Bros.: PAGE 3764; GRID F6
Planning Area: DESERT REGION
Zoning: CG
Overlays: AR-4, BIOLOGICAL, SCENIC CORRIDOR, FEMA ZONE D

PROJECT CONTACT INFORMATION:

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

Contact person: Tracy Creason, Senior Planner

Phone No: 760.995.8143

Fax No: 760.995.8167

E-mail: tcreason@lusd.sbcounty.gov

Project Sponsor: Inland West Development – Spike Lynch
 PO Box 310
 Newberry Springs, CA 92365
 Phone: 760.257.3371; Fax: 760.257.4587

PROJECT DESCRIPTION:

The proposed project is a General Plan Land Use Zoning District Amendment from General Commercial (CG) to Rural Commercial (CR) on five parcels totaling 2.89 acres, and a Conditional Use Permit to recognize an existing towing and impound facility (Silver Valley Towing) on two parcels totaling approximately 0.72 acres. As part of the impound yard there is outside storage of vehicles.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is in the unincorporated portion of San Bernardino County in the community of Newberry Springs. It is located on the southwest corner of National Trails Highway (a.k.a. Historic Route 66) and Nopal Lane. The project site is currently in use as Silver Valley Towing, an impound yard and towing company, with incidental tire repair service. According to Google Earth EC, the site is at a level elevation of 1822 feet above mean sea level (AMSL). Vegetation on the site is minimal due to the historic and current uses. The property is within the AR-4 airport safety overlay, a biological overlay, a scenic corridor, and FEMA Zone D.

AREA	EXISTING LAND USE	ZONING/OVERLAY DISTRICTS
Site	Silver Valley Towing	CG / AR-4, Biological, Scenic, FEMA Zone D
North	Bagdad Café/Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
South	Single Family Residences/Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
East	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D
West	Vacant	CG / AR-4, Biological, Scenic, FEMA Zone D

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

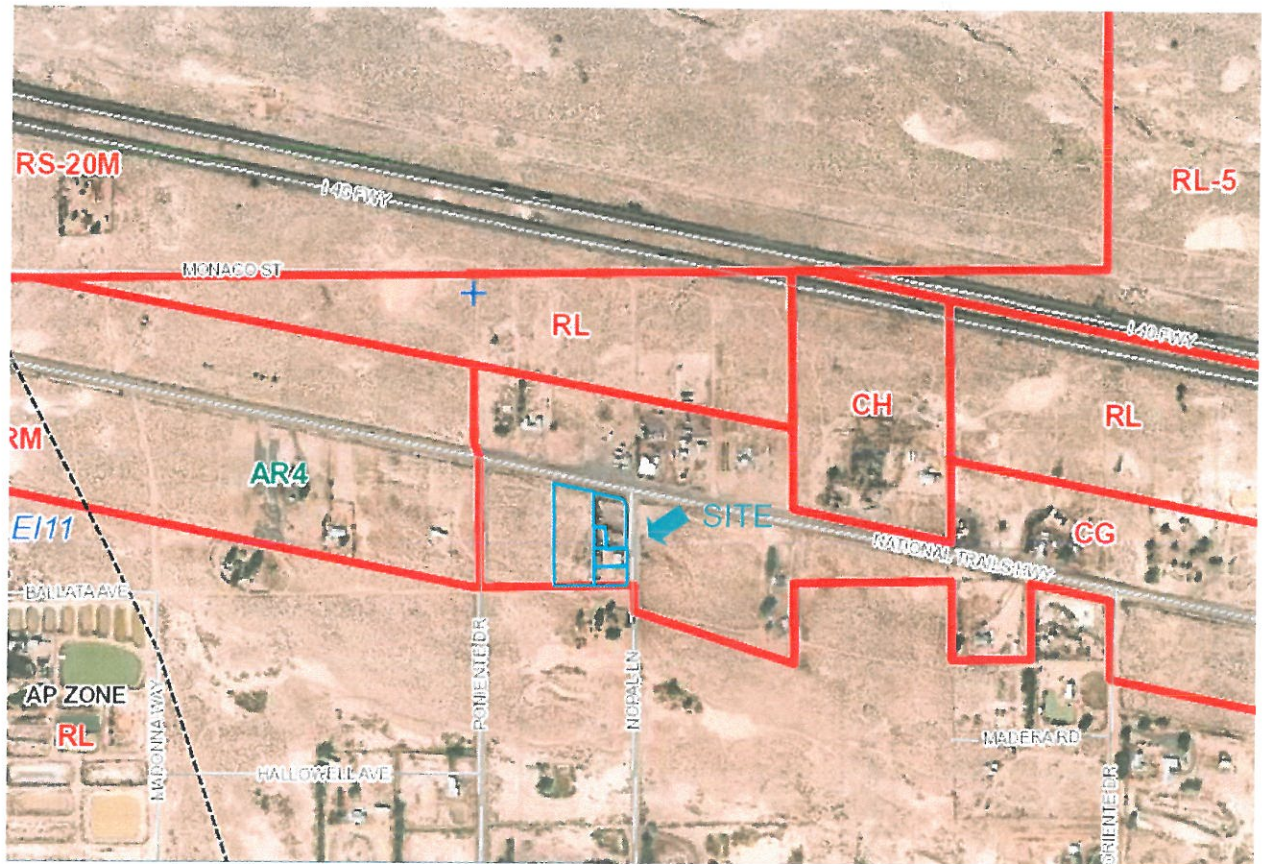
Federal: Army Corps of Engineers, Fish and Wildlife, Federal Aviation Administration

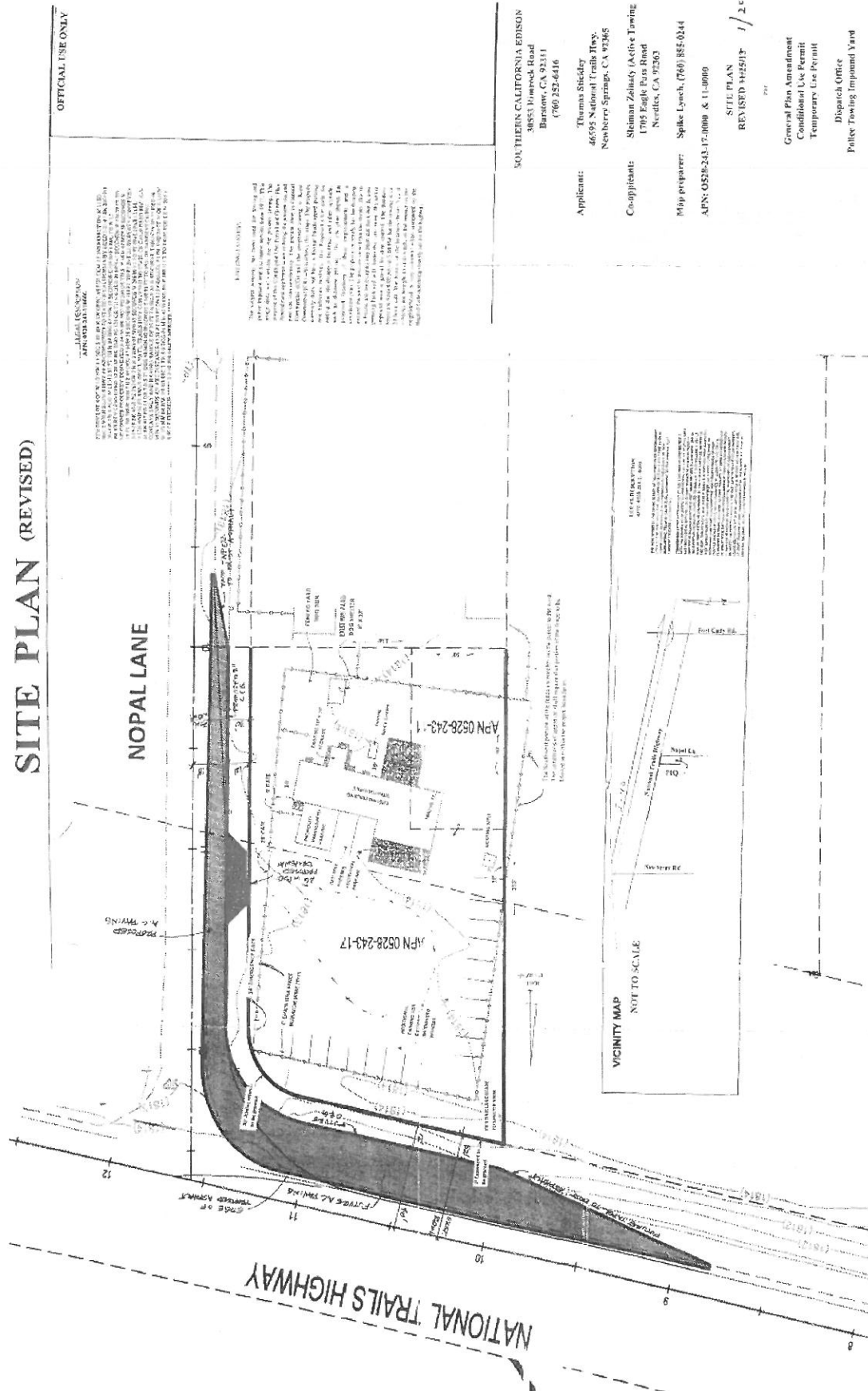
State of California: Fish and Wildlife, Regional Water Quality Control Board (Lahontan Region), Mojave Desert Air Quality Management District

County of San Bernardino: Land Use Services - Code Enforcement, Building and Safety, Land Development; Public Health - Environmental Health Services; Special Districts; Public Works; County Fire; and Hazardous Materials

Local: Newberry Springs CSD

PROJECT LOCATION MAP





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:

1. Potentially Significant Impact	2. Less than Significant with Mitigation	3. Less than Significant	4. 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, these respectively

1. 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).
2. 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)
3. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. (Optional mitigation may be added by stating: "As a precautionary measure to further reduce any potential for impacts, the following requirement shall apply"):
4. No impacts are identified or anticipated and no mitigation measures are required.

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:

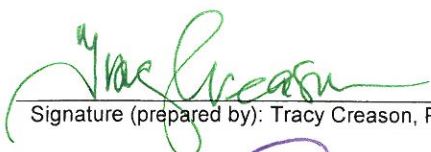
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <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"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas | <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 |

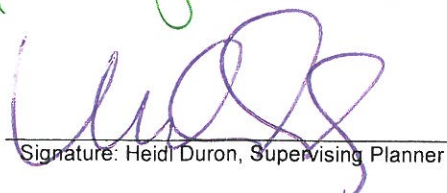
DETERMINATION: (To be completed by the Lead Agency)

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): Tracy Creason, Project Planner

17 Jan 2014
Date


Signature: Heidi Duron, Supervising Planner

1/23/2014
Date

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

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

The proposed project is located within the view shed of National Trails Highway, a designated Scenic Corridor. The Scenic Overlay Area includes unique views within the County's desert, mountain, and valley areas, as well as other aesthetic natural land formations. It covers an area extending 200 feet on both sides of the ultimate road right-of-way of State and County designated Scenic Highways as identified within the General Plan.

- I a) **Less Than Significant Impact.** The proposed project is located within the view shed of National Trails Highway, a designated Scenic Corridor. Development already exists on the project site. The project is proposed on the site of the existing Silver Valley Towing facility. The existing 1840-square foot building will remain. There will be no additional impact on the existing visual character of the site because no new structures are proposed. In order to improve the existing visual character of the site, landscaping along the National Trails Highway and Nopal Lane frontages is required as a condition of approval.
- I b) **Less Than Significant 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 there are no such resources on the project site.
- I c) **Less Than Significant Impact.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project is consistent with the existing visual character of the area. There will be no additional impact on the existing visual character of the site. In order to improve the existing visual character of the site, landscaping along the National Trails Highway and Nopal Lane frontages is required as a condition of approval.
- I d) **Less Than Significant Impact.** 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. Normal hours of operation are 8:00 to 5:00, seven days a week, but on call towing is available 24 hours a day. There is only minimal lighting for security purposes proposed on site; no light standards are proposed. Any lighting must adhere to County Development Code Section 83.07.040, the Mountain and Desert Region Glare and Outdoor Lighting standards, also known as the Desert Night Sky Ordinance.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:					
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 designated "Other Land" on the San Bernardino County Important Farmland 2008, Sheet 2 of 2, a map prepared by the California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. The nearest boundary of the San Bernardino National Forest is approximately 33 miles southwest of the property.

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

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

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

- III a) **Less Than Significant Impact.** The North Desert portion of the County of San Bernardino is part of the Mojave Desert Air Basin (MDAB) and the Mojave Desert Air Quality Management District (MDAQMD) and is at times adversely impacted by polluted air trapped by an inversion layer. Wind conditions and temperature variations result in the air quality being better at night and during the winter months than during summer days. According to the MDAQMD web site, the MDAQMD is downwind of the Los Angeles basin, and to a lesser extent, is downwind of the San Joaquin Valley. Prevailing winds transport ozone and ozone precursors from both regions into and through the MDAB during the summer ozone season. Local MDAQMD emissions contribute to exceedances of the established levels for ozone, but the MDAB would be in attainment of both standards without the influence of this transported air pollution from upwind regions. The Air Quality Management Plan (AQMP) for the MDAB sets forth a comprehensive program that will lead the MDAB into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections. The proposed project would be consistent with the underlying General Plan designation if the concurrently-filed General Plan Amendment from Rural Living to Community Industrial is approved.

Based on the square footage of the Project (1840 square feet of building footprint) and the statistical analysis of projects run in the CalEEMOD air quality model, this project will generate less than 3000 metric tons of carbon dioxide equivalent (MTCO₂e). Using the model, Low Density Manufacturing and Warehousing less than 53,000 square feet in size are under the threshold.

The project will not contribute to the degradation of local or regional air quality. The site will be paved, dust proofed, and partially landscaped resulting in little or no wind-blown dust or particulate matter. The business has two full-time employees, with tow truck drivers dispatched from their separate locations. There will be short-term vehicle impound storage at the site, and occasional heavy equipment and/or vehicle storage. As a condition of approval, dust control must be in compliance with MDAQMD's Rule 403.

- III b) **Less Than Significant Impact.** The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use(s) do not exceed established thresholds of concern as established by the District. Additional road improvements will be required, and will reduce the potential for wind-blown dust and particulate matter. Even though the Project does not exceed the MDAQMD thresholds, the Project proponent must comply with all applicable rules and regulations of the MDAB to assist in achieving attainment for ozone and suspended particulates.
- III c) **Less Than Significant Impact.** 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), because the proposed uses do not exceed established thresholds of concern. As mentioned previously, the project must comply with MDAQMD's Rule 403 regarding fugitive dust during construction. The current zoning is CG (General Commercial) and the proposed zoning is CR (Rural Commercial). The Project is consistent with the growth projections contained in the County General Plan.
- III d) **Less Than Significant Impact.** The project will not expose sensitive receptors to substantial pollutant concentrations. These sensitive receptors include residences, schools, daycare centers, playgrounds, and medical facilities. The following project types within the specified distance must not expose sensitive receptors to substantial pollutant concentrations. They include:
- Any industrial project within 1000 feet
 - A distribution center (40 or more trucks per day) within 1000 feet
 - A major transportation project (50,000 or more vehicles per day) within 1000 feet
 - A dry cleaner using perchloroethylene within 500 feet
 - A gasoline dispensing facility within 300 feet
- The project will not expose sensitive receptors to substantial pollutant concentrations, because there are no identified concentrations of substantial pollutants associated with the project. The site is approximately 3.5 miles southeast of the nearest sensitive receptor, Newberry Springs Elementary School.
- III e) **Less Than Significant Impact.** According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The project totals 1840 square feet of building footprint with limited outside storage, which will not produce objectionable odors affecting a substantial number of people.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:					
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Interfere substantially with the movement of any native resident 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUBSTANTIATION (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database <input checked="" type="checkbox"/>):					

The site is within an area known to support Desert Tortoise and Burrowing Owl. The site contains no native vegetation and has been developed for more than 60 years. It is enclosed with a perimeter fence. Additional land disturbance is not proposed. The project will be conditioned to conduct pre-construction surveys if future development is proposed.

- IV a) **Less Than Significant Impact.** Although the property is within an area known to support Desert Tortoise and Burrowing Owl, the lack of native vegetation substantially reduces the habitat potential for these species. According to San Bernardino County Assessor records, the site was originally developed in 1952. The entire 0.72-acre site is covered with gravel and structures. Based on site conditions, biological studies were deemed unnecessary. If additional development is proposed, pre-construction surveys are required.
- IV b) **Less Than Significant Impact.** 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, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. The western edge of Troy Dry Lake, approximately 3.1 miles northeast of the project site, is the nearest body of water.
- IV c) **Less Than Significant 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, because the project is not within an identified protected wetland. As mentioned in IV b), the Troy Dry Lake is northeast of the

project site, but it does not exist on the site.

- IV d) **Less Than Significant Impact.** 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, because none exist on the developed site.
- IV e) **Less Than Significant Impact.** This project will not conflict with any local policies or ordinances protecting biological resources, because the site has been previously disturbed, is currently developed, and there are no identified biological resources that are subject to such regulation.
- IV f) **Less Than Significant 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. The site is within the proposed boundary of the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert. Only the BLM amendment of the California Desert Conservation Area of the West Mojave Plan has been approved. The state and local government actions proposed by this interagency habitat conservation plan remain under review.

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

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

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

- V a) **Less Than Significant Impact.** This Project will not cause a substantial adverse change in the significance of a historical resource because the project site is not located on or near any known historical resource, as defined in §15064.5.
- V b) **Less Than Significant Impact.** This project will not cause a substantial adverse change in the significance of an archeological resource, because no resources have been identified on the site. No additional development is proposed as part of the project. To further reduce the potential for impacts, a condition shall be added to the project, which requires the developer to contact the County Museum for determination of appropriate measures, if any finds are made during future construction.
- V c) **Less Than Significant Impact.** 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. No additional development is proposed as part of the project. To further reduce the potential for impacts, a condition shall be added to the project which requires the developer to contact the County Museum for determination of appropriate measures, if any finds are made during future construction.
- V d) **Less Than Significant Impact.** This project will not disturb any human remains, including those interred outside of formal cemeteries, because no such burials grounds are identified on this project site. No additional development is proposed as part of the project. If any human remains are discovered, during future construction on the site, the developer is required to contact the County Coroner, County Museum for determination of appropriate measures and a Native American representative, if the remains are determined to be of Native American origin.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VI. GEOLOGY AND SOILS - Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- VI a(i-iv) **Less Than Significant Impact.** The project site is approximately 0.45 miles northeast of the Calico section of the Calico-Hildago fault zone. The project will be reviewed and approved by County Building and Safety with appropriate seismic standards implemented in any future construction to insure that structures can endure a seismic event. At present, there are no new structures proposed.
- VI b) **Less Than Significant Impact.** The project will not result in substantial soil erosion or the loss of topsoil. Any such erosion occurred previously as a result of the existing operations. The development proposal includes landscaping on the site, which will reduce soil erosion and loss of top soil. Erosion control plans will be required to be submitted, approved, and implemented.
- VI c) **Less Than Significant Impact.** The project is not identified as being located on a geologic unit. No new construction is proposed. Adherence with the standards and requirements in the Building Code for design of any future structure will ensure that any impacts are less than significant. Compliance with the Building Code is mandatory.
- VI d) **Less Than Significant Impact.** The project site is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property.
- VI e) **Less Than Significant Impact.** There is no indication that the project site will not be supportive of a septic system. The project is required to hire a professional to certify that the existing septic system functions

effectively, including verification of adequate percolation. Approvals from County Environmental Health Services and the Lahontan Regional Water Quality Control Board are required.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VII	GREENHOUSE GAS EMISSIONS - Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- VII **Less Than Significant Impact.** In January of 2012, the County of San Bernardino adopted a Greenhouse Gas Emissions Reduction Plan (GHG Plan). The GHG Plan establishes a GHG emissions reduction target for 2020 of 15 percent below 2007 emissions, consistent with Assembly Bill 32 (AB32) and sets the County on a path to achieve more substantial long-term reduction 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.

In 2007, the California State Legislature adopted Senate Bill 97 (SB97) requiring that the CEQA Guidelines be amended to include provisions addressing the effects and mitigation of GHG emissions. New CEQA Guidelines have been adopted that require: inclusion of a GHG analyses in CEQA documents; quantification of GHG emissions; a determination of significance for GHG emissions; and, adoption of feasible mitigation to address significant impacts. The CEQA Guidelines [Cal. Code of Regulations Section 15083.5 (b)] also 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.

Implementation of the County's GHG Plan is achieved through the Development Review Process by applying appropriate reduction requirements to reduce GHG emissions. All new development is required to quantify the project's GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 MTCO₂e per year is used to identify and mitigate project emissions. For projects exceeding 3,000 MTCO₂e per year of GHG emissions, the developer may use the GHG Plan Screening Tables as a tool to assist with calculating GHG reduction measures and the determination of a significance finding. Projects that garner 100 or more points in the Screening Tables do not require quantification of project-specific GHG emissions. The point system was devised to ensure project compliance with the reduction measures in the GHG Plan such that the GHG emissions from new development, when considered together with those from existing development, will allow the County to meet its 2020 target and support longer-term reductions in GHG emissions beyond 2020. Consistent with the CEQA Guidelines, such projects are consistent with the Plan and therefore will be determined to have a less than significant individual and cumulative impact for GHG emissions.

As stated in the Air Quality section of this document, the proposed project contains 1840 square feet of low density manufacturing and warehousing structures. The project size threshold that generates 3,000 MTCO₂e is 53,000 square feet.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VIII.	HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
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 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 result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving 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 checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

VIII a) **Less Than Significant Impact.** The Project does not have the potential to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because the Project is not considered a 'hazardous waste generator' as defined by the U.S. Environmental Protection Agency. Such a hazardous waste generator would routinely transport, use, or dispose of hazardous materials. Prior to occupancy, the operator must submit a Business Emergency/Contingency Plan to the Hazardous Materials Division of the County Fire Department.

VIII b) **Less Than Significant Impact.** 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, because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. As mentioned above, a business emergency contingency plan is required as a condition of approval.

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- VIII c) **Less Than Significant Impact.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter 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 one-quarter mile away from the project site. Newberry Springs Elementary School is located approximately 3.5 mile to the northwest of the project site.
- VIII d) **Less Than Significant Impact.** Based on the Cortese List Data Resources webpage maintained by Cal/EPA, the Project site is not included on the list of hazardous materials sites compiled in accordance with Government Code 65962.5.
- VIII e) **Less Than Significant Impact.** The project site is not within the vicinity or approach/departure flight path of a public airport. The nearest public airport is Barstow Daggett County Airport, located approximately 8.5 miles to the northwest of the project site. The AR-4 overlay exists in the entire area. This signifies a high speed, low altitude military flight path. The single story structure will not impact flights, nor will potential noise impact the towing and impound yard.
- VIII f) **Less Than Significant Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The Harvard Airport, the nearest private airstrip, is located approximately 10 miles to the northwest of the project site.
- VIII g) **Less Than Significant 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 directions.
- VIII h) **Less Than Significant Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, because there are no wild lands adjacent to this site.

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

Issues

Potentially
Significant
ImpactLess than
Significant
with Mitigation
IncorporatedLess than
SignificantNo
Impact**IX. HYDROLOGY AND WATER QUALITY - Would the project:**

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 that 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

- IX a) **Less Than Significant Impact.** The project will not violate any water quality standards or waste discharge requirements because the project's design incorporates design features to diminish water quality impacts to an acceptable level as required by state and federal regulations. The project will continue to be served by an on-site water well and an on-site septic system. These must be inspected and certified that they meet the requirements of the County Environmental Health Services and the Lahontan Regional Water Quality Control Board. These are mandatory requirements and are not considered mitigation measures.
- IX b) **Less Than Significant Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. According to information obtained from the US Department of the Interior, US Geological Survey, between 2000 and 2012 ~~between~~ ^{between} decreases in water level in wells near the project ranged from

more than 5 feet to less than 30 feet. An artificial recharge site exists approximately 2 miles northwest of the site. No additional construction is proposed; only the legalization of the existing use. There will be no increase in water use. The required landscape areas will permit on-site water percolation.

- IX c) **Less Than Significant Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including 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 project does not propose any substantial alteration to a drainage pattern, stream, or river. The project is required to submit and implement an erosion control plan.
- IX d) **Less Than Significant Impact.** The project site is flat and the adjacent roadways are slightly lower so that water drains into the streets. 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 that would result in flooding on- or off-site. The project does not propose any substantial alteration to a drainage pattern, stream, or river. County Public Works has reviewed the proposed project drainage and all necessary drainage improvements both on and off site are required as conditions of approval for the project. Review of detailed plans prior to construction is a mandatory requirement and not considered a mitigation measure.
- IX e) **Less Than Significant Impact.** Because of the Project design and the lack of change to the drainage pattern, the project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The County Land Development Division reviewed the proposed project drainage and determined that the proposed systems are adequate to handle anticipated flows. There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the project.
- IX f) **Less Than Significant Impact.** The project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including BMPs and erosion control measures have been required.
- IX g) **Less Than Significant Impact.** According to the Land Development Division, the site is located within FEMA Flood Zone D according to FEMA Panel Number 4625H dated 8/28/2008. This is not a 100-year flood hazard area. The project is a towing and impound yard and does not include any housing; no housing will be placed within a 100-year flood hazard area.
- IX h) **Less Than Significant Impact.** The Project will not place structures within a 100 year flood hazard area that would impede or redirect flood flows, because the site is not within an identified FEMA designated flood hazard area. (See IX g, above)
- IX i) **No Impact.** The Project site is not within any locally identified Flood Plain, so 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.
- IX j) **No Impact.** The Project will not be impacted by inundation by seiche, tsunami, or mudflow, because the Project is not adjacent to any body of water that has the potential of seiche or tsunami nor is the Project site in the path of any potential mudflows.

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

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

SUBSTANTIATION

- X a) **Less Than Significant Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the existing and planned land uses and the established development within the surrounding area. The community of Newberry Springs does not contain a centralized district that would be divided by the project. The existing development on the site conforms to the proposed Rural Commercial (CR) land use zoning district; it is not permitted within the existing General Commercial (CG) land use zoning district.
- X b) **Less Than Significant Impact.** The analysis contained in this Initial Study Checklist addresses the potential conflicts 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. Based on this analysis, the Project is consistent with all applicable land use policies and regulations of the County Code and the General Plan. The General Plan Amendment from CG (General Commercial) to CR (Rural Commercial) is consistent with the area and would allow the existing Silver Valley Towing facility to continue operations. The project is to recognize the existing 1840 square foot structure, which occupies approximately 17 percent of the site, and to enhance the area by including landscaping. Furthermore, to ensure that the project is an aesthetic enhancement to the area, the conditions of approval include the requirement that the applicant submit exterior architectural elevations of proposed improvements to the existing building.
- X c) **No Impact.** The Project is subject to and in conformance with the California Desert Conservation Area Plan (West Mojave Plan). As discussed in the Biological Resources section of this Initial Study Checklist, no impacts to biological resources were identified. Therefore, the Project's activities will be in compliance with the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert.

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

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

SUBSTANTIATION (Check ☐ if project is located within the Mineral Resource Zone Overlay):

The site is within the MRZ-3a, which is defined as areas containing known mineral resource occurrences of undetermined mineral resource significance.

XI a) **No Impact.** Although the subject parcels are identified within an area classified as MRZ-3a (an area containing mineral deposits), this determination is based solely on geologic factors without regard to land use or land ownership. The site is committed to other various land uses, which limit or prohibit access to potentially underlying mineral resources, therefore not practicably available for estimating the volume of minerals in the region. 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.

XI b) **No Impact.** Although the subject parcels are identified within an area classified as MRZ-3a (an area containing mineral deposits), this determination is based solely on geologic factors without regard to land use or land ownership. The site is committed to other various land uses, which limit or prohibit access to potentially underlying mineral resources, therefore not practicably available for estimating the volume of minerals in the region. 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.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XII.	NOISE - Would the project:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input 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 ☐):

- XII a) **Less Than Significant Impact.** Noise sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses. The towing and impound yard is not a sensitive receptor to noise. The project is required to maintain noise levels at or below County Standards identified in Development Code Section 83.01.080. This is a mandatory requirement and not considered a mitigation measure.
- XII b) **Less Than Significant Impact.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels, because the project is required to comply with the vibration standards of the County Development Code. This is a mandatory requirement and not considered a mitigation measure.
- XII c) **Less Than Significant Impact.** 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 project is required to comply with the noise standards of the County Development Code and no noise exceeding these standards is anticipated to be generated by the project. An acoustical review sheet is required to be submitted to County Environmental Health Services prior to issuance of building permits to further evaluate potential noise impacts. Hours and days of operation for the office will be limited to Monday through Friday, 8:00 AM to 5:00 PM. Towing is on-call 24 hours a day and occurs when needed in response to traffic collisions or vehicle failures. Vehicle impounding occurs as needed and has historically been 3 to 4 vehicles weekly. Landscaped building setbacks are required to be installed, which will provide adjacent properties both a visual and an acoustical barrier to on-site activities.

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- XII d) **Less Than Significant Impact.** The project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing or allowed without the project, because the uses exist. Normal office hours are during weekday, daytime hours; towing occurs whenever needed. Landscaped building setbacks are required, which will assist in buffering.
- XII e) **No Impact.** As mentioned in the Hazards and Hazardous Materials Section of this document, the nearest public airport is Barstow Daggett County Airport, located approximately 8.5 miles to the northwest of the project site. The AR-4 overlay exists in the entire area. This signifies a high speed, low altitude military flight path. The single story structure will not impact flights, nor will potential noise impact the towing and impound yard.
- XII f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The Harvard Airport, the nearest private airstrip, is located approximately 10 miles to the northwest of the project site.

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

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

SUBSTANTIATION

- XIII a) **No Impact.** The Project will not induce substantial population growth in the area either directly (it does not propose housing) or indirectly (it does not create a significant number of new jobs). The Silver Valley Towing business currently exists. This project will not generate any new jobs or employment opportunities.
- XIII b) **No Impact.** The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing. The existing structure is not a residence. Nothing is being demolished and nothing is being constructed.
- XIII c) **No Impact.** The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere because the project will not displace any existing housing or existing residents.

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

<i>Issues</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIV. PUBLIC SERVICES					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XIV a) **Less Than Significant Impact.** 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 Silver Valley Towing business currently exists on the site. Conditions will remain unchanged.

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

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

SUBSTANTIATION

- XV a) **Less Than Significant 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 project will not generate any new residential units and the impacts generated by the two full-time employees of this project will be minimal.
- XV b) **Less Than Significant 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 because the type of project proposed will not result in an increased demand for recreational facilities.

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

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XVI.	TRANSPORTATION/TRAFFIC - Would the project:				
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 type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XVI a) **Less Than Significant Impact.** The County Traffic Division found that there would be no adverse impacts on traffic because of the proposed project. The project will generate no additional trips. As mentioned in the GHG Section of this Initial Study, the project will not result in an increase in the number of vehicle trips over what currently exists. The volume to capacity ratio on roads and the congestion level at intersections will continue to remain below the planned thresholds for those facilities. Required road improvements to National Trails Highway and Nopal Lane are in the conditions of approval for this project.
- XV b) **No Impact.** The project will not exceed, either individually or cumulatively, a level of service [LOS] standard established by the county congestion management agency for designated roads or highways, because County Public Works – Traffic Division has reviewed the traffic generation of the proposed project and anticipates that traffic service will remain at an LOS of “C” or better, as required by the County General Plan.
- XV 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 uses and no new air traffic facilities are proposed.

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- XV d) **Less Than Significant 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 properly controlled intersections. Required road improvements to National Trails Highway and Nopal Lane are in the conditions of approval for this project. There are no incompatible uses proposed by the project that will impact surrounding land uses.
- XV e) **Less Than Significant Impact.** The project will not result in inadequate emergency access, because there are a minimum of two access points.
- XV f) **Less Than Significant Impact.** The project would 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. The City of Barstow offers the Barstow Area Transit within the City and for surrounding communities, including Newberry Springs. The project will not impact this existing Dial-a-Ride service.

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

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

SUBSTANTIATION

- XVII a) **Less Than Significant Impact.** The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Lahontan Region, as determined by County Public Health – Environmental Health Services. The existing on-site wastewater treatment system must be certified that it functions properly and meets the needs of the business as part of the conditional approval.
- XVII b) **Less Than Significant 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 an existing on-site water well that serves the existing use. Certification of water quantity and water quality is required as part of the conditions of approval.
- XVII c) **Less Than Significant Impact.** 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 determined that existing site improvements will not result in any impacts to drainage. Adherence with the conditions of approval is required.
- XVII d) **Less Than Significant Impact.** An on-site water well provides water to the site. Certification of water quantity and water quality is required as part of the conditions of approval.
- XVII e) **Less Than Significant Impact.** The proposed project will use an existing on-site septic system, which must be certified by a qualified professional as adequate to serve the proposed project. Certification must be provided to County Environmental Health Services.
- XVII f) **Less Than Significant Impact.** The proposed project is served by the Barstow Sanitary Landfill, which

according to the CalRecycle website, has sufficient permitted capacity to accommodate solid waste disposal until 2071.

XVII g) **Less Than Significant Impact.** The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste.

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

Issues

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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- XVIII a) **Less Than Significant Impact.** 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 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. Although the property is within an area known to support Desert Tortoise and Burrowing Owl, the lack of native vegetation substantially reduces the habitat potential for these species. According to San Bernardino County Assessor records, the site was originally developed in 1952. The entire 0.72-acre site is covered with gravel and structures. It is enclosed with a perimeter fence. Additional land disturbance is not proposed. The project will be conditioned to conduct pre-construction surveys if future development is proposed. No additional development is proposed as part of the project. To further reduce the potential for impacts, a condition shall be added to the project, which requires the developer to contact the County Museum for determination of appropriate measures, if any finds are made during future construction.
- XVIII b) **Less Than Significant Impact.** The analysis in this Initial Study Checklist demonstrates that the Project is in compliance with all applicable regional plans including but not limited to water quality control plan, air quality maintenance plan, and greenhouse gas emissions reduction plan. Compliance with these plans serves to reduce impacts on a regional basis so that the Project will not produce impacts, that when considered with the effects of other past, present, and probable future projects, will be cumulatively considerable.
- XVIII c) **Less Than Significant Impact.** As discussed in this Initial Study Checklist, the Project will not expose persons to adverse impacts, either directly or indirectly. At a minimum, the Project will be required to meet the conditions of approval in order 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 existing or proposed activities authorized by the project approval.

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

XIX. 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)

NONE

GENERAL REFERENCES (List author or agency, date, title)

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<ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/San%20Bernardino/Subvention2008Desert.pdf>

California Department of Transportation, *Standard Environmental Reference, Chapter 27: Visual & Aesthetics Review*,
<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm>

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County of San Bernardino, Circulation and Infrastructure Background Report, February 21, 2006

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

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County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*, May 1, 2012.

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Environmental Impact Report, San Bernardino County General Plan, 2007

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

Institute of Transportation Engineers, *Trip Generation Manual*, 9th Edition

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

Mojave Desert Air Quality Management District, *Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area* 1996, <http://222.mdaqmd.ca.gov>

Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan*

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, June 2007

U.S. Geological Survey, <http://ca.water.usgs.gov/mojave/mojave-water-data.html>

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

[Not subject to Condition Compliance Release Form (CCRF) signatures]

LAND USE SERVICES DEPARTMENT – Planning Division (760)995-8140

1. Project Description. The County conditionally approves the proposed Conditional Use Permit to recognize an existing towing and impound facility on two parcels totaling approximately 0.72 acres in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), the following conditions of approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0528-243-17* and Project Number: P201200300.

2. Concurrently Filed Application: The project proposal also includes a General Plan Land Use Zoning District Amendment (GPA) from General Commercial (CG) to Rural Commercial (CR) on 5 parcels totaling 2.89 acres.
3. Project Location. The project site is located on the southwest corner of National Trails Highway and Nopal Lane in the unincorporated community of Newberry Springs; First Supervisorial District.
4. Development Standards/CR. The project site is located in the Desert Region and will be within the Rural Commercial (CR) land use zoning district. SBCC Section 82.05.060 lists the CR Development Standards.
5. 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 structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved 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)
6. 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.
7. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, the subdivider and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
8. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its “indemnities” (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 the 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's 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

9. Local Labor. *The developer shall give preference to and employ San Bernardino County residents as much as practicable during construction and operation of the facility.*
10. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
 - the permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC §86.06.060]

Occupancy of completed structures and operation of the approved 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:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

11. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include 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)
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201200300. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 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. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).

14. 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 County Planning in accordance with the directions stated in the Approval letter. County Planning 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 County Planning.
15. Additional Permits. The property owner, developer, and 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: US Fish & Wildlife, Army Corps of Engineers, Federal Aviation Administration
 - b) STATE: State Fish & Wildlife, Lahontan RWQCB, Mojave Desert AQMD
 - c) COUNTY: Land Use Services – Planning, Building and Safety, Code Enforcement; Public Health – Environmental Health Services; Special Districts; Public Works; County Fire; and Hazardous Materials
 - d) LOCAL: Newberry Springs Community Services District (CSD)
16. 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:
 - 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.
 - Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
 - 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.
 - Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - 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.
 - 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.
 - 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.
 - 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.

- 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.
 - 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 County Planning 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.
 - 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.
17. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
 - Emissions: No emission of dirt, dust, fly ash and other forms of particulate matter.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
18. Clear Sight Triangle. Any structures located within the clear sight triangle shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
19. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
20. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
21. Signs. No signs are proposed as part of this project. Any future signs must comply with and be permitted in accordance with SBCC §83.13, Sign Regulations.

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

22. Plans. Submit plans and obtain separate building permits for any required walls, retaining walls, or trash enclosures.
23. Disabled Access. The applicant shall provide disabled parking in each parking area to serve each accessible building or area.

LAND USE SERVICES DEPARTMENT – Code Enforcement Division (760)995-8140

24. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
25. Weed Abatement. The applicant 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

26. 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 that will not adversely affect adjacent or downstream properties at the time the site is developed.
27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.

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

29. Road Standards. All required street improvements shall comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.

PUBLIC HEALTH DEPARTMENT– Division of Environmental Health Services [DEHS] (800)442-2283

30. Noise. Noise level shall be maintained at or below SBCC Standards, §83.01.080. For information, contact DEHS at the number above.
31. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at the number above.
32. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with SBCC Chapter 8, §33.0830 et. seq. For information, call DEHS/LEA at the number above.

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

33. Redesign. The developer shall redesign the refuse/recycling storage area to allow double bin capacity. The trash enclosure may be adequate, but size and/or location are/is not listed on the site plan.
34. 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 AB 2176.
35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five or more must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

36. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department, herein “Fire Department”. Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current CFC requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY,
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

37. Site Plan. Provide a site plan that shows the specific use of all structures on site, both existing and proposed.
38. Septic System. Provide the location of the septic system for verification of setback to property lines and structures.
39. Permits. Show proof of permits for all structures or obtain a field investigation inspection permit for each structure not permitted.
40. Grading Plans. If grading exceeds 50 cubic yards, approved plans will be required.

LAND USE SERVICES DEPARTMENT – Planning Division (760)995-8140

41. Lot Merger. The developer shall merge APN 0528-243-17 and 0528-243-11 in order to place all uses associated with the existing towing and impound facility on a single parcel.
42. Cultural Resources. The project is not expected to have an impact on cultural or paleontological resources. However, the following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during earthmoving and/or construction. The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements and shall include a note on the grading plans and in all construction contracts/subcontracts a provision that the project contractors shall also adhere to the following requirements:
 - In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.
 - If possible human remains are encountered during any earthmoving activities, all work shall stop in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.
43. Grading Plans. The developer shall submit three sets of grading plans to the Planning Division for review and approval.
44. MDAQMD. The developer shall submit verification to County Planning that project design and construction adhere with the requirements of the MDAQMD, including compliance with all MDAQMD regulations (i.e., Rules 201, 203, 401, 403.2, 404), proper maintenance of vehicles, implementation of the MDAQMD-approved DCP, and suspension of all construction during high wind or second stage smog events. Additionally, the developer shall submit verification from the MDAQMD that a Dust Control Plan (DCP) is not required.
45. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

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

46. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties.
47. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

PUBLIC WORKS DEPARTMENT – Surveyor (909)387-8149

48. Monumentation. If any activity on this project will disturb any land survey monumentation, including be not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
49. Encroachment. It appears that improvements are encroaching onto the adjoining parcel to the west (APN 0528-243-16) and to the south (APN 0528-243-04). This issue may be resolved by a Lot Line Adjustment or the removal of the improvements.
50. Record of Survey. A Record of Survey/Corner Record shall be filed to identify the property lines and encroachments noted above to aid in resolving the issue.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

51. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division. Submit plans for review and approval, obtain permits, and call for proper inspections.
52. Wall Plans. Submit plans and obtain permits for all fences greater than six feet in height and for any walls required by the Planning Division.
53. Disabled Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of each accessible building or area.
54. Disabled Parking Spaces. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one in each parking area, shall be served by an access aisle 96 inches wide and shall be designated Van Accessible. The words “**NO PARKING**” shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
55. Green Building Measures. The developer shall design all new buildings to include the “Green Building Measures” as outlined in the California Green Building Standards Code.

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

56. Road Dedication and Improvements. Prior to issuance of building permits, the developer shall submit for review and obtain approval from the Land Use Services Department the following dedications, plans, and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall

be submitted to the Land Development Division, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415-0187.

National Trails Highway (Major Highway – 104')

- Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet along the entire frontage.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of National Trails Highway and Nopal Lane.
- Curb Returns. Curb Returns shall be designed per County Standard 110.

Nopal Lane (Local – 60')

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.
57. Road Design. Road sections within and/or bordering the project site shall be designed and constructed 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 Master Plan of Highways.
 58. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
 59. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole that would affect construction, and any such utility shall be relocated as necessary without cost to the County.
 60. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division-Permit Section. Telephone (909) 387-8039. Permits shall be required from other agencies as well, prior to work within their jurisdictions.
 61. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill and all sub-grades shall be performed at no cost to San Bernardino County. A written report shall be submitted to the Transportation Operations Division – Permit Section of County Public Works, prior to any placement of base materials and/or paving.
 62. 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.
 63. Open Roads/Cash Deposit. Existing County roads that 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.
 64. Street Gradients. Road profile grades shall not be less than 0.5 percent unless the engineer, at the time of submittal of the improvement plans, provides justification to the satisfaction of the Department of Public Works confirming the adequacy of the grade.

PUBLIC HEALTH DEPARTMENT– Division of Environmental Health Services [DEHS] (800)442-2283

65. Water. Water purveyor shall be EHS approved.
66. Water Letter. The applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall reference Assessor's Parcel Number (APN): 0528-243-17*. For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at the number above.
67. Sewer. The method of sewage disposal shall be EHS approved.
68. Sewer Letter. The applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the water agency. The letter shall reference APN: 0528-243-17*. If sewer connection and/or service are unavailable, onsite wastewater systems (OWTS) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at the number above.
69. Septic Certification. The existing septic system can be used if the 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. The applicant shall provide documentation outlining the methods used in determining function.
70. Acoustical Checklist. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, SBCC §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 with 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 the number above.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

71. Fire Fee. The required fire fees, currently \$1,997.00, have been paid to the San Bernardino County Fire Department/Community Safety Division.
72. Building Plans. The developer shall submit at least three complete sets of building plans to the Fire Department for review and approval.
73. Building Plans – Hazardous Materials Approval. The developer shall contact the San Bernardino County Fire Department/Hazardous Materials Division, 909.386.8401, 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.

LAND USE SERVICES DEPARTMENT – Planning Division (760)995-8140

74. Elevations. In order to improve views along National Trails Highway the developer shall submit exterior elevation improvements of the existing structures for review and approval by the Planning Division.
75. Landscape Plans. The applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC §83.10, Landscape Standards. At a minimum, landscaping shall be along National Trails Highway and Nopal Lane, adjacent to

the structures, within the parking lots, and along the perimeters of the property. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards for the Desert Region.

76. MDAQMD. The developer shall provide verification of compliance with the MDAQMD Best Available Control Technology (BACT) to County Planning. These BACT must offset any new emissions so that there is no net gain in emissions within the air basin.
77. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

**PRIOR TO FINAL INSPECTION OR OCCUPANCY,
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

78. Final Occupancy. Prior to occupancy, all Planning Division requirements and sign-offs shall be completed.

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

79. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, then inspected and approved by County Public Works.
80. 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.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

81. Commercial Addressing. Commercial and industrial developments of 100,000 square feet or less shall have the street address installed on the building with numbers that are a minimum six inches in height and with a three-quarter 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 200 feet or more from the roadway, additional non-illuminated, contrasting six inch numbers shall be displayed at the property access entrances.
82. Fire Extinguishers. Hand portable fire extinguishers are required. The Fire Department shall approve the location, type, and cabinet design.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909)386-8401

83. Emergency/Contingency Plan. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at 909.386.8401.
84. Permits. Prior to occupancy, the applicant/operator shall be required to apply for one or more of the following: a Hazardous Material Handler Permit, a Hazardous Waste Generator Permit and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at 909.386.8401.

LAND USE SERVICES DEPARTMENT – Code Enforcement Division (909)948-5075

85. Special Use Permit – Landscaping. The developer shall submit an application with the appropriate fees and obtain approval of a Special Use Permit for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and survival of the required landscaping.

LAND USE SERVICES DEPARTMENT – Planning Division (760)995-8140

86. Surety for the Landscaping. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to insure that the landscaping remains in a healthy thriving condition for a minimum of three full years and that the irrigation system continues to function properly for a minimum of three full years. At a minimum this surety shall be in an amount equal to 120 percent of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by County Code Enforcement. Also the requirement for the Special Use Permit shall be extended and continue until such time as the objective has been accomplished to the satisfaction of County Code Enforcement and sustained for one year.

OR

The developer shall cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the landscaping remains healthy and thriving for three growing seasons in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate therefor provided by a licensed landscape architect and approved by the Land Use Services Director.

87. Landscaping Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC §83.10.100 in the form of a Certificate of Completion prepared by the professional who prepared the plans. Supplemental verification should include photographs.
88. Encroachment. *The developer shall submit evidence that the fence encroachment onto the adjacent parcels has been eliminated. Substantiation shall include photographs with a location legend and graphic representations of the fence location in relation to the property lines.*
89. Air Quality & GHG. The developer shall submit evidence to County Planning that all air quality requirements and greenhouse gas reduction measures have been properly installed and implemented.
90. On-site Improvements. Parking and on-site circulation requirements shall be installed per SBCC §83.17, Parking and Loading Standards; including the following:
- All required off-street parking and loading areas and vehicular access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving to the satisfaction of the Building and Safety Division.
 - All primary vehicular access drives shall be a minimum of 26 feet wide.
 - All parking lot vehicular aisle widths shall be a minimum of 24 feet wide for two-way circulation. Fire Department requirements may be more stringent and require wider widths.
 - All paved parking stalls shall be clearly striped with double or hairpin stripes and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained; including arrows painted to indicate the direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum 3-inch white or yellow painted line. All pedestrian crossings in public rights-of-way shall be delineated per County Standards.

91. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
92. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
93. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
94. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.
95. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201200300 shall be paid in full.

END OF CONDITIONS