LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

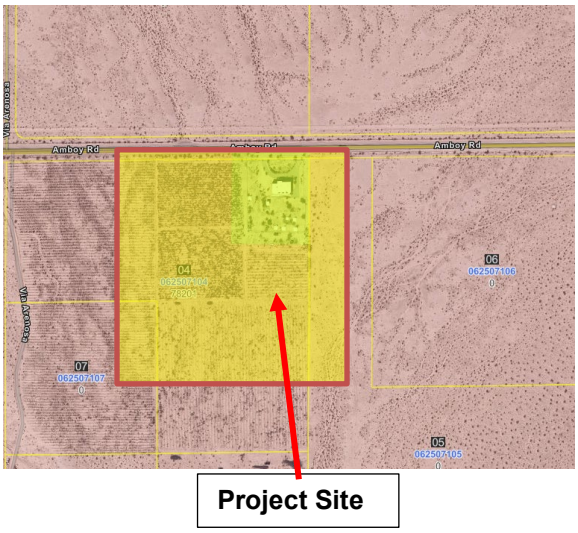
HEARING DATE: March 23, 2023 **AGENDA ITEM # 4**

Project Description

APN: 0625-071-04, -05, -07, -09 and -10
Applicant: Wonder Inn LLC, Jason Landver

Community: 3rd Supervisorial District
Location: 78201 Amboy Road, Twentynine Palms
Project No: PROJ-2021-00163
Staff: Azhar Khan
Rep: Jason Landver
Proposal: A Policy Plan Land Use Amendment from Rural Living (RL) to Commercial (C) and a Zoning Amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS) on a 21.22-acre site, and a Conditional Use Permit to construct and operate a hotel with the conversion of an existing 4,226 square foot office building to a restaurant/lobby, the construction of 106 guest rooms, a 5,031 square foot conference room, a 4,666 square foot wellness center and ancillary structures on a 24.4-acre site.

Vicinity Map -



24 Hearing Notices Sent on : March 8, 2023
Report Prepared By: Azhar Khan, Senior Planner

SITE INFORMATION:
Parcel Size: 24.4 acres
Terrain: Relatively flat, sloping in a northernly direction.
Vegetation: Desert related habitat including creosote bush scrub habitat.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

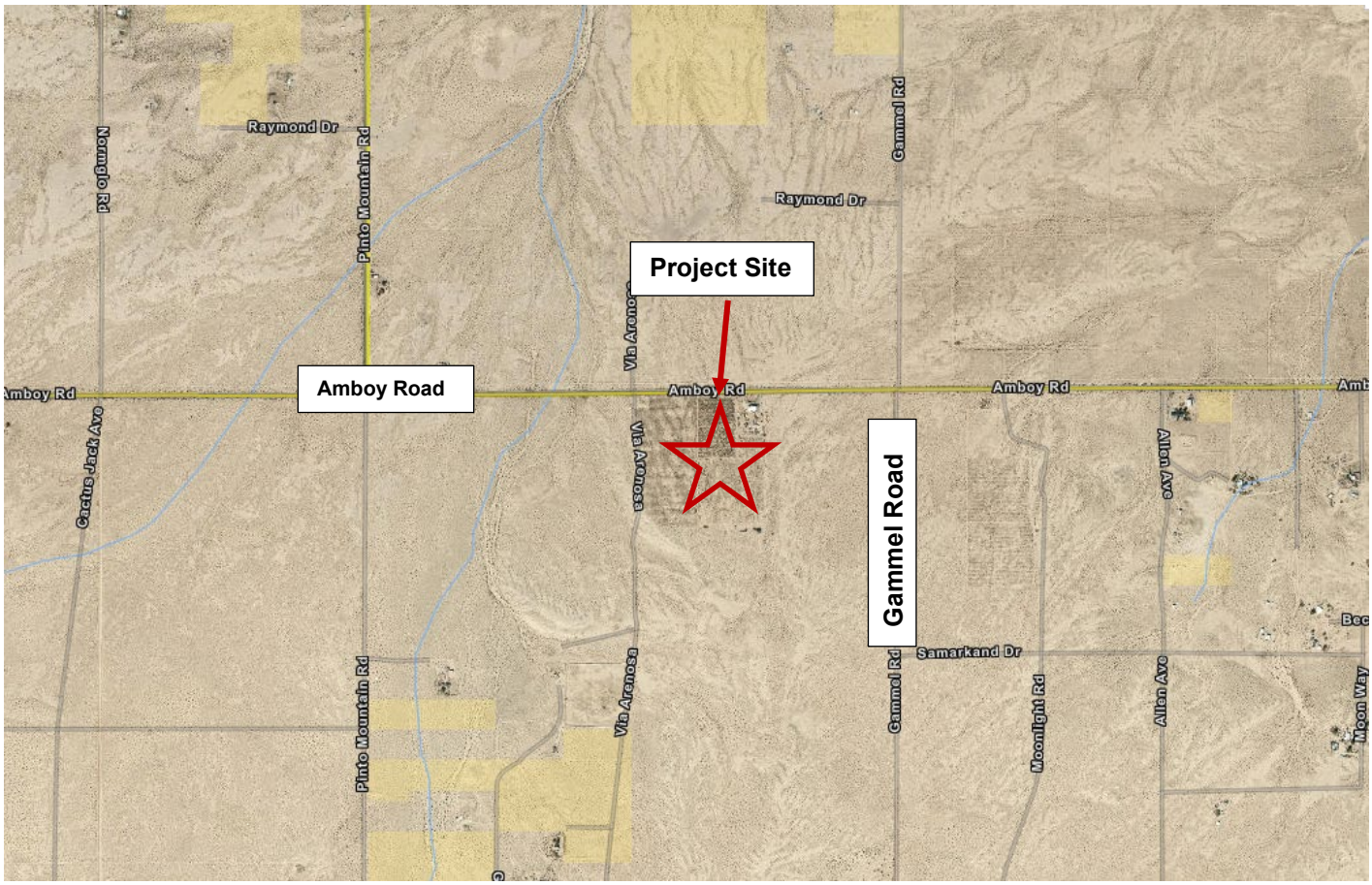
AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Vacant	Rural Living/Commercial (RL/C)	Rural Living-5/Service Commercial (RL-5/CS)
North	Vacant	Rural Living (RL)	Rural Living-5 (RL-5)
South	Vacant	Rural Living (RL)	Rural Living-5 (RL-5)
East	Vacant	Rural Living (RL)	Rural Living-5 (RL-5)
West	Vacant	Rural Living (RL)	Rural Living-5 (RL-5)

	Agency	Comment
Water Service:	Mojave Desert Water Agency	Well
Sewer Service:	N/A	Septic

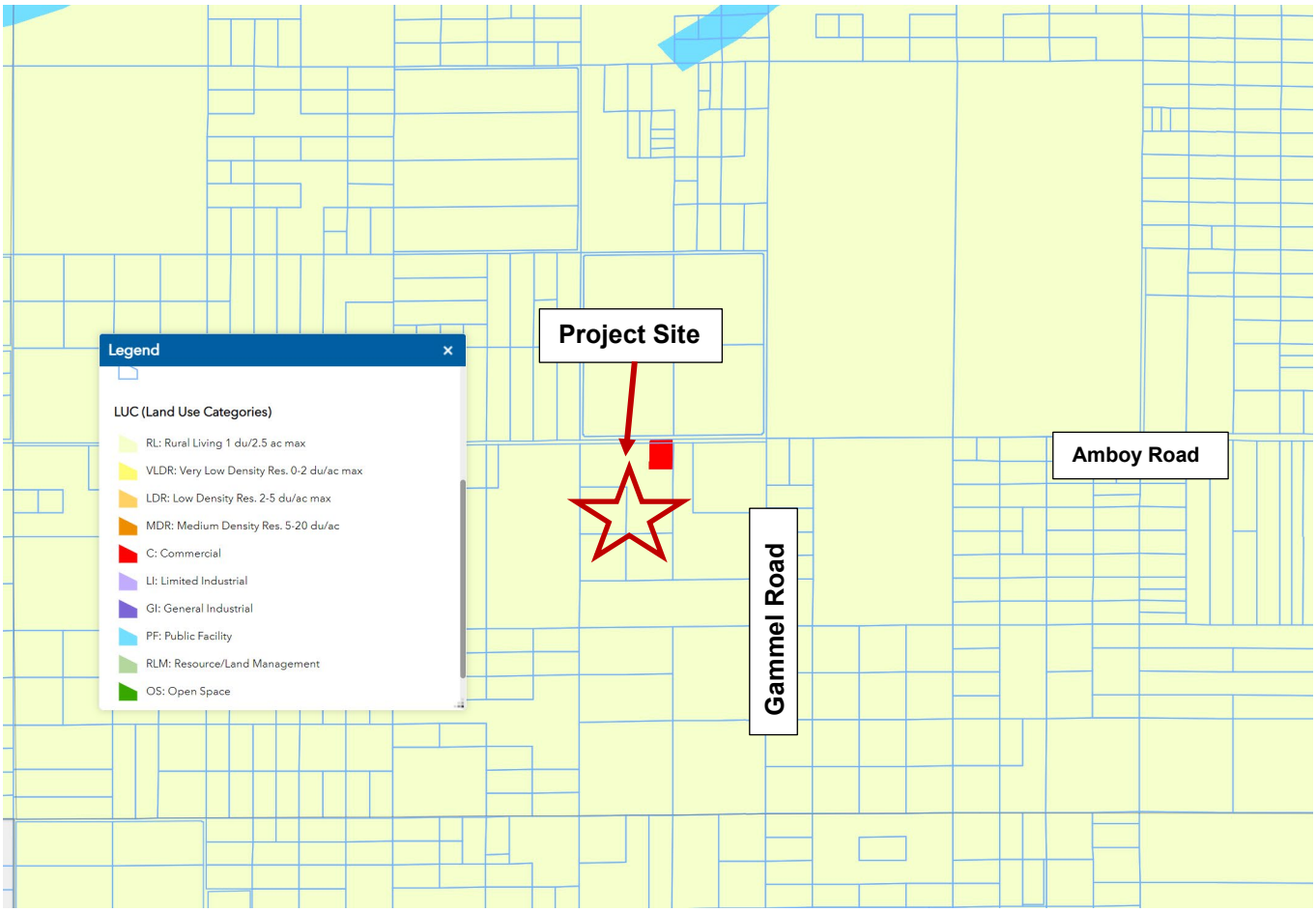
STAFF RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the staff report, **ADOPT** the Policy Plan Amendment; **ADOPT** the Zoning Amendment; **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** the Clerk of the Board to file the Notice of Determination. [1]

1. This is a recommendation item. A disapproval recommendation by the Planning Commission shall terminate the application unless appealed in compliance with Chapter 86.08.

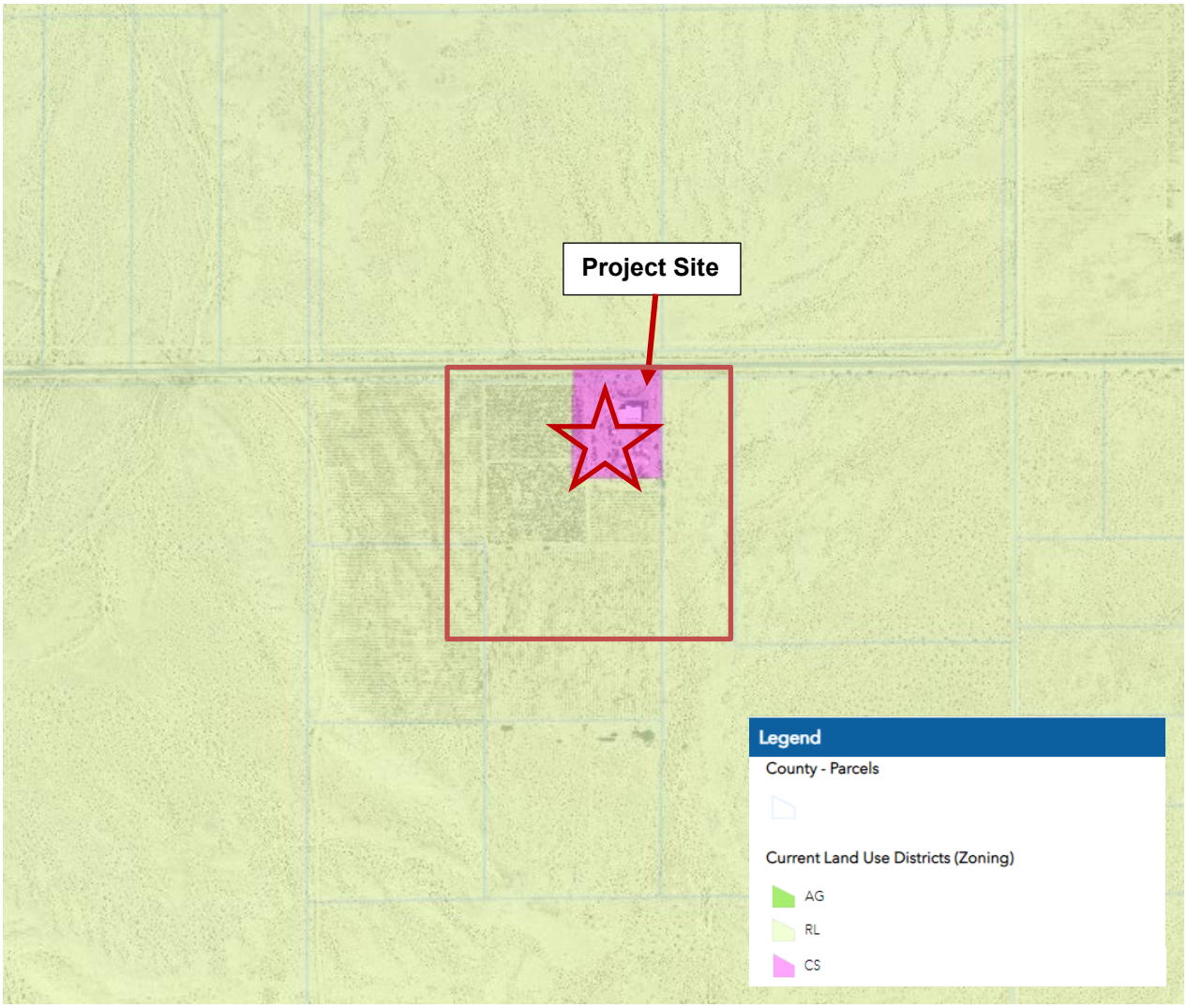
VICINITY MAP:
Aerial view of the Project Site



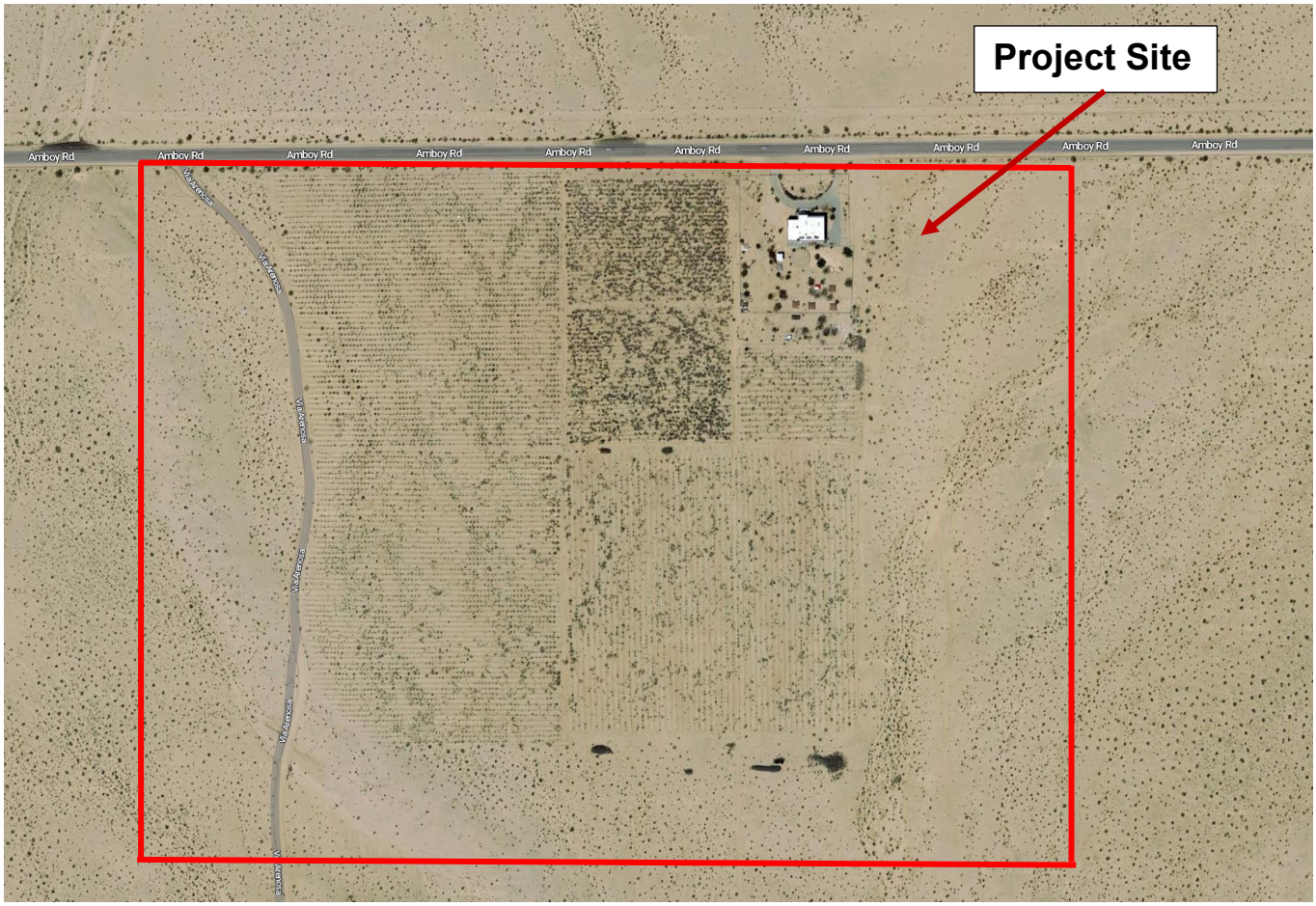
POLICY PLAN LAND USE MAP:



LAND USE ZONING DISTRICT MAP:



AERIAL MAP:


Project Site
Amboy Rd
Amboy Rd
Amboy Rd
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Amboy Rd
Via Arenoso
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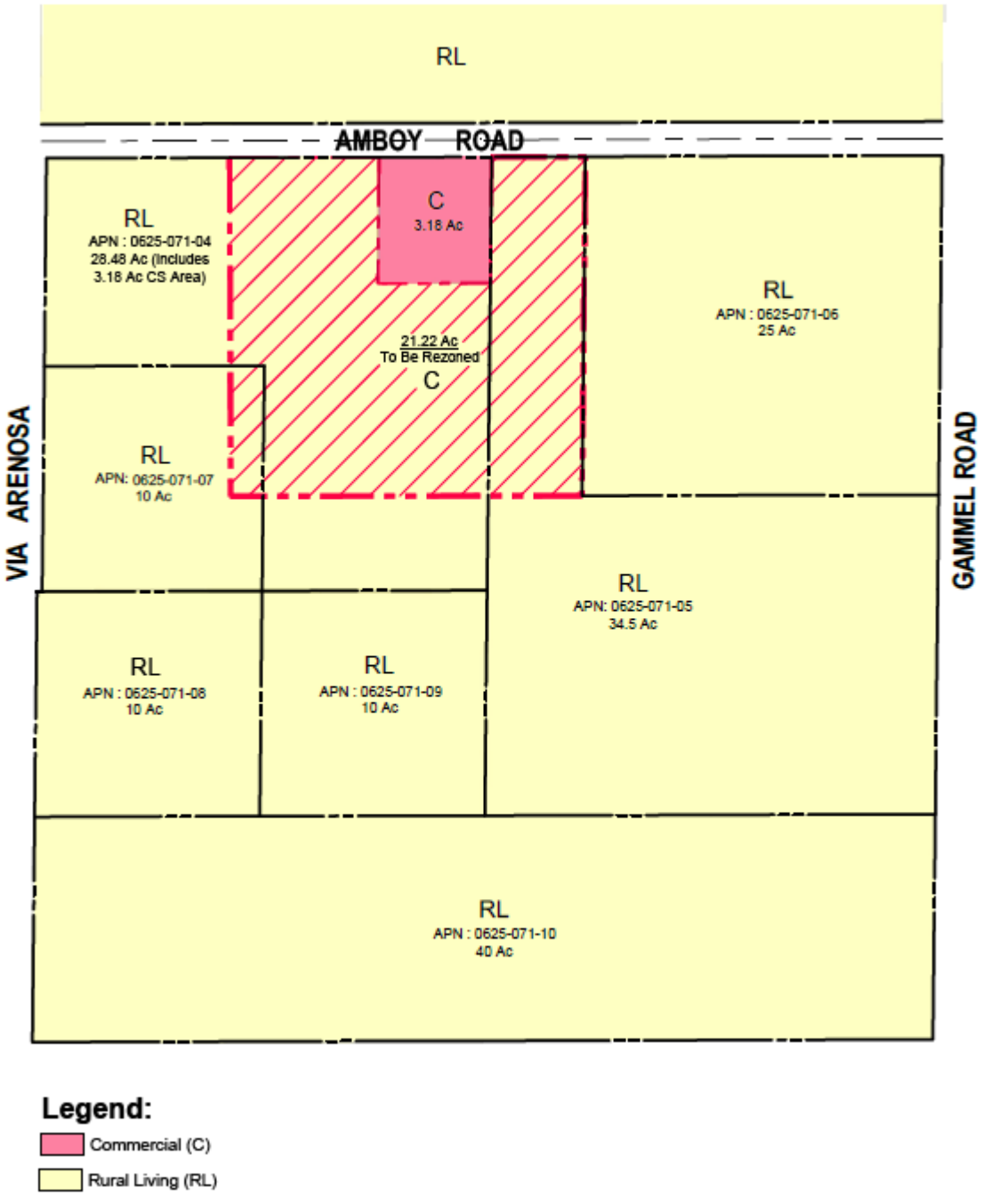
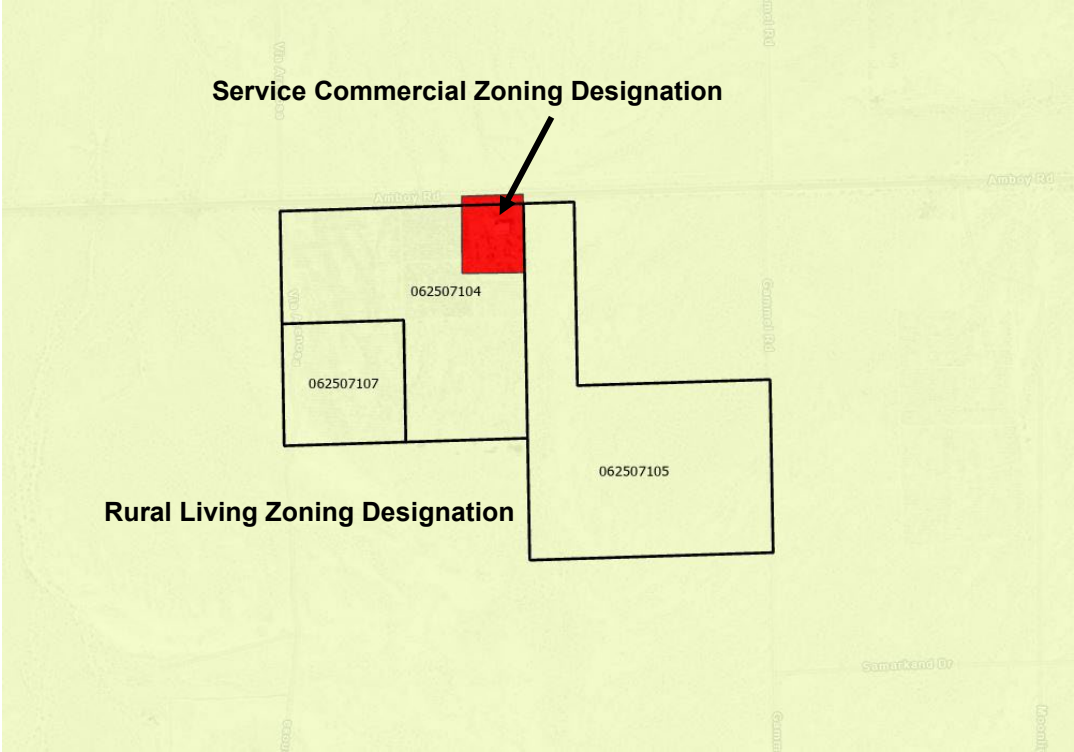
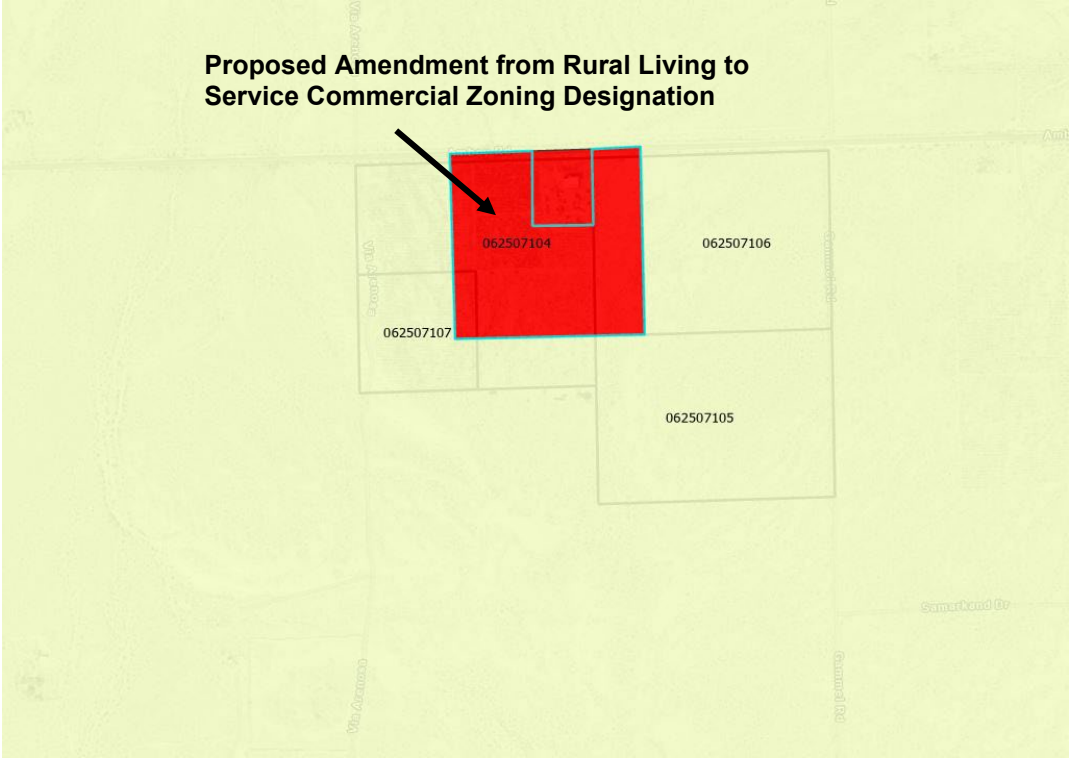
PROPOSED POLICY PLAN AMENDMENT:



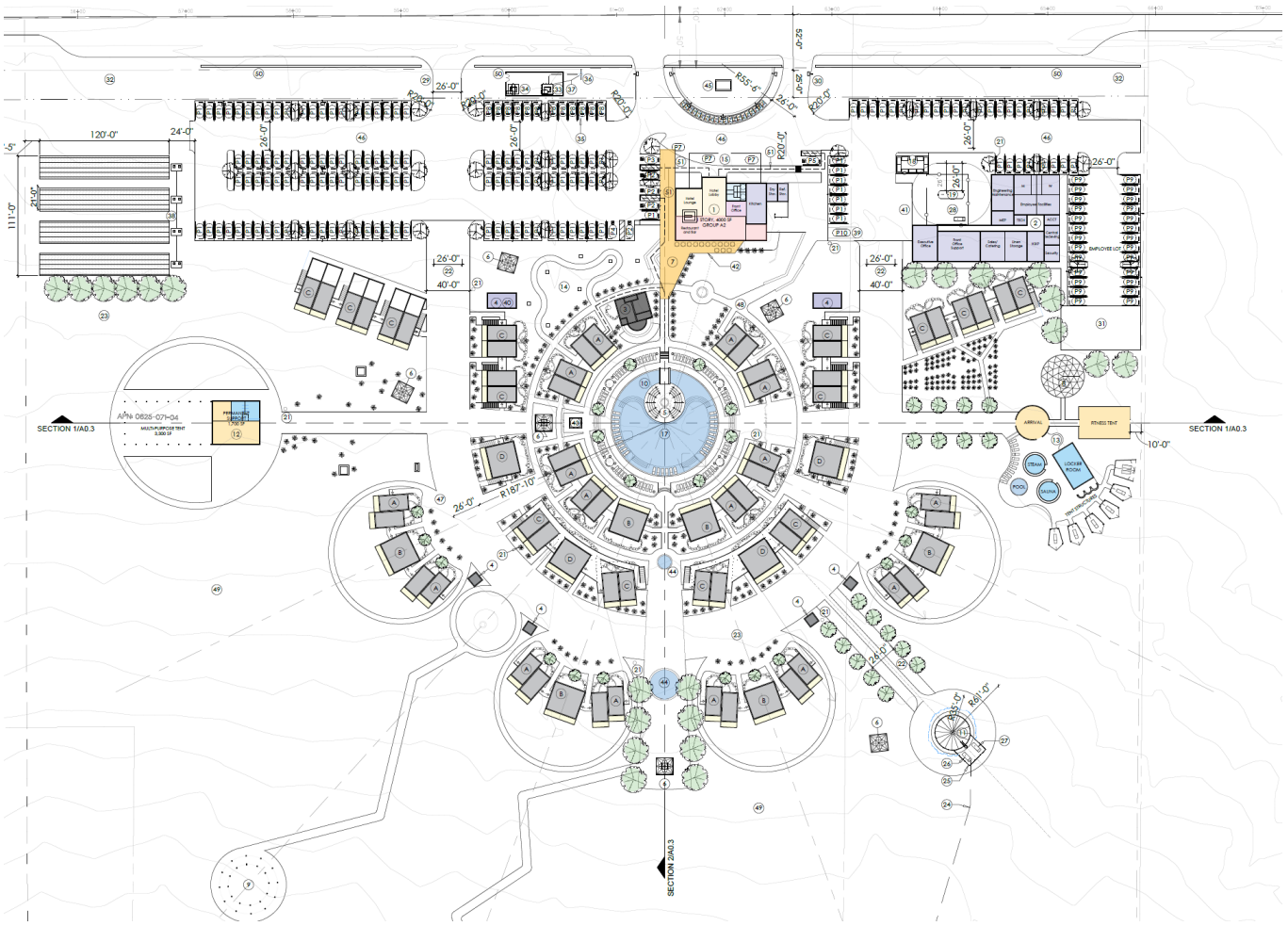
EXISTING ZONING MAP:



PROPOSED ZONING AMENDMENT MAP:



PROPOSED SITE PLAN:



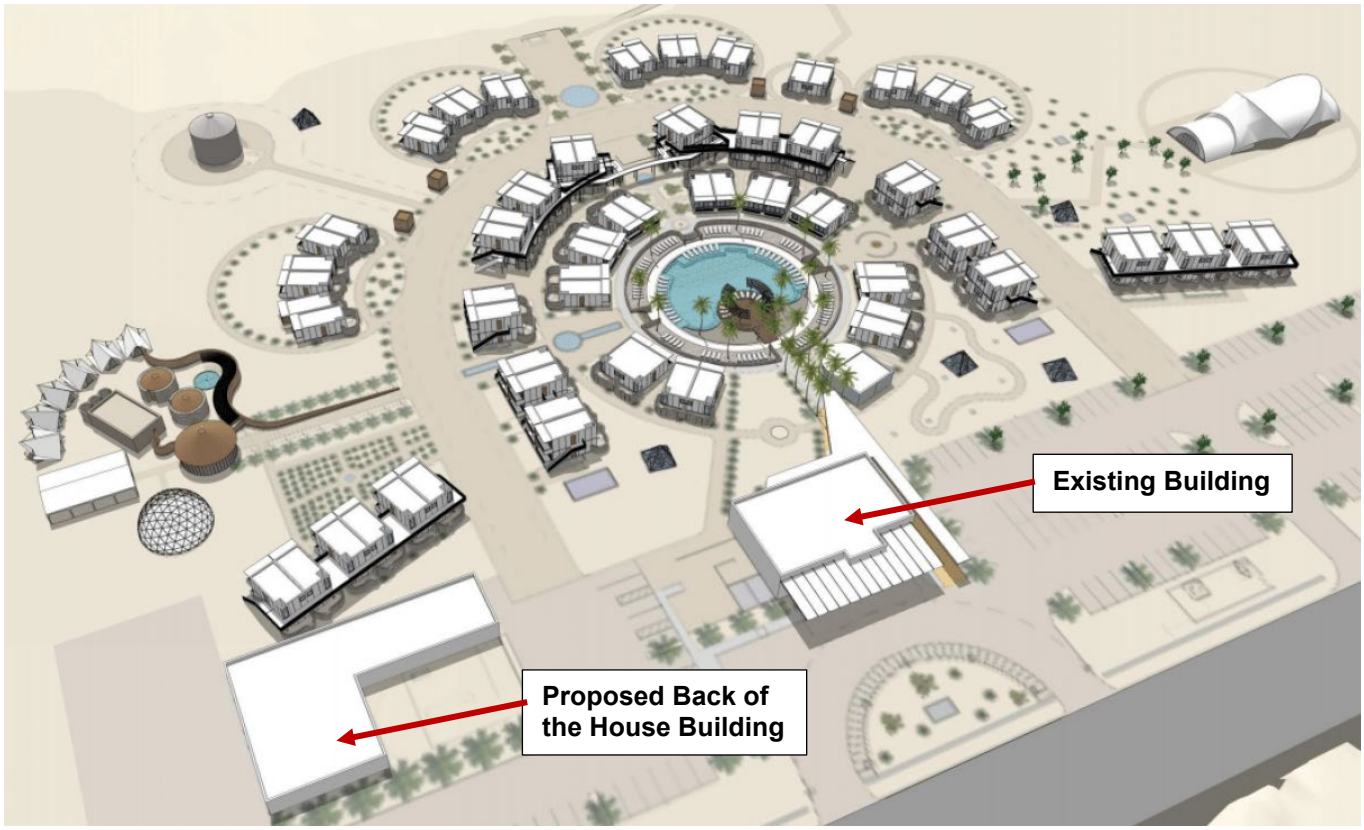
SITE PHOTOS:

View from Amboy Road looking south at existing building.

View across the Project Site.

View across the Project Site.

PROPOSED RENDERINGS:



Bird's eye view of the proposed Project Site.

Bird's eye view of the proposed pool area.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct and operate a hotel that includes the conversion of an existing 4,226 square foot (sf) office building into a restaurant/lobby, the construction of 106 guest rooms, a 5,031 square-foot conference room, a 4,666 square-foot wellness center and ancillary structures on an approximate 24.4-acre site. The proposal includes remodeling the existing commercial building and constructing 40 new guestroom buildings (106 units), a new back-of-house building, and a variety of resort style amenities such as a hotel lounge, swimming pool, spa, sauna, multi-purpose tent, fitness tent, locker rooms and meeting space.

The existing building is located on a 3.18-acre parcel that has an existing Land Use Category designation of Commercial (C) and a Land Use Zoning District designation of Service Commercial (CS). The applicant is proposing to expand this Land Use Category and Zoning designations to 21.22 additional acres, for a total of a 24.4-acre site (collectively "Project site") to accommodate the proposed development. As such, the applicant requests approval of a Policy Plan Amendment from Rural Living (RL) to Commercial (C) and a Zoning Amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS) on 21.22-acre site consisting of a portion of APNs 0625-071-04, -05 and -in conjunction with the CUP (collectively "Project").

BACKGROUND:

The Project site is currently developed with an abandoned commercial building constructed prior to 1970. The Project site is considered developed land and the remainder of the site was previously used as agricultural crop production and formerly used to grow jojoba beans. According to the Phase 1 report conducted by Ardent Environmental Group, the agricultural uses ceased operations in 2007. The Project site is surrounded by vacant parcels to the north, east, south and west as referenced in Table 1.

The proposed Project will include the removal of debris and site clearing for the preparation of the proposed modifications to the existing building and overall Project site which will include. the construction of the proposed hotel lodging, hotel amenities, on-site parking, loading areas, circulation, and landscaping. Off-site street and drainage improvements will also be constructed. The conceptual landscape plan shows that the Project site will be landscaped in the front yard setback area, as well as throughout the interior of the site. The landscaping will meet County Development Code requirements. Primary access to the Project site would be provided by three driveways along Amboy Road. Two of the driveways are existing. Fire emergency access will be provided through the western driveway and eastern driveway from Amboy Road. Water will be provided by an existing well on-site and stored in a 180,000-gallon water tank.

The subject property is relatively flat, sloping in a northernly direction. During the field inspection conducted by EMLT Consulting, there were no special-status wildlife species observed and no special-status plant species were identified on the Project site.

PROJECT ANALYSIS:

Site Planning: The Project site is comprised of five parcels, APN: 0625-071-04, -05, -07, -09 and -10 totaling approximately 24.4 acres.

The proposed Project design includes:

- The renovation of an existing abandoned commercial building (4,226 square feet) to be used as a hotel lobby and restaurant;
- Construction of 106 guest rooms;
- Construction of a 5,031 square foot conference room;
- Construction of a 4,666 square foot wellness center and ancillary structures;

- Construction of a swimming pool, fitness tent, locker room, saunas and other resort style amenities;
- Construction of a new third driveway west of the two existing driveways; and
- Repaving, surfacing and construction of additional parking areas, loading and fire access drive aisles.

Code Compliance Summary: The Project satisfies all applicable standards of the Development Code for development in the CS Zoning designation, as illustrated in Table 2 below.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Service Commercial (CS)		Project Plans (Proposed)
Hotel	CUP		CUP
Parking	• 1 for each unit/room = **106 spaces** • Restaurant in the Desert Region: 1 for each 100 sq. ft. of GLA = **19 spaces** • Employee = 1 each employee = **10 spaces** • Loading Dock = 1 per Loading Dock = **1 space** **Total Required = 136 spaces**		• **Total Proposed = 208 spaces**
Building Setbacks	Front Side Rear	25’ 10’ 10’	Proposed Buildings meet all setbacks.
Building Height	35 feet maximum		Existing Commercial Building:**18 feet** Multi-Purpose Tent: **26 feet** Pods: **20 feet**
Drive Aisles	26’		26’ 40’

ENVIRONMENTAL COMPLIANCE:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the County, as Lead Agency, prepared an Initial Study/Mitigated Negative Declaration (MND) dated January 9, 2023, and made available for public comment during a 20-day review period which began on January 17, 2023 and closed on February 7, 2023. The review period was later extended an additional 15-days and closed on February 22, 2023. It was determined that any resulting impacts to the environment or the public can be mitigated to a level of less than significant with the adoption of the recommended mitigation measures as outlined in the MND. The MND and Mitigation Monitoring and Reporting Program (MMRP) are included in this report as Exhibits A and B. Staff received a total of 509 public comments (Exhibit C) in response to the public comment period. A general summary of the number and type of comments are provided below:

- (128) comments received requested the comment period be extended from 20 days to 45 days;
- (9) comments received were in **support** of the proposed Project;
- (372) comments received were in **opposition** to the proposed Project;
- (279) comments received requested the preparation of an Environmental Impact Report (EIR);
- (1) comment received was from the California Department of Fish and Wildlife (CDFW) with recommended revised Mitigation Measures.

Public Comments Requesting Extension of Comment Period
During the initial public comment period of the draft IS, staff received 128 comments from the public requesting an extension of the Notice of Availability (NOA) from 20 days to 45 days to allow for adequate review of the IS. On January 20, 2022, staff mailed out a notice of a 15-day Extension of the NOA/NOI which closed on February 22, 2023.

Public Comments In Support
Nine (9) Comments were received from surrounding property owners, business owners and the general public in support of the Project. A petition for support circulated by the applicant was signed by 303 persons.

Public Comments In Opposition Project Notices were sent to surrounding property owners within 700 feet of the Project site, as required by Development Code Section 85.03.080. In response to the public comment period, staff received a total of 372 public comments opposing the Project. Comments were received from surrounding property owners, business owners and the general public.

Public Comments Requesting Completion of an EIR
During the NOA period of the draft IS, staff received 279 comments from the public requesting the preparation of an EIR, including three (3) mailed in requests.

Below is a summary of the topics raised during the public comment period:

- **Aesthetics** – Significant impacts on scenic views and addition of new light sources significant impacting dark night skies;
- **Air Quality** – Increase in traffic-related air pollutions related to additional traffic on dirt roads;
- **Biological Resources** – The Initial Study does not consider an April 2020 report by Circle Mountain Biological Consultants (CMBC) which states that desert tortoises were found on-site;
- **Energy** – Impacts to the utility grid and that Southern California Edison may not be able to supply power to the Project;
- **Greenhouse Gas Emissions** – Solar energy should be integrated into the design and methods of heating and cooling are not identified;
- **Hazardous Materials** – The Initial Study did not take into address asbestos and lead in the existing building;
- **Water Quality** – The groundwater is identified as not potable and the Project does not propose to improve the potability of groundwater; and
  Land Use – The Initial Study identifies the Project is not subject to a Community Plan, however, a Community Action Guide has been prepared for Wonder Valley.

The applicant has provided responses to the comments which have been included as Exhibit D. The issues have been addressed through the mitigation measures and Conditions of Approval (Exhibit E).

Department of Fish and Wildlife
During the NOA period of the IS, staff received comments from CDFW (Exhibit F). Based upon the recommendations received by CDFW, staff is recommending a change to mitigation measures BIO-1, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7. These changes are incorporated in the Conditions of Approval. The recommended change responds to concerns expressed about the distance protective barriers will be placed around trees in close proximity to construction areas. A lead agency may change or substitute a mitigation measure without recirculation of a mitigated negative declaration when the agency concludes as a result of the public review process that a proposed mitigation measure is infeasible or otherwise undesirable, and finds that the revised mitigation measure is equivalent or more effective in mitigated environmental impact than the original measure. The proposed changes to the existing measures would

provide clarification on various aspects of each measure identified above. A CEQA finding included with the Project finding's conclude that the changes identified above are equivalent or more effective in mitigating environmental impacts as previously determined in the circulated IS and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the Project and made part of the Project's MMRP. As a result, the changes to the mitigation measures do not require recirculation of the MND.

Desert Tortoise Council
During the NOA period of the IS, staff also received comments from Desert Tortoise Council, an advocacy group with focuses on protecting species of desert tortoises (Exhibit G). The letter recommends that the County require a new survey of the 135-acre site and employ the appropriate tortoise protocols and recommends the preparation of an EIR. As part of the modified Mitigation Measures BIO-3 and BIO-4, the applicant would be required to prepare a pre-construction desert tortoise survey and an incidental take permit to be obtained if tortoise are found. Based on the modified Mitigation Measures, staff believes adoption of the MND is appropriate.

RECOMMENDATION:

That the Planning Commission **RECOMMEND** that the Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B);

2. **ADOPT** the recommended Findings for approval of the Project (Exhibit H);

3. **ADOPT** the Policy Plan Amendment from Rural Living (RL) to Commercial (C) on 21.22 acres;

4. **ADOPT** the Zoning Amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS) on 21.22 acres;

5. **APPROVE** the Conditional Use Permit to construct and operate a hotel with the conversion of an existing 4,226 square foot office building to a restaurant/lobby, the construction of 106 guest rooms, a 5,031 square foot conference room, a 4,666 square foot wellness center and ancillary structures on a 24.4-acre site, subject to the Conditions of Approval (Exhibit E); and

6. **DIRECT** the Clerk of the Board of Supervisors to file the Notice of Determination (Exhibit I).

ATTACHMENTS:

EXHIBIT A: Initial Study/Mitigated Negative Declaration
www.sbcounty.gov/uploads/LUS/Desert/WonderInnHotelResort/Signed%20Initial%20Study%20PROJ202100163%20Wonder%20Inn.pdf
EXHIBIT B: Mitigation Monitoring and Reporting Program
EXHIBIT C: Public Comments
EXHIBIT D: Applicant Response to Public Comments
EXHIBIT E: Conditions of Approval
EXHIBIT F: CDFW Comment Letter
EXHIBIT G: Desert Tortoise Council Letter
EXHIBIT H: Findings
EXHIBIT I: Notice of Determination
EXHIBIT J: Site Plan

EXHIBIT A

Initial Study/Mitigated Negative Declaration

www.sbcounty.gov/uploads/LUS/Desert/WonderInnHotelResort/Signed%20Initial%20Study%20PROJ202100163%20Wonder%20Inn.pdf

EXHIBIT B

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Wonder Valley Inn Hotel

Prepared by:

County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor

San Bernardino, California 92415-0182

Contact: Azhar Khan, Senior Planner

MARCH 2023

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TABLES

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Wonder Valley Inn Hotel, 7201 Amboy Road Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Biological				
Mitigation Measure BIO-1 Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. **Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by**	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor	Project applicant and their construction contractor	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
activities resulting in nest destruction or abandonment. If the Biologist finds an active nest within the pre-construction survey area **or the Project's zone of influence (generally 100-300 feet**) and determines that the nest may be impacted, the Biologist shall delineate an appropriate **no disturbance** buffer zone around the nest **to prevent nest destruction or abandonment**. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. **The buffer shall be a minimum of** 300 feet from the nests of **songbirds** and 500 feet from the nests of raptors and listed species **unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species**. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. **The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist.** The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to **determine whether construction activities are disturbing the nesting**				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to ensure that no inadvertent impacts on these nests occur. **If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws.** Results of the preconstruction survey and any subsequent monitoring shall be provided to **CDFW,** the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, **and** describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.				
Mitigation Measure BIO-2 <u>Pre-Construction Bat Surveys</u>. **No more than 30** days prior to initiating Project activities, **a CDFW-approved bat biologist** shall conduct a bat **survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating** Project activities. Any locations with potential to **provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites** shall be surveyed by the **CDFW-approved bat** biologist using an appropriate combination of structure inspection, sampling, exit	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than **14** days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, **bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project-specific** avoidance and minimization measures **to monitor Project-related noise, vibration, lighting, project phasing and timing, and shall include** the designation of buffers based upon what bat species are found, and phased removal of trees**., The BAMPP** shall be developed and submitted to CDFW for review and approval **prior to initiating Project activities**. If the site supports maternity roosts, Applicant shall avoid **Project activities** during the breeding season **(typically, maternity season is April 1 through August 31)** and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.				
Mitigation Measure BIO-3 <u>Focused Protocol Presence/Absence Desert Tortoise</u> <u>Survey</u>. A **focused protocol desert tortoise survey will** be conducted **during the active season (April – May or Sep – Oct)** within the boundaries of the survey **Project** area **and a 50-foot buffer. Focused surveys cannot be combined with other surveys conducted for other species while using the same personnel.** Survey	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
transects should be spaced at 10-meter (33-foot) intervals throughout the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. **Results of the survey shall be submitted to CDFW prior to start of Project activities. The results of a pre-construction survey will be provided to Building and Safety at least 72 hours prior to issuance of the grading permit. If** desert tortoise are found onsite during the **focused** survey, **desert tortoise shall not be handled or moved and no work shall occur until** coordination with the USFWS and CDFW to determine if avoidance measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or ~~if~~ **until** "Take" permits are **issued** by the USFWS and CDFW. <u>Pre-Construction Take Avoidance.</u> **Even if the focused survey confirms absence of live desert tortoise or occupied burrows, all construction activities shall ensure avoidance of desert tortoise take. The approved biologist shall conduct pre-construction take avoidance surveys no more than 24 hours prior to construction. If the project is divided into work areas or phases of construction surveys will occur prior to ground disturbance in each work				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
area. No take clearance preconstruction surveys will be done by walking transects throughout the work area to ensure tortoises have not entered the site. During all construction activities the approved biologist shall continue to monitor for tortoises wandering into the construction areas, check under vehicles, and examine excavations and other potential pitfalls for entrapped animals. An approved biologist will stop work if a tortoise enters the work area. Work activities will only proceed at the site after the tortoise has moved away of its own accord outside a suitable buffer distance as determined by the approved biologist. Potential hazards to desert tortoise (e.g., auger holes or steep-sided depressions) will be securely covered or filled at the end of each workday. If a tortoise is observed on or near a road accessing a work area, the approved biologist will be contacted immediately, and vehicles will stop to allow the tortoise to move off the road on its own. Project proponent shall notify CDFW within 24 hours of any desert tortoise observations within the project area.				
Mitigation Measure BIO-4 *Pre-Construction Burrowing Owl Clearance Survey. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls **are** remain absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction*	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
*clearance surveys should be conducted**, one at no more than** 14 – 30 days and **another within** 24 hours**,** prior to any ground disturbance or vegetation removal activities. **The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.**				
Mitigation Measure BIO-5 ***Burrowing Owl Avoidance/Relocation**. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall*	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.				
Mitigation Measure BIO-6 *<u>Pre-construction rare plant clearance survey</u>. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the*	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act *(CESA) Incidental Take Permit (ITP) with CDFW.*				
Mitigation Measure BIO-7 *<u>Lake and Streambed Alteration Notification</u>: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW- executed Lake and Streambed Alteration Agreement, authorizing*	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
impacts to Fish and Game Code section 1602 resources associated with the Project.				
Cultural Resources				
Mitigation Measure CR-1 ***In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.***	During construction	Project applicant and their construction contractor		
Mitigation Measure CR-2 ***If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.***	During construction	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Mitigation Measure CR-3 ***Discovery of Human Remains. If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.*** ***If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.*** ***If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.*** ***If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.*** ***If human remains are encountered during the undertaking, State Health and Safety Code Section***	During construction	Project applicant and their construction contractor		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.				
Tribal Cultural Resources				
Mitigation Measure TCR-1 *The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.*	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor	Project applicant and their construction contractor	
Mitigation Measure TR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey	On-going	Project applicant and their construction contractor	Project applicant and their construction contractor	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.				

EXHIBIT C

Public Comments

Exhibit C - Part 1:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part1.pdf

Exhibit C - Part 2:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part2.pdf

Exhibit C – Part 3:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part3.pdf

Exhibit C – Part 4:
https://lus.sbcounty.gov/wp-content/uploads/sites/48/Exhibit-C-Public-Comments-Part4.pdf

Exhibit C – Part 5:
https://lus.sbcounty.gov/wp-content/uploads/sites/48/Exhibit-C-Public-Comments-Part5.pdf

Exhibit C – Part 6:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part6.pdf

Exhibit C – Part 7:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part7.pdf

Exhibit C – Part 8:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part8.pdf

Exhibit C – Part 9:
https://lus.sbcounty.gov/wp-content/uploads/sites/48/Exhibit-C-Public-Comments-Part9.pdf

Exhibit C – Part 10:
https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20C-Public%20Comments-Part10.pdf

EXHIBIT D

Applicant Response to Public Comments

Exhibit F
RESPONSE TO COMMMENTS TO
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

PROJ-2021-00163 – Wonder Inn Project
78201 Amboy Road, Twentynine Palms

Applicant:
Wonder Inn, LLC
Jason Landver
13131 Sherman Way, #209,
Los Angeles, CA

Lead Agency:
San Bernardino County
Land Use Services Department
385 N Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Prepared by:

ELMT CONSULTING
2201 N. Grand Avenue #10098
Santa Ana, CA 92711-0098

March 6, 2023

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TABLE OF CONTENTS

ATTACHMENTS

Attachment F-1 - *Stop Wonder Inn Comment Letter*
Attachment F-2 - *Noise Study Revised March 7, 2023*
Attachment F-3 – *CDFW Comment Letter Wonder Inn Hotel/Resort*

1 INTRODUCTION

The County of San Bernardino (County), as CEQA Lead Agency, distributed the Notice of Availability (NOA) for a Draft Initial Study/Mitigated Negative Declaration (Initial Study/MND) for PROJ-2021-00163 "Wonder Inn" for public review on January 17, 2023, initiating a 20-day public review period ending on February 7, 2023. During the initial NOA period of the draft Initial Study/MND, staff received 116 comments from the public requesting an extension of the Notice of Availability from 20 days to 45 days to allow for adequate review of the Initial Study/MND. On January 20th, 2022, Staff mailed out a 15-day Extension of NOA/NOI which ceased on February 22, 2023.The document was made available online.

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15074(b), "Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

All comment letters received on the Draft MND, including any letters received after the close of the public comment period and are on file with the County. During the comment period, several community members sponsored a Stop Wonder Inn website: https://stopwonderinn.org/. In summary, 372 comment letters were received in opposition to the Proposed Project, most of which were generated through the website application. The letters are on file with the County. One letter from the Stop Wonder Inn organization is provided in **Attachment G-1** ***Stop Wonder Inn Comment Letter*** as it provides comments on the CEQA Initial Study**.** Additionally, supporters of the Project also set up a website https://petitions.eko.org/ which generated 300 comments that supported the Project, and the County received nine letters supporting the Project. . Additionally, one comment letter was received from the California Dept of Fish and Wildlife.

1.1 FOCUS OF ENVIRONMENTAL ISSUES RAISED

The "Stop Wonder Inn Project" organization, https://stopwonderinn.org/ also provided a 187-page letter from its founders (Attachment F-1), as well as a form letter in which opponents could use and availability on the form letter to address concerns not on the form letter.

The 187-page letter from the "Stop Wonder Inn" opposition group provided comments on every CEQA subject. The form letter for the "Stop Wonder Inn" opposition group that was available on the Stop Wonder Inn website identified the following CEQA and Initial Study issues:

- **Project Description**: Activities such as hot air ballooning, off-road vehicle tours and new homes would be constructed and sold. These activities were promoted on social media sites but were not disclosed as part of the Project Description or assessed in the Initial Study.
- **Aesthetics:** Significant impacts on scenic vistas; numerous new sources of lighting cumulatively significantly impacting Dark Night Skies, a community designated valued asset. Development is not compatible with the non-urbanized rural nature of the project area.

- **Air Quality:** Significant increase in traffic-related air pollution, including PM10 and PM2.5 related to traffic on dirt roads, not fully analyzed.
- **Biological Resources:** Serious issues with extremely opposing data and the lack of a valid focused survey of the threatened desert tortoise.
- **Cultural Resources:** Failure to properly evaluate property and district historical resources.
- **Energy:** Failure to adequately evaluate potential for overload of already strained power grid.
- **Geology/Soils:** Assessment needed of potential for damage from near-by active East and West Valley Faults and disturbance of trace faults extending from these Faults and the impact of soil erosion from the clearing of 24 acres of the native creosote galleta plant.
- **Greenhouse Gas Emissions:** No solar power included in project plans.
- **Hazards and Hazardous Materials:** Inadequate evaluation of potential soil contamination with PCBs and mining waste products, and of potential for asbestos and lead in pre-1970 building.
- **Hydrology/Water Quality:** Unsupported claims of potability of water, potential pollution of groundwater supplies from contaminated soils, insufficient assessment of water table and projected water use, compliance with regulations on hauled water, well improvement permits, and Drought Emergency Proclamations; and appropriateness of transient non-community water system classification.
- **Land Use/Planning:** Failure to adequately evaluate Project's use of land in accordance with the Principles and requirements of the San Bernardino Countywide Plan, the Wonder Valley Community Action Guide, and CEQA.
- **Noise:** Failure to fully evaluate noise impacts from special events, from increased traffic including off-road vehicle use, and from increased air traffic. Inadequate noise study.
- **Public Services:** Inadequate evaluation of increased burden on already insufficient services including Fire, Paramedic and Sheriff, with potential increased demand of roughly 20%.
- **Recreation:** No assessment of potential impacts on multiple nearby regional recreational areas with increased visitorship from guests.
- **Transportation:** Failure to fully evaluate increased traffic including from special events, impacts from advertised off-highway vehicle tours and guest exploration of neighborhood, impacts to Gammel Road between Amboy Road and Highway 62, hazardous road condition created by rise on Amboy Road in front of property, and inadequate details on road modifications.
- **Determination:** An Environmental Impact Report (EIR), not a Mitigated Negative Declaration should be prepared to address the issues in detail.
- **Environmental Justice.** Wonder Valley is a Disadvantaged Unincorporated Legacy Community, but Environmental Justice is not addressed at all in the IS/MND as required by CEQA.

1.2 SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Some comments assert or request that impacts should be considered significant or that significance conclusions in the Initial Study should be revised based on opinion without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without

substantial evidence supporting the assertion would require a level of speculation that is inappropriate for an Initial Study. Under CEQA Guidelines Section 15145, if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation; the agency should note its conclusion and terminate discussion of the impact.

Determining whether a project may have a significant effect on the environment is "based on substantial evidence in light of the whole record" (CEQA Section 21082.2[a]). As noted above, CEQA Guidelines Section 15064 defines substantial evidence as facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence. Where a commenter provides no facts or other substantial evidence to support an assertion that the physical environment could ultimately be significantly impacted as a result of the proposed project, the Final Initial Study is not required to analyze or mitigate for the asserted but unsubstantiated impact. Section 15204(c) of the CEQA Guidelines further advises reviewers that comments should be accompanied by factual support.

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Examples of the comments received that do not reflect substantial evidence include but are not limited to:

- Personal accusations against the applicant and engineering firm.
- Project would induce growth in the immediate vicinity, thereby turning the rural area into Los Angeles or Palm Springs.
- Tourist lodging is available in developed areas and is therefore not needed at the Project location.
- Developer has purchased other property and not disclosed the use for the additional property purchased, speculating it could be used for overflow parking for the hotel or other hotel uses.
- Hotel patrons could go "exploring" on the public roadways in the area which are unpaved dirt roads thereby creating dust on non-Project roadways.
- Hotel patrons will wander off the hotel site and dump trash.
- Hotel patrons will bring pets which will increase the coyote population in the residential areas.

1.3 MASTER RESPONSE TO COMMENTS

The following master responses address comments received from numerous commenters on the same issue for only the CEQA-related issues. No responses are required or provided for unsubstantiated claims or speculation. The Master Responses provide a means of giving a broader context to the response than may be possible in individual responses. In some cases, one or more master responses may respond to an individual comment.

- Master Response 1 - Project Description
- Master Response 2 - Aesthetics

- Master Response 3 - Air Quality
- Master Response 4 - Biological Resources
- Master Response 5 - Cultural Resources
- Master Response 6 – Energy
- Master Response 7 - Geology/Soils
- Master Response 8 - Greenhouse Gas Emissions
- Master Response 9 - Hazards and Hazardous Materials
- Master Response 10 - Hydrology/Water Quality
- Master Response 11 - Land Use/Planning
- Master Response 12 – Noise
- Master Response 13 – Population and Housing
- Master Response 14 - Public Services
- Master Response 15 - Recreation
- Master Response 16 – Transportation
- Master Response 17 – Determination
- Master Response 18 – Environmental Justice
- Master Response 19 – CDFW Revisions to Mitigation Measures

2 MASTER RESPONSES

This section summarizes the comments received that were supported by facts or other documentation. A response to the summarized comments follows.

2.1 MASTER RESPONSE 1 - PROJECT DESCRIPTION

Summary of Comments:

1. Activities are promoted on social media that are not disclosed in the Project Description. The social media sites included:

    - tomsfinds.getwondervalleyinn.com – mentions hot air balloons, off-road vehicle tours (no date on the screen captures provided)
    - Modly, Inc website – mentions promotion of luxury housing (no dates on the screen captures provided)

2. The Project Setting in the Initial Study describes the area as undeveloped, however rural residential exists within 1 to 2 miles of the Project Site.

Responses:

1. Social Media

The applicant has indicated that it was contacted by a blogger, Tom's Find's, wanting to market a discount for future room reservations by taking a small deposit in an effort to gauge interest from the public. The applicant was open to this suggestion due to comments at the Community Town Hall meetings, that no one would want or need this hotel, in this location. The applicant agreed with the blogger to set up a test market, to see if there was interest in the project. Unfortunately, like a lot of blogs and online sites, they exaggerated and over romanticized the amenities just to get interest. i.e. Click Bait. The applicant did not approve the ATV or Hot Air Balloon information posted. These are not amenities or events that will be offered on the property. As soon as the applicant was made aware of the misinformation that the blogger had posted, the applicant had the blog taken down immediately.

Regarding the promotion of luxury housing, the applicant had, early in the Project development process, considered applying to the County for both the hotel and a subdivision, including getting quotes from various modular companies, which included Modly.com. However, the website promoted it without authorization. The applicant requested that the information be removed. No subdivision is proposed for the remainder of the site at this time. The applicant is unsure of the disposition of the remainder of the 134 acres not used for the Wonder Inn.

2. Project Setting

The immediate vicinity is not developed. The commentors object to the term "undeveloped" citing that large lot residential exists approximately 1 mile from the Project Site to the north, east and west. Therefore, the Project region is considered rural residential, non-urbanized, consistent with its zoning. The reference to "undeveloped" is in terms of the immediate vicinity of the Project Site as there are no homes adjacent to the Project Site.

Therefore, the Project Description as presented in the Initial Study is accurate. No revisions to the Initial Study are required as a result of the comments received on this topic.

2.2 MASTER RESPONSE 2 – AESTHETICS

Summary of Comments:

1. Significant impacts on scenic vistas. The County should require a viewshed analysis to reduce potentially significant impacts.

2. New sources of lighting cumulatively significantly impacting Dark Night Skies.

3. Development is not compatible with the non-urbanized rural nature of the project area. The commentors identified that the open space is a valued aesthetic element "that connects our homes and land and is part of the community's identity." Additionally, "aesthetics are an economic value for locals who own and operate short-term rentals on their property and they depend on the income generated by tourism to this area for economic survival."

   The comments also cite the San Bernardino Countywide Plans and Goals and Policies – *Goal LU-4 Community Design: Preservation and enhancement of unique community identities and their relationship with the natural environment*, and *Policy LU-4.5 Community Identity* which states:

   > *We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.*

Responses:

1. Scenic vistas/Viewshed Analysis:

   As described in the Initial Study, a scenic vista is generally identified as a public vantage viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Common examples may include a public vantage point that provides expansive views of undeveloped hillsides, ridgelines, and open space areas that provide a unifying visual backdrop to a developed area.

   The Project Site and vicinity is flat. Views of the mountain ranges are afforded on both sides of Amboy Road, with the more scenic topographic relief being located on the north side of Amboy Road.

   As stated in the Initial Study, the Project is primarily an open concept with pods of two-story hotel rooms centrally located but spaced in a manner to reduce massing. Support buildings would be single story, and other features include open shade structures which would be single story. The existing building on site is 18 feet tall, and the existing geodesic domes are 22 feet high. Therefore, the Project height would be similar in height to the existing single and two-story homes that are sparsely located throughout the area.

   The closest residences are approximately 1 mile to the east and south, off of Allen Avenue, Sapphire Road, and Goodwin Road. However, due to the distance of the Project Site from these roadways, and that the new buildings are not much taller than two-story homes that exist in the Project vicinity, it is anticipated that the height of the buildings would have a less than significant impact.

As stated in the Initial Study, because of the open design concept, where buildings are spaced out, and the heights of the buildings similar to a two-story building, the Proposed Project would blend into the surrounding area similar to the scattered large-lot residences.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2. Lighting/Night Sky:

The applicant is aware of the value of the night sky in the area. The Project also plans to have an astronomy area located south of the main center, therefore, the need for the dark sky on the Project Site is an integral part of the Project's operations.

County Code Chapter 83.07 Light Trespass, states, "The purpose of this chapter is to protect and promote public health, safety, welfare, quality of life and the ability of the County to prevent and regulate light trespass from one property onto another, by establishing regulations and a process for review of outdoor lighting." The ordinance does not prohibit the use of any and all light sources. Chapter 83.07 establishes regulations to provide for sufficient lighting where needed to promote safety and security on public and private property in a manner that is compatible with the efforts to preserve the night sky and therefore help preserve the County's quality of life and scenic value of the dark sky as a resource.

The Initial Study identifies that the Wonder Inn project has been designed to meet the SBC Dark Sky Ordinance no. 4419 standards and all outdoor lighting will be extinguished by 11:00 pm per section 83.07.060 (d) Dark Sky Curfew. This will be accomplished either by internal photocell control or motion control devices depending on inherent fixture capabilities.

No revisions to the Initial Study are required as a result of the comments received on this topic.

3. Development Compatibility With Rural Area:

This comment would be related to Section I – Aesthetics, CEQA Guidelines Checklist (c), *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point).*

Regarding the reference to Table LU-3, the community character of Wonder Valley could be applied to both "Rural and Desert Communities" and "Desert Village Communities" as follows:

Table LU-3. Community Character

Community Category	Key Characteristics and Features
Valley Communities Bloomington, Mentone, Muscoy, San Antonio Heights	▪ A suburban lifestyle characterized by a mix of lot sizes and/or land uses in proximity to urban services and facilities. ▪ Views of canyons and hills within the community planning area (Mentone and San Antonio Heights). ▪ Economic activity that benefits local residents and/or serves the local economy.
Mountain Communities Angelus Oaks, Bear Valley [1], Crest Forest [2], Hilltop [3], Lake Arrowhead [4], Lytle Creek, Mt Baldy, Oak Glen, Wrightwood	▪ A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources. ▪ Abundant views of open spaces, natural features, and dark skies. ▪ Scenic, natural, and recreational features that serve as the foundation of the community's local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.
Rural Desert Communities Baker, El Mirage, Homestead Valley [5], Lucerne Valley, Morongo Valley, Newberry Springs, Oak Hills, Pioneertown [6], Phelan/Pinon Hills	▪ A rural lifestyle characterized by the predominance of large lots, limited commercial development, and the prevalence of the desert landscape and natural resources. ▪ Abundant views of open spaces, natural features, and dark skies. ▪ Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. ▪ Mining of mineral resources with minimal negative impacts on local residents.
Desert Village Communities Daggett, Helendale, Joshua Tree, Oro Grande, Yermo	▪ A rural context with clusters of housing in proximity to commercial development and public facilities, and larger lots farther from the commercial core. ▪ Abundant views of open spaces, natural features, and dark skies especially outside of clustered development. ▪ Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists. ▪ Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. ▪ Mining of mineral resources with minimal negative impacts on local residents (Oro Grande and Yermo).

In both the Rural Desert Communities and the Desert Village Communities, Table LU-3 recognizes the value of commercial development and *Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists*. The Project represents a recreational feature that can serve as a foundation of the community's local economy and attract tourists.

The San Bernardino Countywide Plans and Goals and Policies – Goal LU-4 Community Design does not prohibit development in the desert region.

The Goal LU-4, Policy LU-4.1 "Context-sensitive design in Mountain/Desert regions" states:

> *We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and preserve scenic resources.*

The Project has been designed as an open concept with buildings that are spaced in pods that reduces massing and provides open space, uses open shade structures for various activity areas, has limited the height of buildings so they are similar to two story buildings, and reuses the existing geodomes and existing building. The building colors are muted earth tones to blend with the environment. Drought-tolerant trees will be placed throughout the Project site to provide shade and resemble a desert environment. Therefore, the Project is consistent with LU-4.1.

Additionally, the Project would only occur on approximately 24 acres of the total of approximately 134 acres. Exhibit 6 of the Initial Study identifies that the development will be surrounded by undeveloped lots, which is consistent with the large-lot concept of the area. The remaining parcels will be consistent with their existing zoning of RL-5. While there are no plans to develop the remaining approximately 109 acres, these lots could be sold and/or developed in the future consistent with their zoning and land use designation, which is generally large lots.

Relative to the comment, "aesthetics are an economic value for locals who own and operate short-term rentals on their property and they depend on the income generated by tourism to this area for economic survival," the Project is designed as a quiet retreat or wellness center that would cater to those who appreciate quiet activities such as yoga, massages, use of a spa, use of a pool, or walking through a sculpture garden. The short-term rentals being offered in the Wonder Valley would offer a different experience, and the applicant does not believe that the Project would off-set the need for the short-term rental market.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.3 MASTER RESPONSE 3 – AIR QUALITY

Summary of Comments:

The commenters identified traffic-related air pollution related to traffic on dirt roads, primarily related to the off-road vehicles promoted by social media.

Responses:

The Project will not offer off-road vehicles for its guests. The social media posts were not accurate.

The Project Site will be accessed from Amboy Road, a paved road. There is no motorized traffic beyond the parking lot, which also would be paved. The internal roads are primarily decomposed granite or hardened material that reduces dust. The only travel allowed on the internal roadways would be the service golf carts, which would be operated at under 10 miles per hour. Therefore, the Project would not generate airborne dust because visitors

would access the facility from major paved roadways, there would be no public driving on the internal roads, and no internal roads would be of materials that generate dust.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.4 MASTER RESPONSE 4 - BIOLOGICAL RESOURCES

Summary of Comments:

The Initial Study does not consider an April 2020 report by Circle Mountain Biological Consultants (CMBC) that states desert tortoise was found on a portion of the 136-acre site.

Responses:

The April 2020 CMBC report concluded that "Agassiz's desert tortoise occurs onsite, both in undeveloped creosote bush scrub habitats to the south and the adjacent, centrally-located jojoba field. Based on the size and freshness of scats, we conclude that the one subadult tortoise observed near the east-central portion of the site is currently resident and an adult tortoise is using scrub areas to the south and the central jojoba field."

The applicant notes that the CMBC study may have been performed under an earlier contract between the first architectural firm engaged early in the process and CMBC. Because the report was prepared very early in the process and for only a small portion (40 acres) of the overall project area, the applicant does not recall receipt of the report, nor is the report in the applicant's historic electronic files. Therefore, the applicant's biologist was not made aware of the findings or of the report.

The Habitat Assessment that was part of the Initial Study was conducted in March 2021. The report states, "despite a systematic search of the project site, no live tortoises, suitable burrows or signs was observed on the project site during the site investigation. Based on the results of the field investigation and lack of suitable burrows and no observed sign, desert tortoise was determined to have a low potential to occur onsite."

On February 21, 2023, the applicant biologist again visited the site to determine if any of the scat and burrows cited in the CMBC report were still present. The results were again negative.

The CDFW also commented regarding the potential need for a take permit if tortoises are present. The applicant and the County have revised and added mitigation measures BIO-3 and BIO-4 in the MMRP that require a pre-construction survey and an incidental take permit to be obtained if tortoises are found. The applicant plans to conduct a focused desert tortoise survey, by a desert-tortoise permitted biologist, as soon as protocol allows for in 2023. If found, appropriate steps would be undertaken which include obtaining a take permit if required.

The impact would be less than significant with the implementation of the revised mitigation measures.

2.5 MASTER RESPONSE 5 - CULTURAL RESOURCES

Summary of Comments:

1. The area was part of the Small Tract Act of 1938 and should be recognized as historic to Wonder Valley.

2. The building should meet the criteria for listing to the California Register of Historic Places.

Responses:

1. The Small Tract Act of 1938 (Act), while informational as part of regional context, is not unique to the formation of the Wonder Valley. The Act permitted lots and developments throughout Riverside and San Bernardino counties and formed the foundation of many communities, including current cities such as Twentynine Palms.

   The Act was repealed by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), which contained provisions providing broad authority that replaced the repealed act. Former Bureau of Land Management public lands manager, Lou Bellisi also published an article "BLM and the Small Tract Act in the Southern California Desert - A Brief History" https://publicland.org/plf-archives/35_archives/documents/doc_1306_bellesi.html which identified problems with the Act which included failure to preserve road rights-of-way, unsightly or inappropriate structures, leap-frog developments, and limited commercial development. The article also states:

   > *Recently, a Los Angeles paper had an article about the Congress, at the behest of a California Congressman, appropriating a goodly sum of money to eradicate slums in the "Wonder Valley," a former Southern California Small Tract development. The Congressman railed at the federal government for permitting such development to occur. One can only recall the words of local officials' testimony, decades ago, "Just get these public lands in private ownership and we will oversee the development." By and large, the Small Tract Program did transfer public lands into private ownership on a limited basis. It wasn't a "pretty" program, but on balance could be considered a successful "Hobson's Choice."*

   Therefore, to include the discussion of the Small Tract Act of 1938, which was eventually repealed, as part of the context of the Wonder Valley would also mean identify the Wonder Valley as a once-recognized "slum" area. It is noted that the Wonder Valley has evolved from that description and its residents, through pride in their community, have since been attempting to overcome some of the problems identified with the lots developed as part of the Act. And while the changes over the years have been positive, the Wonder Valley is not considered a historic district or historic area due to being developed with the Small Tract Act of 1938.

2. The fact that the building was once part of the small independent utility company to service the area that included Twentynine Palms and Wonder Valley is not unique to California's history or the area's history. There were numerous small utilities with buildings and infrastructure that were established in the 1960s throughout Southern California, and which were later bought out by Southern California Edison. The Cultural Resources Report in Appendix C was prepared by professionals who meet the Secretary of the Interior's Standards for evaluating historic resources.

   No revisions to the Initial Study are required as a result of the comments received on this topic.

2.6 MASTER RESPONSE 6 – ENERGY

Summary of Comments:

1. The comment letters express concern for the utility grid and that Southern California Edison (SCE) cannot supply power to the Project.

2. Additionally, the Project does not meet the current California Building Codes (CBC) that require solar and battery storage on all newly constructed buildings.

3. Regarding the Project's use of propane, the comment specifically states: *Propane's primary use is for space heating, offering multiple solutions for a business owner. Various restaurants, hotels, resorts, and lodgings use propane to power heating appliances. The California Air Resources Control Board voted in September 2022 to ban the sale of these for both residential and commercial use by 2030.*

Responses:

1. The applicant has been working with SCE for power service to the Project Site. SCE requires construction plans prior to providing service information. The construction plans will be provided to SCE when prepared. Prior to issuance of building permits, the County requires SCE to provide a Will Serve Letter. Therefore, the Project will be compliant with the requirement to provide electricity, and SCE is required to provide service at a level that considers both the community and the Project.

2. Regarding compliance with the CBC, the Project is in compliance with the CBC as it will offer electric vehicle charging. Regarding solar, new buildings will be constructed as solar ready. The hotel rooms are pre-manufactured units and not subject to the CBC, and therefore, no solar is required for the hotel rooms. Solar is not required to be placed on the existing building. The County will review building plans for the new structures and will require the Project to comply with the most current building codes.

3. Regarding the Project's use of propane, the only use of propane for this project is the commercial kitchen and water heater. Hotel rooms utilize an electric mini-split system. Regarding the comment about the banning propane appliances, the California Air Resources Board's 2022 State Strategy for the State Implementation Plan (SIP), adopted September 22, 2022 identifies the following:

   CARB would set an emission standard for space and water heaters to go into effect in 2030. Through meaningful engagement with communities and the process outlined below, CARB would adopt a statewide zero-emission standard which would have criteria pollutant benefits as a key result along with GHG reductions. Beginning in 2030, 100 percent of sales of new space heaters and water heaters would need to comply with the emission standard. CARB would design any such standard in collaboration with energy and building code regulators, and with air districts, to ensure it was consistent with all state and local efforts, and would work carefully with communities to consider any housing cost or affordability impacts, recognizing that reducing emissions from space and water heaters can generate health benefits and cost-savings with properly designed standards.

   Therefore, the County and the SCAQMD will be working with CARB to develop and implement the rule as required. The outcome of this legislation will impact all homeowners and business owners statewide. The applicant will comply with the rules when adopted, just as all residents and business owners would comply.

   No revisions to the Initial Study are required as a result of the comments received on this topic.

2.7 MASTER RESPONSE 7 - GEOLOGY/SOILS

Summary of Comments:

1. The Initial Study does not mention that a percolation test was performed to determine if the soils are suitable for the new septic system.

2. Wonder Valley is designed within high hazard seismic Zone 4, and 2 miles west of the East Valley Mountain Fault and the West Valley Mountain Fault. Additional study is required to determine if the Project would disturb any trace of the faults not identified.

3. The clearing of the roughly 24 acres of native creosote vegetation to accommodate the Wonder Inn construction along with the clearing needed to construct the future planned "luxury villas" would result in significant erosion.

Responses:

1. A percolation test was performed and submitted as Appendix D-2 in the Initial Study. The percolation rates were determined to be adequate based on the system sizing.

2. A geotechnical report was prepared by a licensed engineer and included in Appendix D-1 of the Initial Study. The Project Site is in a seismically active region, much like all of Southern California. The geotechnical report identified that the Project Site is not within a California-designated "Alquist-Priolo" Earthquake Fault Zone. The nearest active fault is the Mesquite Lake Fault located approximately 5 miles to the west.

   The geotechnical report identified seismic design parameters to ensure that new buildings would be constructed to meet the local seismic conditions. The County will review all plans for consistency with the latest California Building Codes prior to building permit issuance.

3. Site grading will consist of the 24-acre area for development only, and no other building pads off the 24-acre site would be graded. As stated in the Initial Study, the Proposed Project is subject to compliance with the National Pollutant Discharge Elimination System (NPDES) permit and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that will identify Best Management Practices (BMPs) to control and abate pollutants, including soils from grading activities. In the long-term, development of the Project site would increase impervious surface cover and permanent landscaping, thereby reducing the potential for erosion and loss of topsoil that currently occurs. Once constructed, stormwater runoff generated by the Project would be directed into the Project Site's stormwater basins and landscaping, and no Project related sediment erosion would occur.

   No revisions to the Initial Study are required as a result of the comments received on this topic.

2.8 MASTER RESPONSE 8 - GREENHOUSE GAS EMISSIONS

Summary of Comments:

1. For a project of this size, solar should be integrated into the design.

2. The methods for heating and air conditioning of new buildings and hotel rooms are not defined.

Responses:

1. Solar. The Project is designed to comply with the latest building codes which requires that new commercial buildings be solar-ready.

2. Heating and air conditioning in each hotel room, and each building, will be provided by split systems individually controlled in each unit. Hot water will be provided in each room through "instahot" systems. The Project's design of offering modular units as hotel rooms offers the most energy efficient method of heating and cooling over a larger, single building, because it would provide energy to only the occupied units.

   Greenhouse gas emissions (GHG) were studied and the results provided in Appendix A. As stated in the Initial Study, according to the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, "all development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable Development Code provisions, including the GHG performance standards, and state requirements, such as the California Building Code requirements for energy efficiency. With the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO2e per year will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions."

   The project's total net operational GHG emissions do not exceed the County's screening threshold of 3,000 MTCO2e per year.

   In preparation of the GHG study, the Project was evaluated against the San Bernardino County screening tables that evaluates the potential GHG emissions given a project's insulation, landscaping, air conditioning/heating, energy efficient appliances, etc. Points are assigned to the project for each mitigation or design features incorporated into the project, with a project that garners 100 points determined to be less than significant. As shown in Table 12 of Appendix A, the project garnered 100 points and therefore will have a less than significant impact from GHG emissions.

   No revisions to the Initial Study are required as a result of the comments received on this topic.

2.9 MASTER RESPONSE 9 - HAZARDS AND HAZARDOUS MATERIALS

Summary of Comments:

1. Given the history of the site, there is a potential for soil contamination with polychlorinated biphenyls (PCBs).

2. The Initial Study does not adequately address the potential asbestos and lead in the existing building.

Responses:

1. Evidence of the use of the site by Desert Electric Cooperation and later by Southern California Edison as a switchboard station was not available in regulatory files including city directories during the completion of the Phase I Environmental Assessment completed for the site. Additionally, no records of the handling or treatment of hazardous waste or evidence such as aerial photographs of occupation of the site for use as an equipment yard during the years between 1962 and 1983 were available. Given the historic use of the site, as an equipment yard where manufacturing operations would not generally take place, there is a low

likelihood that large quantities of PCB containing oils were used or released on site by the former occupant. There is a potential for use and accidental discharge of small quantities of PCBs as part of the yard uses. However, PCBs are normally contained within a heavy oil matrix that typically will not readily migrate through soil when small discharges take place. Depth to groundwater beneath the site is approximately 261 feet below ground surface. Given depth to groundwater and reported site uses, there is a low likelihood that if a release has occurred that groundwater has been impacted.

As presented in the Phase 1 Environmental Site Assessment report, based on review of available historical data there is no indication of large scale mining activities haven taken place on the site. Any mining activity would have likely been very minimal and sporadic and would not have used significant quantities of chemicals at the site. Based on this information and the conclusions of the San Bernardino County Fire Department, there is low likelihood that significant amounts of chemicals which would present a risk to human health or the environment (i.e. groundwater) have been used at the site. Additionally, since the use of the site as an electrical yard and for limited mining operations, the site soils have been disturbed for use as a jojoba farm and have likely diluted any residual chemicals present.

2. The Phase 1Environmental Site Assessment (Appendix E) identified the potential for asbestos and lead to be present in the existing building. Title 8 of the California Code of Regulations, Section 1529 (8 CCR 1529) outlines the required and notifications and handling of Asbestos Containing Materials (ACMs). Therefore, the applicant is required to comply with all regulations regarding ACMs. Therefore, because the applicant is required to comply with federal, State, and local regulations, impacts associated with the handling, transport, use, and disposal of ACMs. This includes providing a Notice of Abatement to the SCAQMD, and a report to the County Building and Safety Department prior to issuance of building permits. The County will also require a lead survey prior to issuance of building permits. Therefore, asbestos and lead are known to possibly exist in the existing building and are required to be abated in accordance with all regulations prior to issuance of building permits by the County.

   No revisions to the Initial Study are required as a result of the comments received on this topic.

2.10 MASTER RESPONSE 10 - HYDROLOGY/WATER QUALITY

Summary of Comments:

1. The groundwater in the Wonder Valley is not potable as evidenced by the closure of the fire station and the Community Center kitchen. The Project presents a plan that cosmetically treats the groundwater but does not improve potability.

2. Per State of Emergency, Order N-7-22, Item 9b states that a jurisdiction cannot issue a new groundwater well or alteration of an existing well without determining that the extraction would not impair the function of nearby wells. There are at least 51 completed well reports for residences within 1 mile of the Wonder Inn Project.

3. The Dale Basin Aquifer could experience overdraft with the Project.

4. Wonder Inn's water usage in Appendix A does not align with Calrecycle standards, and there could be three times the usage as what is stated in the Initial Study.

5. The hydrology method calculations is based on a 12.3 acre site whereas the CUP states the application is for 24.4 acres.

6. The implementation of a SWPPP is too vague. Given the history of potential soil contaminants, stormwater discharge could result in groundwater contamination.

Responses:

1. A registered engineers report regarding the water system proposed is included as Appendix F-2. The Project's system is classified by the State as a non-transient non-community (NTNC) water system or a transient non-community (TNC) water system. A TNC water system is a public water system that does not regularly serve at least 25 of the same persons over six months of the year, such as a campground or highway rest stop. Wonder Inn intends to operate the development as a TNC water system, limiting the number of employees to less than 25 and limiting guest stays to less than 60 days, therefore, the system is classified as a TNC.

   Water quality was studied as part of Appendix F-2. The treatment system proposed is applicable to the classification of a TNC. Therefore, the Project will offer potable water in accordance with State guidelines.

2. State of Emergency, Order N-7-22, Item 9b also exempts from the order's compliance public water systems as defined by the State: "This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code." Per section 116275 of the Health and Safety Code, a TNC is also classified as a "public water supply system." The report in Appendix F-2 was also sent to the State Water Resource Control Board, Division of Drinking Water (DDW). Both the County and DDW approved the technical report for the commencement of water related construction, and the County must issue permits prior to well modifications.

3. The Project occurs on 24 acres of a larger 134-acre parcel. Only 50 percent of the Project site represents impermeable surface. Stormwater in the impermeable area would be captured by a groundwater recharge basin. The remainder of the 24 acres would be available for groundwater recharge, as would be the larger 134-acre parcel. Therefore, the Project has provided for aquifer recharge. Additionally, the Project would be using modern water saving fixtures, and a graywater system, which helps in reducing water drawn from the aquifer.

4. Water usage for the Project was calculated in the engineering report provided in Appendix F-2. The engineering report utilized US Environmental Protection Agency standards for calculating hotel usage which is based on industry data. The engineering report included the restaurant, hotel rooms, a pool and a 140-room facility; however, the Project only proposes 106 rooms. The Project's proposed water usage was also compared to the historical use as a jojoba farm (Appendix F-3) which operated at the Project Site between 1995 and 2016 although the exact dates are not known. The comparison report in Appendix F-3 identified that the jojoba farm, which operated for an estimated 20 years, would have utilized approximately 35.04 acre feet per year, assuming a typical operation of a drip irrigation system operating at a rate of 0.973 acre feet of water per year, for the total 30 acres farmed. The Wonder Inn was estimated to utilize approximately 20.75 acre feet per year, representing a 14.29 acre feet per year reduction in use compared to the past use.

   Therefore, it is estimated that wells in the area would not be impacted by the Proposed Project because the Project Site has historically been subject to pumping at a higher rate than the rate proposed.

5. The 12.3 acres referenced in the Hydrology Report (Appendix F-1) and the Initial Study is the "footprint" of improvements within the 24.4 acre CS zone. It is estimated that more than one-half of the 24.4 acres will be native / pervious surfaces. Therefore, only 12.3 acres applies to calculate the hydrology for the Project Site. The Hydrology Report is Preliminary and has been reviewed and discussed with the County. A Final Hydrology Report to be developed and submitted during the plan check process.

6. As discussed in the Phase I Environmental Site Assessment (Appendix E) and Master Response 9, soil contamination is not anticipated. The SWPPP is required to be prepared by a Qualified SWPPP Developer. The SWPPP:

    - Identifies potential sources of stormwater pollution
    - Describes the practices that will be used to prevent stormwater pollution. These should include: erosion and sediment control practices, good housekeeping practices, conservation techniques, and infiltration practices (where appropriate), and
    - Identifies procedures the operator will implement to comply with all requirements in the construction general permit.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.11 MASTER RESPONSE 11 - LAND USE/PLANNING

Summary of Comments:

1. The Initial Study identifies that the Wonder Valley is not subject to a Community Plan. However, a Community Action Guide has been prepared for Wonder Valley. The Project is not consistent with the values identified in the Community Action Plan for the Wonder Valley. The Project scale is incompatible with the General Plan Policies for a rural area and incompatible with the rural nature of Wonder Valley.

Responses:

The comments appear to be related to the Initial Study, Section XI Land Use, criterion (b): *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

1. The Initial Study is correct that the Wonder Valley is not subject to a Community Plan, per San Bernardino County's list of adopted community plans as identified: https://lus.sbcounty.gov/planning-home/community-plans/. The commentor is also correct that a Community Action Guide has been prepared for the Wonder Valley. A Community Plan identifies specific development standards for the specific area whereas a Community Action Guide (CAG) is developed as a guide for the community to take specific actions that reflect the community's values.

    The Initial Study did not address the Project's consistency with the CAG as a CAG is more of a community action document.

    The County identifies the use of the CAG as follows:

Overall, the Community Action Guides are a framework for communities to create the future character and independent identity, as identified in the workshops as community values and aspirations, through completion of community actions. As stated at the community workshops, the Community Action Guides replace any 2007/2014 Community Plans, with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions are addressed in the Policy Plan of the Countywide Plan. The County Development Code will still regulate zoning and land development.

The Community Action Guide is strategic in nature and provides clear Focus Statements and Action Statements identified by the community that led to creation of an Action Plan that can be implemented at the grass-roots level within each community. Some actions may require assistance by a County department, but the community will take the lead in moving the action forward, identifying funding or scheduling meetings or requesting information from specific County departments.

…

Once an Action Statement is selected for implementation, the community identifies a Champion for that Action Statement to initiate activities, identify those responsible for carrying out action steps, identify and secure resources that will be required, and develop a timeline. The champion is not responsible for completing the action, but serves to facilitate and guide the Action Team.

Related to development within the Wonder Valley, the CAG for Wonder Valley identifies Community Focus Statement B as follows: *Support opportunities for Wonder Valley to accommodate travelers and tourists of the Mojave Trails National Monument and Joshua Tree National Park,* with specific Action Statements as follows:

Action Statement B.1: Identify local historic, artistic, or recreational areas that may interest travelers or tourists to stop and create brochures to leave in tourism locations throughout the Morongo Basin.

Action Statement B.2: Develop a visitor's center with information about the history and natural environment of the area and market to tourists.

Action Statement B.3: Advocate to the County Economic Development Agency to help attract local businesses to the area.

While the "Strengths" of the community are overwhelmingly identified as natural desert beauty, quietness, and rural living, the "Weaknesses" include "unknown future of development," lack of public services, the lack of potable water, and "lack of development ideas to improve revenue while keeping the uniqueness of the Wonder Valley." One "Weakness" is also identified as "Community weaknesses are also a part of what gives Wonder Valley its character: isolation, lack of stores, lack of community based emergency services, etc."

The "Opportunities" identified in the CAG as they relate to the Proposed Project include:

- Improvements of Amboy Road
- Thoughtful business development to increase revenue
- Vacation rentals for jobs and income
- Community becoming a gateway to Mojave Trails National Monument
- Any aspiring café would do well
- Influx of money by "outsiders"
- Restaurant

The Action Statements and Opportunities appear to recognize the important role that tourism plays within the Morongo Basin, and the need to attract businesses to the Wonder Valley.

The Proposed Project would provide a central location for visitors to the Morongo Basin a location in which to stay while they experience the various recreational areas such as Joshua Tree National Park. And as the applicant has held several community meetings, the applicant is willing to continue to be a "good neighbor" and offer the following to Wonder Valley residents:

- Develop a kiosk in the lobby in which a visitor's center could be established and/or where educational brochures could be offered to patrons to educate them about the area, water conservation, respecting the quietness of the local community, and promote the services of local businesses such as the services offered by the Twentynine Palms Astronomy Club, can be offered to hotel patrons.
- The on-site restaurant would also be open to the community for dining.
- The applicant is willing to also work with the local residents who offer Air BNBs to utilize the hotel pool and some of the other hotel amenities for a reduced fee to add as an amenity to their listing, which would increase revenue for the residents who are using their homes for business purposes.
- Showcase local artists work for viewing or for sale throughout the facility.
- Purchase local goods and use local service providers.

As discussed in Master Response 2, the Project has been designed consistent with LU-4.5 in that the Project is an open concept with one-story buildings, shade structures for activity areas, and two-story modular hotel pods spread out across the site to reduce massing, similar to clusters of single-family residences. The Project is reusing the existing building and has integrated the existing eclectic geodesic domes throughout the Project Site. Therefore, the Project architecture is designed with the unique nature of the Wonder Valley in mind.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.12 MASTER RESPONSE 12 – NOISE

Summary of Comments:

1. Noise from ATVs on local roads not addressed.

2. Operational noise not addressed. The methods are questionable. Noise from special events are not included.

Responses:

1. Noise from ATVs on local roads is not required to be addressed because there are no ATV tours planned, nor ATV usage promoted as part of the Project.

2. Due to the comments concerning the operational noise, the applicant revised the Noise Study, which included as **Attachment F-2 –** ***Noise Study Revised March 7, 2023***, to model potential noise from special events. Section 5.5 of the March 7, 2023 revised noise report identifies the parameters that used referenced sound level data for the various stationary on-site sources (parking spaces, live music, outdoor events, and mechanical equipment close to the buildings). The model assumes approximately 199 parking spaces around

the northern property line. Additionally, the model includes mechanical equipment located next to the guest room buildings. The worst-case scenario considers the mechanical equipment working continuously. In addition, the parking lot was modeled with 0.5 car movement per parking space per hour. Finally, two outdoor speakers were modeled on the event space area close to the western property line. The worst-case stationary noise was modeled using SoundPLAN acoustical modeling software. A total of two (2) receptor locations were modeled to evaluate the proposed project's operational noise impact to adjacent noise sensitive land uses to the north and south. Receptor 1 represents the rural living uses located approximately 520 to the north from the site center, across Amboy Road. Receptor 2 represents the rural living use located approximately 2,500 feet to the south of the site center.

Table 8 of the Revised Noise Study in Attachment F-2 identifies that the noise levels do not exceed County ordinances, and would be similar to existing conditions at the sensitive receptor locations studied. Table 8 identifies the following:

Receptor[1]	Existing Ambient Noise Level (dBA, Leq)[2]	Project Noise Level (dBA, Leq)[3]	Total Combined Noise Level (dBA, Leq)	Limit Day/Night (dBA)	Exceeds Ordinance	Change in Noise Level as Result of Project
R1	50	39	50	55/45	NO[4]	0
R2	43	31	43	55/45	NO	0

Notes:
[1.] Receptor locations in Exhibit F. R1 & R2 are rural living.
[2.] The quietest daytime ambient measured Leq for R1 and the quietest measured ambient level for R2.
[3.] See Exhibit F for noise contours.
[4] Limit adjusted to the ambient level according to Section 83.01.080 of the Municipal Code.

The Operational Noise Level contours are also provided in Exhibit F of the revised Noise Study. It identifies that the noise modeled would impact either of the receptors.

Therefore, the Project is not anticipated to increase noise levels in the Project vicinity, nor would noise levels exceed County standards.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.13 MASTER RESPONSE 13 – POPULATION AND HOUSING

Summary of Comments:

1. The Initial Study does not address the additional single family homes that would be constructed as part of the project.

Responses:

1. There are no single-family residences proposed to be constructed with the proposed Project.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.14 MASTER RESPONSE 14 - PUBLIC SERVICES

Summary of Comments:

1. The Wonder Valley Fire Station No. 45 was closed in 2017 due to water contamination. Residents will have to compete with the Project for emergency services including fire, paramedic, and sheriff.

Responses:

1. Development impact fees are collected at the time of building permit issuance to offset project impacts to County services such as fire, paramedic and sheriff. The swimming pool is required to have a security fence surrounding it, and only registered guests can enter the pool with appropriate electronic card credentials. Security cameras would be in the parking lot. Employees will be trained in basic first aid.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.15 MASTER RESPONSE 15 - RECREATION

Summary of Comments:

1. Regarding Section XV. Recreation, criterion (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.* The Wonder Valley environment is characterized as quiet, rural, with unimpeded views, a dark night sky, and with residents that have made a choice to live there because of those characteristics. The Project would change all of those elements.

Responses:

1. This CEQA criterion is referring to physical recreational facilities, such as parks, gyms, etc. The CEQA criteria does not refer to a geographic area. The Project, which is a hotel, would offer recreational facilities such as a swimming pool and an astronomy pergola. The Initial Study evaluates the Project, which includes this recreational use.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.16 MASTER RESPONSE 16 - TRANSPORTATION

Summary of Comments:

1. The mitigation to prepare road improvements only along the Project frontage is inadequate. There is no mention of the traffic and congestion caused by travel north and south on the unpaved Gammel road that bounds the proposed Project on the east.

2. Traffic does not account for the proposed residential development that has not been disclosed.

Responses:

1. The Project's Traffic Study has been reviewed and approved by the County Department of Public Works Traffic Division. The Project improvements are designated along the Project's frontage with Amboy Road. The Project's entrance is approximately 1,555 feet west of Gammel Road, therefore Gammel Road is not adjacent to the Project.

2. There is no residential development planned.

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.17 MASTER RESPONSE 17 – DETERMINATION

Summary of Comments:

1. An Environmental Impact Report is required to address all aspects of the Project.

Responses:

1. CEQA Guidelines Section 15064(f) states that decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. Further, if the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

   There are no potentially significant impacts that have been identified that cannot be mitigated to a level of less than significant. Therefore, a Mitigated Negative Declaration has been determined to be sufficient for this Project.

   The existence of public controversy over the environment effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment (refer to CEQA Guidelines Section 15064[f]4).

   The comments do not present sufficient substantial evidence that the Project would have a substantial effect on the environment. The comments overwhelmingly appear to be centered around the objection to ATV tours and the residential development, which have been determined to be derived from erroneous social media posts.

   Further, the comments overwhelmingly are focused on the residents' value of the quiet, rural nature of the Wonder Valley, and that the Project represents a first step in the commercialization of the Wonder Valley, which is highly undesirable to the residents. First, the commercialization of the area due to the Project is speculative in nature. As discussed in Master Response 11, the Project is consistent with the Opportunities identified in the Community Action Guide.

Secondly, per CEQA Guidelines Section 15064(e), if the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect. In this case, the physical change in the environment, which would be the construction and operation of the Project, has been evaluated to not cause a significant effect on the resources that are important or of concern to the residents, such as noise, traffic and water usage. Therefore, there would be no adverse effect on the people of the Wonder Valley.

Therefore, although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project proponent. Therefore, a Mitigated Negative Declaration is the appropriate determination.

2.18 MASTER RESPONSE 18 – ENVIRONMENTAL JUSTICE

Summary of Comments:

1. CEQA requires Environmental Justice be included in the Initial Study and it was not.

2. Policy HZ-3.17 Community stakeholders requires identifying and coordinating with community stakeholders adjacent to environmental justice areas.

3. Policy HZ 3.18 requires an applicant to address environmental justice concerns by conducting at least two meetings. Wonder Valley was included in the Legacy Community Study as a Disadvantaged Legacy Community in the EIR for the Community Plan.

Responses:

1. There is no CEQA Checklist for Environmental Justice.

2. The applicants held a community meeting on May 1, 2022, hosted by Friends of the Wonder Valley as a gesture of good will – the applicant was not required to hold the meeting per the County regulations. Approximately 60 people were in attendance.

3. Wonder Valley was part of the Legacy Community (a report which identifies Disadvantaged Communities) however, the Project Site and its surrounding area was not identified as a qualifying Disadvantaged Community (Figure 3-4)

   The subject site is not part of the adopted EJ Map (Link Below): identified in orange on this map: https://sbcountycwp.maps.arcgis.com/apps/webappviewer/index.html?id=7e14816d164b46fc83d4fee6d523a458

No revisions to the Initial Study are required as a result of the comments received on this topic.

2.19 MASTER RESPONSE 19 – CDFW REVISIONS TO MITIGATION MEASURES

Summary of Comments:

The California Department of Fish and Wildlife prepared a 20-page response letter, dated February 14, 2023, which is provided in **Attachment F-3 – *CDFW Comment Letter Wonder Inn Hotel/Resort***. The CDFW is a responsible agency under CEQA. In summary, the comments included revisions to mitigation measures as follows:

- Bio-1 – Nesting Birds (revise)
- Bio-2 – Pre-Construction Bat Surveys (revise)
- Bio-3 – Pre-Construction Desert Tortoise Surveys (revise)
- Bio-4 – Pre-Construction Burrowing Owl Clearance Surveys (revise)
- Bio-5 – Burrowing Owl Relocation (new)
- Bio-6 – Pre-Construction Rare Plant Surveys (new)
- Bio-7 – Lake and Streambed Alteration Notification (new)
- Include drought tolerant landscaping (new)

Responses:

The applicant has considered the CDFW requested revisions to the biological mitigation measures as well as the suggested measures. The applicant's suggested revisions to the itigation measures are as follows. Standard type represents the original measure. Bold type (**bold**) represents the CDFW's suggested revisions. Strikethrough type (~~strikethrough~~) represents the applicant's suggested revisions to the measure. Strikethrough bold type (~~**strikethrough bold**~~) represents language the CDFW requested to be inserted but which has been rejected or revised by the applicant due to infeasibility or the measure may be impracticable or not necessary. Irrespective of the applicant's suggested revisions to the CDFW mitigation measures, the applicant will abide by the MMRP that the County will adopt as part of the Project approvals.

BIO-1:

All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. ~~. Compliance with the MBTA shall be accomplished by completing the following: Construction activities involving vegetation removal shall be conducted between September1andJanuary 31. If construction occurs inside the peak nesting season (between February 1 and August31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.~~

~~**Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a**~~ A **nesting bird survey shall be conducted by** ~~the~~ a qualified **Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment.**

If the Biologist finds an active nest within the pre-construction survey area **or the Project's zone of influence (generally 100-300 feet**) and determines that the nest may be impacted, the Biologist shall delineate an appropriate **no disturbance** buffer zone around the nest **to prevent nest destruction or abandonment**. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. **The buffer shall be a minimum of** ~~These buffers are typically~~ 300 feet from the nests of ~~nonlisted species~~ **songbirds** and 500 feet from the nests of raptors and listed species **unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species**. Any active nests observed during the survey shall be mapped on an aerial photograph. **The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist.** The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to **determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to** ensure that no inadvertent impacts on these nests occur. **If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws.** ~~Results of the preconstruction survey and any subsequent monitoring shall be provided to **CDFW,** the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, **and** describe construction restrictions currently in place.~~

BIO-2:

Pre-Construction Bat Surveys. ~~No less than 60~~ **No more than 30** days prior to initiating Project activities, ~~the Project biologist~~ ~~**a CDFW-approved bat**~~ qualified **biologist** shall conduct a bat **survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating** ~~roosting habitat suitability assessment of any vegetation that may be removed, altered, or indirectly impacted by the~~ Project activities. Any locations with potential to **provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites** ~~Support roosting bats~~ shall be surveyed by the ~~**CDFW-approved bat**~~ ~~Project~~ biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats.

~~The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than **14** 30 days prior to the initiation of Project activities.~~ If the presence of bats within the Project is confirmed, **bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project- specific** avoidance and minimization measures **to monitor Project-related noise, vibration, lighting, project phasing and timing**, ~~including~~ **and shall include** the designation of buffers based upon what bat species are found, and phased removal of trees**.**, **The BAMPP** shall be developed and submitted to CDFW for review and approval **prior to initiating Project activities**. If the site

supports maternity roosts, Applicant shall avoid **Project activities** ~~disturbing those areas~~ during the breeding season **(typically, maternity season is April 1 through August 31)** ~~and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW~~.

BIO-3

Pre-Construction Desert Tortoise Clearance Survey. A pre-construction clearance survey shall be conducted by a CDFW-approved biologist ~~thirty (30) days~~ **no more than ~~48~~** 72 **hours** prior to ground disturbing activities ~~in undeveloped areas~~ to confirm the absence of desert tortoise within the boundaries of the ~~survey~~ **Project** area **and a 50- foot buffer and after any pause in Project activities lasting 30 days or more** during desert tortoise active season (April to May or September to October), in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. **Pre- construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented**. Survey transects should be spaced at 10-meter (33- foot) intervals ~~throughout the undeveloped portions of the project area~~ to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW **prior to start of Project activities**. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. ~~Although not anticipated, if~~ **If** desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine ~~if~~ avoidance and minimization measures ~~can be implemented~~ to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be obtained prepared and approved by the USFWS and CDFW.

Comment: Due to the information presented by the commentors regarding the potential presence of desert tortoise, the applicant will be conducting a focused desert tortoise survey in Spring 2023 per the guidelines of the US Fish and Wildlife Service. If tortoise are found on site, the applicants will obtain an Incidental Take Permit from the agencies as identified in BIO-3.

BIO-4
Pre-Construction Burrowing Owl Clearance Survey. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls **are** ~~remain~~ absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted**, one at no more than** 14 ~~– 30~~ days and **another within** 24 hours**,** prior to any ground disturbance or vegetation removal activities. **The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.**

BIO-5

Burrowing Owl Avoidance/Relocation. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller

buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

Comment: BIO-5 would be a new measure not included in the Initial Study.

~~**BIO-6**~~

~~**Pre-Construction Rare Plant Surveys. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.**~~

Comment: This measure is not required as the Project is planned to be constructed in the area already disturbed by the jojoba farm.

~~**BIO-7**~~

~~**Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW- executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**~~

Comment: This is not required as the applicant has designed the facility to be located outside of any jurisdictional drainages.

New BIO mitigation measure:

The Project proposes native palm trees for landscaping and shade trees. Because California has entered another period of extended drought, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: Around the Yard (saveourwater.com).

Comment: This mitigation measure was not identified in the Initial Study, however, the applicant finds it acceptable as the Project intended to utilize drought tolerant landscaping.

Attachment F-1

Stop Wonder Inn Comment Letter

February 22, 2023

This letter in its entirety is on file with the County. It could not be reproduced here because the electronic version was locked and prevented it from becoming part of this document.

Stop Wonder Inn Project

PO Box 1722, Twentynine Palms, CA 92277

info@stopwonderinn.org

February 22, 2023

Attn: Azhar Khan, Planner
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave 1st Floor
San Bernardino, CA 92415
azhar.khan@lus.sbcounty.gov

Sent via email and US Postal Service

Re: Wonder Inn Hotel/Resort (Twentynine Palms), PROJ-2021-00163

Dear Mr. Khan,

Thank you for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Wonder Inn Hotel/Resort (Project).

The undersigned comprise a mix of residents, homeowners, property owners, and small-business owners in Wonder Valley, with residency going back as long as 30 years. We are profoundly interested in the well-being and future of Wonder Valley. As such, we have been working together to exercise our rights and duties as citizens to understand the implications of the Project and to use the tools of education and advocacy to make our findings known to our neighbors and to decision-makers in San Bernardino County.

Our review of the IS/MND reveals numerous deficiencies, indicating further study is needed to adequately evaluate potential significant impacts on the Wonder Valley community, environment, and resources. Substantial evidence demonstrates that impacts from the Project are individually and cumulatively significant.

Accordingly, the County must prepare a complete, certified Environmental Impact Report (EIR) addressing these impacts, in full compliance with the California Environmental Quality Act (CEQA), before it can approve the Project.

Further, while we are following the County's process and commenting in credible detail, **we request that the rezoning applied for in the Conditional Use Permit and the amendment to the General Plan should be denied.**

Attachment F-2

Noise Study Revised March 7, 2023

Wonder Inn Project

Noise Impact Study

County of San Bernardino, CA

Prepared for:

ELMT Consulting, Inc
Julie Gilbert
2201 N Grand Ave, Ste #10098
Santa Ana, CA 92711

Prepared by:

MD Acoustics, LLC
Francisco Irarrazabal
1197 Los Angeles Avenue, Ste 256
Simi Valley, CA 93065

Date: 3/7/2023

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1.0 Introduction

1.1 Purpose of Analysis and Study Objectives

The purpose of this noise impact study is to evaluate the potential noise impacts for the project study area and compare results to County and CEQA thresholds. The assessment was conducted and compared to the noise standards set forth by the Federal, State and Local agencies. Consistent with the California Environmental Quality Act (CEQA) and CEQA Guidelines, a significant impact related to noise would occur if a proposed project is determined to result in:

- Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable agencies.
- Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

The following is provided in this report:

- A description of the study area and the proposed project
- Information regarding the fundamentals of noise
- A description of the local noise guidelines and standards
- An evaluation of the existing ambient noise environment
- An analysis of the traffic noise impacts to the project site
- An evaluation of the interior noise limit compliance
- Construction noise and vibration evaluation

1.2 Site Location and Study Area

The project site is located at the south side of Amboy Road, approximately 5.5 miles east of Pinto Mountain Road and approximately 0.3 miles west of Gammel Road, in an unincorporated area of the County of San Bernardino, as shown in Exhibit A. The project site is out of the influence of the Airport Comprehensive Land Use Plan of the 29 Palms Airport (refer to Figure 2 of said Plan). The County of San Bernardino General Plan classifies the land use designation of the site as Commercial. The project site is partially designated as 3.18 acres of Commercial Service (CS), and the surrounding land uses are Rural Living (RL-5).

1.3 Proposed Project Description

The Project proposes to develop 42,120 square feet of 106 pre-manufactured hotel rooms and an additional four (4) pre-manufactured buildings for administration, storage, event prefunction and

restrooms, pool restrooms and spa locker rooms and restrooms. In addition, there will be new permanent shade structures for the fitness/spa area, treatment rooms and event space. The hotel grounds will also include a swimming pool, hot tubs, outdoor showers, desert type landscaping and parking. Laundry will be provided by an off-site vendor. The existing 4407 square foot single story commercial building on site will be remodeled to serve as the main hotel lobby, restaurant, with indoor and outdoor dining, and commercial kitchen. Utilities include water supplied from an existing well onsite, a new septic leech field system for wastewater, propane, and electricity. The Project will employ approximately twenty full time employees and part time employees as needed. The hotel will be open 24/7 year-round. The site plan for the project is shown in Exhibit B.

Exhibit A

Location Map

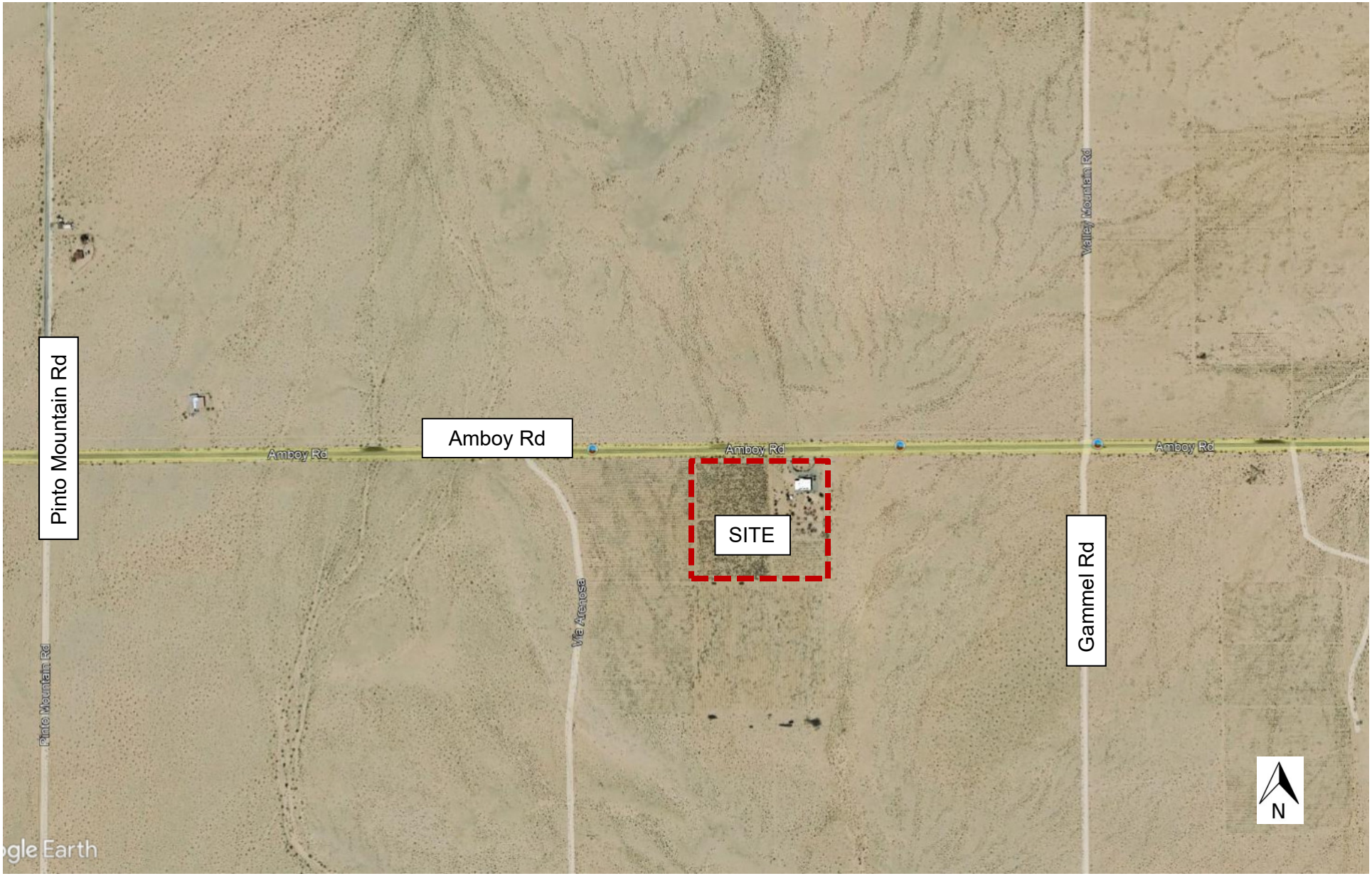
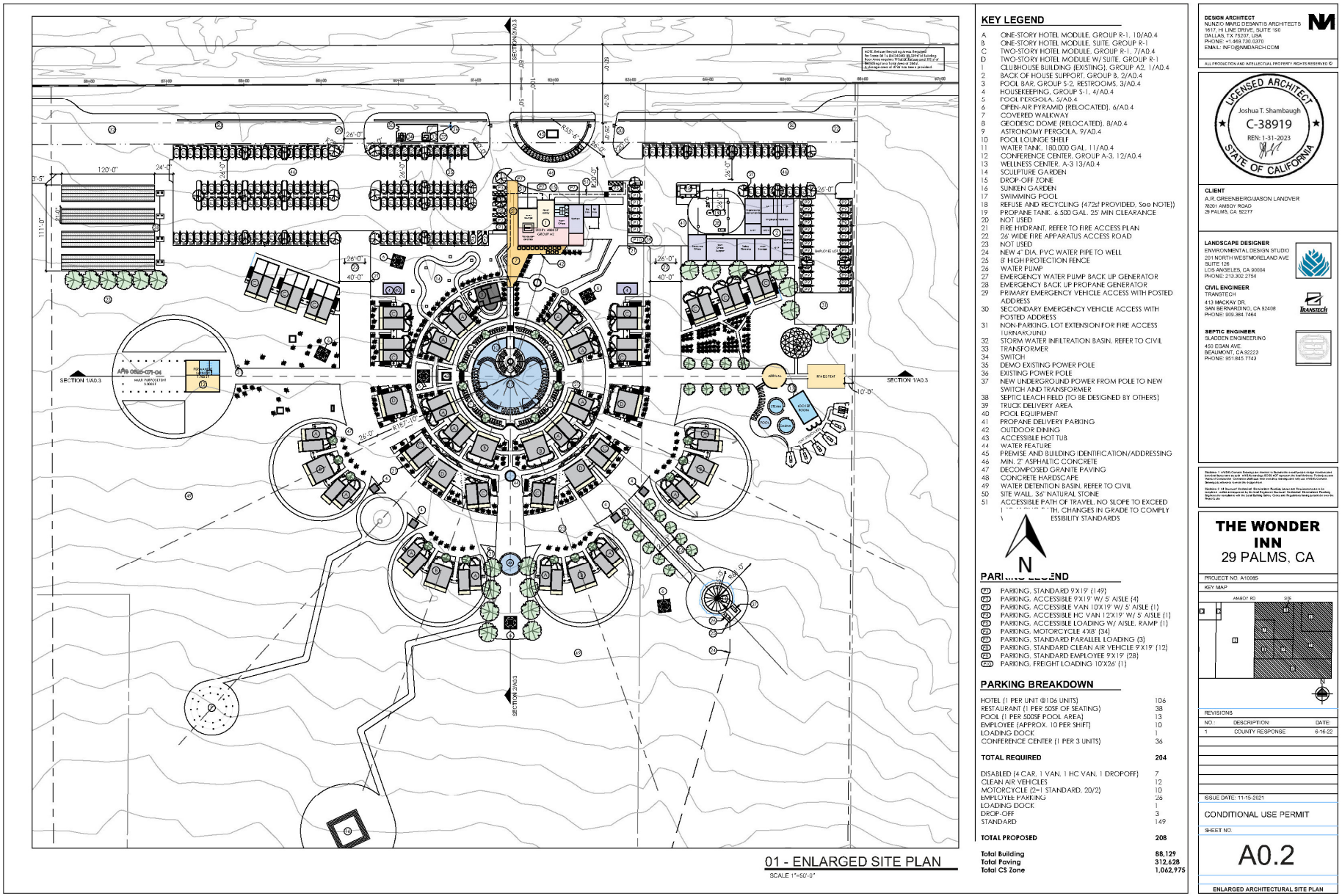


Exhibit B

Site Plan



2.0 Fundamentals of Noise

This section of the report provides basic information about noise and presents some of the terms used in the report.

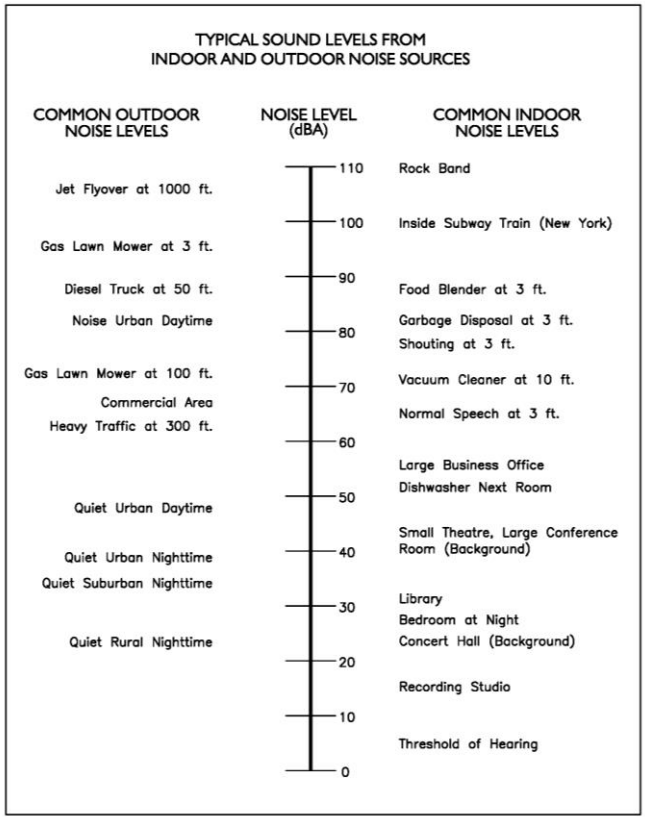
2.1 Sound, Noise and Acoustics

Sound is a disturbance created by a moving or vibrating source and is capable of being detected by the hearing organs. Sound may be thought of as mechanical energy of a moving object transmitted by pressure waves through a medium to a human ear. For traffic or stationary noise, the medium of concern is air. *Noise* is defined as sound that is loud, unpleasant, unexpected, or unwanted.

2.2 Frequency and Hertz

A continuous sound is described by its *frequency* (pitch) and its *amplitude* (loudness). Frequency relates to the number of pressure oscillations per second. Low-frequency sounds are low in pitch (bass sounding) and high-frequency sounds are high in pitch (squeak). These oscillations per second (cycles) are commonly referred to as Hertz (Hz). The human ear can hear from the bass pitch starting out at 20 Hz all the way to the high pitch of 20,000 Hz.

Exhibit C: Typical A-Weighted Noise Levels



2.3 Sound Pressure Levels and Decibels

The *amplitude* of a sound determines its loudness. The loudness of sound increases or decreases as the amplitude increases or decreases. Sound pressure amplitude is measured in units of micro-Newton per square inch meter ($\mu N/m^2$), also called micro-Pascal (µPa). One µPa is approximately one hundred billionths (0.00000000001) of normal atmospheric pressure. Sound pressure level (SPL or L_p) is used to describe in logarithmic units the ratio of actual sound pressures to a reference pressure squared. These units are called decibels, abbreviated dB. Exhibit C illustrates references sound levels for different noise sources.

2.4 Addition of Decibels

Because decibels are on a logarithmic scale, sound pressure levels cannot be added or subtracted by simple plus or minus addition. When two sounds or equal SPL are combined, they will produce an SPL 3 dB greater than the original single SPL. In other words, sound energy must be doubled to produce a 3 dB increase. If two sounds differ by approximately 10 dB, the higher sound level is the predominant sound.

2.5 Human Response to Changes in Noise Levels

In general, the healthy human ear is most sensitive to sounds between 1,000 Hz and 5,000 Hz, and it perceives a sound within that range as being more intense than a sound with a higher or lower frequency with the same magnitude. For purposes of this report as well as with most environmental documents, the A-scale weighting is typically reported in terms of A-weighted decibel (dBA), a scale designed to account for the frequency-dependent sensitivity of the ear. Typically, the human ear can barely perceive a change in noise level of 3 dB. A change in 5 dB is readily perceptible, and a change in 10 dB is perceived as being twice or half as loud. As previously discussed, a doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g. doubling the volume of traffic on a highway) would result in a barely perceptible change in sound level.

2.6 Noise Descriptors

Noise in our daily environment fluctuates over time. Some noise levels occur in regular patterns, others are random. Some noise levels are constant while others are sporadic. Noise descriptors were created to describe the different time-varying noise levels.

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high-frequency components of the sound in a manner similar to the response of the human ear. A numerical method of rating human judgment of loudness.

Ambient Noise Level: The composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Community Noise Equivalent Level (CNEL): The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 to 10:00 PM and after addition of ten (10) decibels to sound levels in the night before 7:00 AM and after 10:00 PM.

Decibel (dB): A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals.

dB(A): A-weighted sound level (see definition above).

Equivalent Sound Level (LEQ): The sound level corresponding to a steady noise level over a given sample period with the same amount of acoustic energy as the actual time-varying noise level. The energy average noise level during the sample period.

Habitable Room: Any room meeting the requirements of the Uniform Building Code, or other applicable regulations, which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

L(n): The A-weighted sound level exceeded during a certain percentage of the sample time. For example, L10 in the sound level exceeded 10 percent of the sample time. Similarly L50, L90, and L99, etc.

Noise: *A*ny unwanted sound or sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. The State Noise Control Act defines noise as "...excessive undesirable sound...".

Outdoor Living Area: Outdoor spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other noise-sensitive activities; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and, outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Percent Noise Levels: See L(n).

Sound Level (Noise Level): The weighted sound pressure level obtained by use of a sound level meter having a standard frequency filter for attenuating part of the sound spectrum.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement and determination of noise and sound levels.

Single Event Noise Exposure Level (SENEL): The dB(A) level which, if it lasted for one second, would produce the same A-weighted sound energy as the actual event.

2.7 Traffic Noise Prediction

Noise levels associated with traffic depends on a variety of factors: (1) volume of traffic, (2) speed of traffic, (3) auto, medium truck (2–3 axle) and heavy truck percentage (4 axle and greater), and sound propagation. The greater the volume of traffic, higher speeds and truck percentages equate to a louder volume in noise. A doubling of the Average Daily Traffic (ADT) along a roadway will increase noise levels by approximately 3 dB; reasons for this are discussed in the sections above.

2.8 Sound Propagation

As sound propagates from a source it spreads geometrically. Sound from a small, localized source (i.e., a point source) radiates uniformly outward as it travels away from the source in a spherical pattern. The sound level attenuates at a rate of 6 dB per doubling of distance. The movement of vehicles down a roadway makes the source of the sound appear to propagate from a line (i.e., line source) rather than a point source. This line source results in the noise propagating from a roadway in a cylindrical spreading versus a spherical spreading that results from a point source. The sound level attenuates for a line source at a rate of 3 dB per doubling of distance.

As noise propagates from the source, it is affected by the ground and atmosphere. Noise models use hard site (reflective surfaces) and soft site (absorptive surfaces) to help calculate predicted noise levels. Hard site conditions assume no excessive ground absorption between the noise source and the

receiver. Soft site conditions such as grass, soft dirt or landscaping attenuate noise at a rate of 1.5 dB per doubling of distance. When added to the geometric spreading, the excess ground attenuation results in an overall noise attenuation of 4.5 dB per doubling of distance for a line source and 7.5 dB per doubling of distance for a point source.

Research has demonstrated that atmospheric conditions can have a significant effect on noise levels when noise receivers are located 200 feet from a noise source. Wind, temperature, air humidity, and turbulence can further impact have far sound can travel.

3.0 Ground-Borne Vibration Fundamentals

3.1 Vibration Descriptors

Ground-borne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. The effects of ground-borne vibrations typically only cause a nuisance to people, but at extreme vibration levels, damage to buildings may occur. Although ground-borne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Ground-borne noise is an effect of ground-borne vibration and only exists indoors since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude.

PPV – Known as the peak particle velocity (PPV) which is the maximum instantaneous peak in vibration velocity, typically given in inches per second.

RMS – Known as root mean squared (RMS) can be used to denote vibration amplitude

VdB – A commonly used abbreviation to describe the vibration level (VdB) for a vibration source.

3.2 Vibration Perception

Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. These continuous vibrations are not noticeable to humans whose threshold of perception is around 65 VdB. Outdoor sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible ground-borne noise or vibration. To counter the effects of ground-borne vibration, the Federal Transit Administration (FTA) has published guidance relative to vibration impacts. According to the FTA, fragile buildings can be exposed to ground-borne vibration levels of 0.3 inches per second without experiencing structural damage.

3.3 Vibration Propagation

There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wavefront, similar to ripples produced by throwing a rock into a pool of water. P-waves, or compression waves, are body waves that carry their energy along an expanding spherical wavefront. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wavefront. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil but has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests.

4.0 Regulatory Setting

The proposed project is located within the County of San Bernardino, California and noise regulations are addressed through the efforts of various federal, state and local government agencies. The agencies responsible for regulating noise are discussed below.

4.1 Federal Regulations

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Publicize noise emission standards for interstate commerce
- Assist state and local abatement efforts
- Promote noise education and research

The Federal Office of Noise Abatement and Control (ONAC) originally was tasked with implementing the Noise Control Act. However, it was eventually eliminated leaving other federal agencies and committees to develop noise policies and programs. Some examples of these agencies are as follows: The Department of Transportation (DOT) assumed a significant role in noise control through its various agencies. The Federal Aviation Agency (FAA) is responsible for regulating noise from aircraft and airports. The Federal Highway Administration (FHWA) is responsible for regulating noise from the interstate highway system. The Occupational Safety and Health Administration (OSHA) is responsible for the prohibition of excessive noise exposure to workers. The Housing and Urban Development (HUD) is responsible for establishing noise regulations as it relates to exterior/interior noise levels for new HUD-assisted housing developments near high noise areas.

The federal government advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise sensitive” uses are either prohibited from being constructed adjacent to a highway or, or alternatively that the developments are planned and constructed in such a manner that potential noise impacts are minimized.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by the transportation source, the City is restricted to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

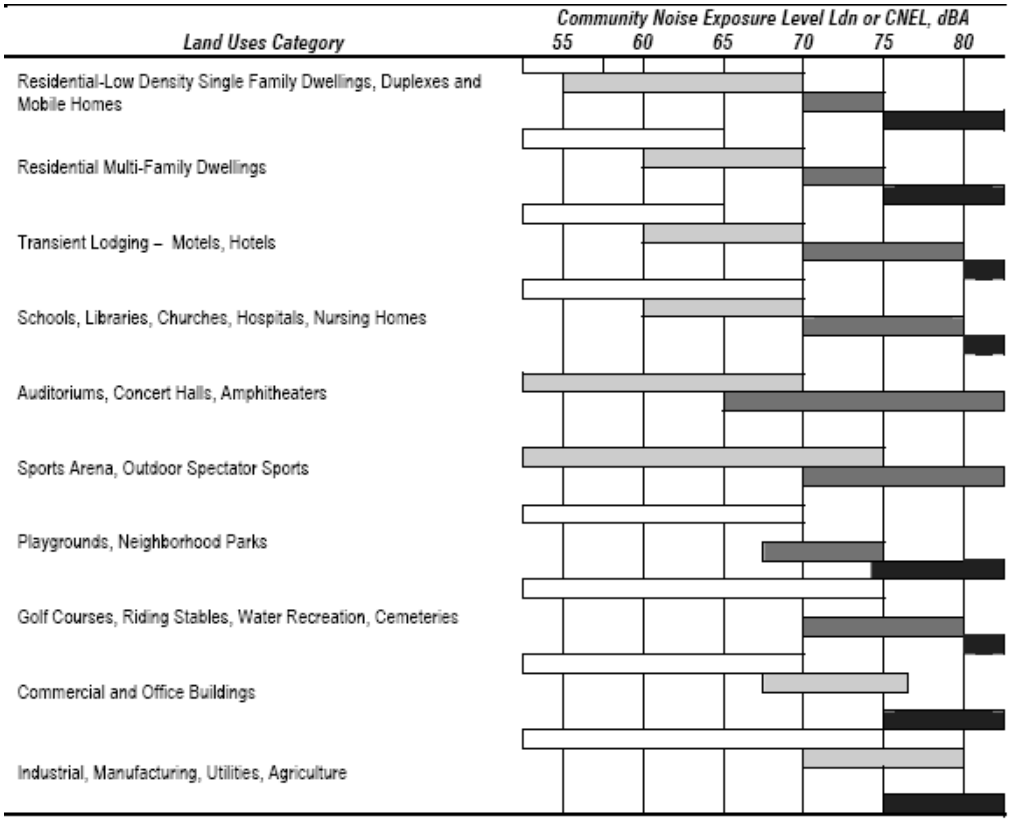
4.2 State Regulations

Established in 1973, the California Department of Health Services Office of Noise Control (ONC) was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the “Land Use Compatibility for Community Noise Environments Matrix.” The matrix allows the local jurisdiction to clearly delineate compatibility of sensitive uses with various incremental levels of noise.

The State of California has established noise insulation standards as outlined in Title 24 and the Uniform Building Code (UBC) which in some cases requires acoustical analyses to outline exterior noise levels and to ensure interior noise levels do not exceed the interior threshold. The State mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general

plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable as illustrated in Exhibit D.

Exhibit D: Land Use Compatibility Guidelines



4.3 County of San Bernardino Noise Regulations

The County of San Bernardino outlines their noise regulations and standards within the Policy Plan, Safety and Security Section, Hazards Element from the General Plan and the Noise Ordinance from the Municipal Code.

County of San Bernardino General Plan

Applicable policies and standards governing environmental noise in the County are set forth in the General Plan Policy Plan. Section Safety and Security, in its goal HZ-2 Human-generated Hazards, outlines the noise policies within the county.

The County has outlined goals, policies, and implementation measures to reduce potential noise impacts and are presented below:

Goals, Policies, and Implementation Measures

Policies, goals and implementation program measures from the Policy Plan that would mitigate potential impacts on noise include the following.

Goal HZ-2 Human-generated Hazards: People and the natural environment protected from exposure to hazardous materials, excessive noise, and other human-generated hazards.

Policy HZ-2.6: Coordination with transportation authorities. We collaborate with airport owners, FAA, Caltrans, SBCTA, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, updates to transportation-related plans and projects to minimize noise impacts and provide appropriate mitigation measures.

Policy HZ-2.7: Truck delivery areas. We encourage truck delivery areas to be located away from residential properties and require associated noise impacts to be mitigated.

Policy HZ-2.8: Proximity to noise generating uses. We limit or restrict new noise sensitive land uses in proximity to existing conforming noise generating uses and planned industrial areas.

Policy HZ-2.9: Control sound at the source. We prioritize noise mitigation measures that control sound at the source before buffers, soundwalls, and other perimeter measures.

Policy HZ-2.10: Agricultural operations. We require new development adjacent to existing conforming agricultural operations to provide adequate buffers to reduce the exposure of new development to operational noise, odor, and the storage or application of pesticides or other hazardous materials.

County of San Bernardino– Noise Ordinance/Municipal Code

Chapter 83.01 General Performance Standards of the County's Municipal Code outlines the County's noise ordinance.

Section 83.01.080 –Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

(a) *Noise Measurement*. Noise shall be measured:

(1) At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise-sensitive land uses;

(2) With a sound level meter that meets the standards of the American National Standards Institute (ANSI § SI4 1979, Type 1 or Type 2);

(3) Using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micronewtons per meter squared). The unit of measure shall be designated as dB(A).

(b) *Noise Impacted Areas*. Areas within the County shall be designated as "noise-impacted" if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subdivision (d) (Noise Standards for Stationary Noise Sources) and Subdivision (e) (Noise Standards for Adjacent Mobile Noise Sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

(c) *Noise Standards for Stationary Noise Sources*.

(1) *Noise Standards*. Table 83-2 (Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:

Table 1: Noise Standards for Stationary Noise Sources (Table 83-2)

Table 83-2		
Noise Standards for Stationary Noise Sources		
Affected Land Uses (Receiving Noise)	***7:00 a.m. – 10 p.m. Leq***	***10:00 p.m. – 7 a.m. Leq***
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)
Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically one, eight or 24 hours.		
dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.		

(2) Noise Limit Categories. No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:

(a) The noise standard for the receiving land use as specified in Subdivision (b) (Noise-Impacted Areas), above, for a cumulative period of more than 30 minutes in any hour.

(b) The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour.

(c) The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour.

(d) The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour.

(e) The noise standard plus 20 dB(A) for any period of time.

(d) Noise Standards for Adjacent Mobile Noise Sources. Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 83-3 (Noise Standards for Adjacent Mobile Noise Sources).

<Table 2 in next page>

Table 2: Noise Standards for Adjacent Mobile Noise Sources (Table 83-3)

Table 83-3			
Noise Standards for Adjacent Mobile Noise Sources			
Land Use		***Ldn (or CNEL) dB(A)***	
Categories	***Uses***	***Interior***[1]	***Exterior***[2]
Residential	Single and multi-family, duplex, mobile homes	45	60[3]
Commercial	Hotel, motel, transient housing	45	60[3]
	Commercial retail, bank, restaurant	50	N/A
	Office building, research and development, professional offices	45	65
	Amphitheater, concert hall, auditorium, movie theater	45	N/A
Institutional/Public	Hospital, nursing home, school classroom, religious institution, library	45	65
Open Space	Park	N/A	65
Notes:			
(1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.			
(2) The outdoor environment shall be limited to: • Hospital/office building patios • Hotel and motel recreation areas • Mobile home parks • Multi-family private patios or balconies • Park picnic areas • Private yard of single-family dwellings • School playgrounds			
(3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.			
CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.			

(e) *Increases in Allowable* Noise Levels. If the measured ambient level exceeds any of the first four noise limit categories in Subdivision (d)(2), above, the allowable noise exposure standard shall

be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subdivision (d)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

(f) *Reduction in Allowable Noise Levels.* If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 83-2 (Noise Standards for Stationary Noise Sources) shall be reduced by five dB(A).

(g) *Exempt Noise.* The following sources of noise shall be exempt from the regulations of this Section:
  (1) Motor vehicles not under the control of the commercial or industrial use.
  (2) Emergency equipment, vehicles, and devices.
  (3) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.

(h) Noise Standards for Other Structures. All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria.

Per the table above outlined above, the City's noise limit for residential uses is 55 dBA during the hours of 7:00 AM to 6:00 PM, 50 dBA during the hours of 6:00 PM to 10:00 PM, 45 dBA during the hours of 10:00 PM to 7:00 AM.

Table 3: Noise Standards for Other Structures (Table 83-3)

Table 83-4	
Noise Standards for Other Structures	
Typical Uses	**12-Hour Equivalent Sound Level (Interior) in dBA Ldn**
Educational, institutions, libraries, meeting facilities, etc.	45
General office, reception, etc.	50
Retail stores, restaurants, etc.	55
Other areas for manufacturing, assembly, testing, warehousing, etc.	65

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dBA interior.

5.0 Study Method and Procedure

The following section describes the noise modeling procedures and assumptions used for this assessment.

5.1 Noise Measurement Procedure and Criteria

Noise measurements are taken to determine the existing noise levels. A noise receiver or receptor is any location in the noise analysis in which noise might produce an impact. The following criteria are used to select measurement locations and receptors:

- Locations expected to receive the highest noise impacts, such as the first row of houses
- Locations that are acoustically representative and equivalent of the area of concern
- Human land usage
- Sites clear of major obstruction and contamination

MD conducted the sound level measurements in accordance to the County's and Caltrans (TeNS) technical noise specifications. All measurement equipment meets American National Standards Institute (ANSI) specifications for sound level meters (S1.4-1983 identified in Chapter 19.68.020.AA). The following gives a brief description of the Caltrans Technical Noise Supplement procedures for sound level measurements:

- Microphones for sound level meters were placed 5-feet above the ground for all measurements
- Sound level meters were calibrated (Larson Davis CAL 200) before and after each measurement
- Following the calibration of equipment, a windscreen was placed over the microphone
- Frequency weighting was set on "A" and slow response
- Results of the long-term noise measurements were recorded on field data sheets
- During any short-term noise measurements, any noise contaminations such as barking dogs, local traffic, lawn mowers, or aircraft fly-overs were noted
- Temperature and sky conditions were observed and documented

5.2 Noise Measurement Locations

Noise monitoring location was selected based on the nearest sensitive receptors relative to the proposed onsite noise sources. One (1) long-term 24-hour noise measurement was conducted at or near the project site and are illustrated in Exhibit E. Appendix A includes photos, field sheet, and measured noise data.

5.3 FHWA Traffic Noise Prediction Model

Traffic noise from vehicular traffic was projected using a computer program that replicates the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). The FHWA model arrives at the predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL). Roadway volumes and percentages correspond to the County's General Plan traffic counts, and roadway classification. The referenced traffic data was applied to the model and is in Appendix B. The following outlines the key adjustments made to the REMEL for the roadway inputs:

- Roadway classification – (e.g. freeway, major arterial, arterial, secondary, collector, etc),

- Roadway Active Width – (distance between the center of the outer most travel lanes on each side of the roadway)
- Average Daily Traffic Volumes (ADT), Travel Speeds, Percentages of automobiles, medium trucks and heavy trucks
- Roadway grade and angle of view
- Site Conditions (e.g. soft vs. hard)
- Percentage of total ADT which flows each hour through-out a 24-hour period

Table 4 indicates the roadway parameters and vehicle distribution utilized for this study.

Table 4: Roadway Parameters and Vehicle Distribution

Roadway	Segment	Existing ADT[1]	Existing Plus Project ADT[2]	Speed (MPH)	Site Conditions
Amboy Road	Pinto Mountain Rd to Gammel Rd	7,000	7,886	55	Soft
Vehicle Distribution (Truck Mix)					
Motor-Vehicle Type		**Daytime % (7AM to 7 PM)**	**Evening % (7 PM to 10 PM)**	**Night % (10 PM to 7 AM)**	**Total % of Traffic Flow**
Automobiles		75.5	14.0	10.5	97.42
Medium Trucks		48.9	2.2	48.9	1.84
Heavy Trucks		47.3	5.4	47.3	0.74

Notes:
[1] Traffic count from San Bernardino County General Plan, Final Environmental Report, Chapter IV Table IV-O-8.
[2] Trip generation rate based on CalEEMod run.

The following outlines key adjustments to the REMEL for project site parameter inputs:

- Vertical and horizontal distances (Sensitive receptor distance from noise source)
- Noise barrier vertical and horizontal distances (Noise barrier distance from sound source and receptor).
- Traffic noise source spectra
- Topography

5.4 FHWA Roadway Construction Noise Model

The construction noise analysis utilizes the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RNCM), together with several key construction parameters. Key inputs include distance to the sensitive receiver, equipment usage, % usage factor, and baseline parameters for the project site.

The project was analyzed based on the different construction phases. Construction noise is expected to be loudest during the grading, concrete and building phases of construction. The construction noise calculation output worksheet is located in Appendix C. The following assumptions relevant to short-term construction noise impacts were used:

- It is estimated that construction will occur over a 6 month to 1 year time period. Construction noise is expected to be the loudest during the grading, concrete, and building phases.

5.5 Stationary Noise Modeling

SoundPLAN (SP) acoustical modeling software was utilized to model future worst-case stationary noise impacts to the adjacent land uses. SP is capable of evaluating multiple stationary noise source impacts at various receiver locations. SP's software utilizes algorithms (based on the inverse square law and reference equipment noise level data) to calculate noise level projections. The software allows the user to input specific noise sources, spectral content, sound barriers, building placement, topography, and sensitive receptor locations.

The future worst-case noise level projections were modeled using referenced sound level data for the various stationary on-site sources (parking spaces, live music, outdoor events, and mechanical equipment close to the buildings). The model assumes approximately 208 parking spaces around the northern property line. Additionally, the model includes mechanical equipment located next to the guest room buildings. The worst-case scenario considers the mechanical equipment working continuously. In addition, the parking lot was modeled with 0.5 car movement per parking space per hour. Finally, two outdoor speakers were modeled on the event space area close to the southern property line. The reference sound level data is provided in Appendix D and the model sources summary is in Table 5.

Table 5: Reference Sound Level Measurements for SoundPlan Model

Source	Source Type	Reference Level (Lw or SPL dBA)	Descriptor
HVAC units	Point Source	68 @ 3 ft	1 for each bldg
Parking	Area (SP Parking Tool)	77	½ car per hr per stall
Outdoor Speaker	Point Source	103 @ 5 ft	Two loudspeaker

The SP model assumes that all noise sources are operating simultaneously (worst-case scenario), when in actuality the noise will be intermittent and lower in noise level. SP modeling inputs and outputs are provided in Appendix D.

Finally, the emergency generators operation was not considered in the model since the operation of said equipment is projected for an emergency situation, and according to County's Municipal Code Section 83.01.080 (g), noise from emergency generators should be exempt.

Exhibit E
Measurement Locations

= Long-Term
Monitoring Location

6.0 Existing Noise Environment

A one (1) 24-hour ambient noise measurement was conducted at the property site. The noise measurement was taken to determine the existing ambient noise levels. Noise data indicates that traffic along Amboy Road is the primary source of noise impacting the site and the adjacent uses. This assessment utilizes the ambient noise data as a basis and compares project operational levels to said data.

6.1 Long-Term Noise Measurement Results

The results of the long-term noise data are presented in Table 6.

Table 6: Long-Term Noise Measurement Data[1]

Date	Time	1-Hour dB(A)							
		L_{EQ}	L_{MAX}	L_{MIN}	L_2	L_8	L_{25}	L_{50}	L_{90}
3/10/2022	11:00AM-12:00PM	63.3	78.9	42	68.2	67.3	63.4	62	58.8
3/10/2022	12:00PM-1:00PM	62.9	78.8	38.5	69	66.5	63.8	61.9	53.5
3/10/2022	1:00PM-2:00PM	65.1	78.9	41.9	70.6	68.7	66.1	63.7	57.5
3/10/2022	2:00PM-3:00PM	69.3	83.2	45.9	74.4	72.8	70.7	67.9	63.3
3/10/2022	3:00PM-4:00PM	68.7	80.3	45	73.2	72	70.3	67.9	62.2
3/10/2022	4:00PM-5:00PM	67.1	81.8	44.6	71.9	70.1	68	66.2	62.1
3/10/2022	5:00PM-6:00PM	61.1	75.7	35.4	66.6	64.9	62.3	60	50.9
3/10/2022	6:00PM-7:00PM	61.1	86.1	34.6	67	64.6	61	58.4	51.5
3/10/2022	7:00PM-8:00PM	55.5	78.9	30.5	64.5	60.1	54.5	48.1	33.6
3/10/2022	8:00PM-9:00PM	50.1	70.1	30.5	55.3	54.5	52.3	47.8	33.6
3/10/2022	9:00PM-10:00PM	50.8	71.9	30.5	57.9	55.2	52.4	47.4	36.9
3/10/2022	10:00PM-11:00PM	56.1	72.5	36.9	62	58.7	56.5	54.8	51.6
3/10/2022	11:00PM-12:00AM	56.7	75.5	33.6	62.3	59.6	57.9	55.8	49.4
3/11/2022	12:00AM-1:00AM	51.9	72.3	30.4	59.3	57.7	51.9	46.8	35.3
3/11/2022	1:00AM-2:00AM	47.9	72.8	30.4	57.9	51.7	44.1	37.5	32.3
3/11/2022	2:00AM-3:00AM	47.1	65.6	30.4	54.4	51.6	47.3	44.3	37.4
3/11/2022	3:00AM-4:00AM	46.7	68.1	30.4	55.4	52.9	44.8	41.3	33.9
3/11/2022	4:00AM-5:00AM	43.1	68.9	30.4	53.1	44.6	40.4	37.2	31.5
3/11/2022	5:00AM-6:00AM	57.1	85.1	30.3	62.9	57.4	51.6	35.2	30.5
3/11/2022	6:00AM-7:00AM	52.9	75.6	30.7	60.3	57.7	54.1	45.7	37.7
3/11/2022	7:00AM-8:00AM	55.4	77.1	31.1	63.1	60.2	56.7	52	39.7
3/11/2022	8:00AM-9:00AM	57.5	80.3	30.8	65	62	57.9	53.3	46.1
3/11/2022	9:00AM-10:00AM	55.4	73.5	30.7	61.1	60.2	56.5	54	43
3/11/2022	10:00AM-11:00AM	56.8	74.5	30.3	62.4	60.7	57.8	55.8	47.1
CNEL		63.3							

Notes:
[1.] Long-term noise monitoring location (LT1) is illustrated in Exhibit E.

Noise data indicates the ambient noise level average was 63.3 dBA CNEL at the project site. Maximum hourly levels reached up to 69.3 dBA at 2:00 p.m. as a result of traffic along Amboy Road. Additional field notes and photographs are provided in Appendix A.

7.0 Future Noise Environment Impacts and Mitigation

This assessment analyzes future noise impacts as a result of the project. The analysis details the estimated exterior noise levels.

7.1 Future Exterior Noise

The following outlines the exterior noise levels associated with the proposed project:

7.1.1 Noise Impacts to Off-Site Receptors Due to Project Generated Traffic

A worst-case project generated traffic noise level was modeled utilizing the FHWA Traffic Noise Prediction Model - FHWA-RD-77-108. Traffic noise levels were calculated 220 feet from the centerline of the analyzed roadway. The modeling is theoretical and does not take into account any existing barriers, structures, and/or topographical features that may further reduce noise levels. Therefore, the levels are shown for comparative purposes only to show the difference in with and without project conditions. In addition, the noise contours for 60, 65 and 70 dBA CNEL were calculated. The potential off-site noise impacts caused by an increase of traffic from operation of the proposed project on the nearby roadways were calculated for the following scenarios:

Existing Year (without Project): This scenario refers to existing year traffic noise conditions.

Existing Year (Plus Project): This scenario refers to existing year + project traffic noise conditions.

Table 7 compares the without and with project scenario and shows the change in traffic noise levels as a result of the proposed project. It takes a change of 3 dB or more to hear a perceptible difference. As demonstrated in Table 7, the project is anticipated to not change the noise levels.

Since there is a small increase in traffic noise levels, the impact is considered less than significant as the noise levels at or near any existing proposed sensitive receptor would be 59.3 dBA CNEL or less and the change in noise level is 0.5 dBA or less. No further mitigation is required.

< Table 7, next page>

Table 7: Existing Scenario - Noise Levels Along Roadways (dBA CNEL)

Existing Without Project Exterior Noise Levels

Roadway	Segment	CNEL at 220 Ft (dBA)	Distance to Contour (Ft)			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Amboy Road	Pinto Mountain Rd and Gammel Rd	58.8	39	85	183	394

Existing With Project Exterior Noise Levels

Roadway	Segment	CNEL at 220 Ft (dBA)	Distance to Contour (Ft)			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Amboy Road	Pinto Mountain Rd and Gammel Rd	59.3	43	92	198	426

Change in Existing Noise Levels as a Result of Project

Roadway	Segment	CNEL at 50 Feet dBA[2]			
		Existing Without Project[1]	Existing With Project[1]	Change in Noise Level	Potential Significant Impact
Amboy Rd	Pinto Mountain Rd and Gammel Rd	58.8	59.3	0.5	No

Notes:
[1] Exterior noise levels calculated at 5 feet above ground level.
[2] Noise levels calculated from centerline of subject roadway.

7.1.2 Noise Impacts to On-Site Receptors Due to Project Generated Traffic

The closest guest room considered for this project site is located approximately 202 feet from the center line of Amboy Road and would fall beyond the 60 dBA CNEL or less contour. Therefore, the project would be normally acceptable per the County's Land Use Compatibility Matrix.

7.1.3 Noise Impacts to Off-Site Receptors Due to Stationary Sources

Due to the location of the proposed resort facilities, there are no existing receptors that may be affected by project operational noise. Since there are potential land uses that may be impacted in the vicinity area the noise contours for the operational impact are shown in Exhibit F. The worst-case stationary noise was modeled using SoundPLAN acoustical modeling software. The model utilizes references noise levels from previous MD projects data for the mechanical equipment, live music, and parking specified within Section 5.5 of this report.

A total of two (2) receptor locations were modeled to evaluate the proposed project's operational noise impact to adjacent noise sensitive land uses to the north and south. A receptor is denoted by a yellow dot in Exhibit F. Receptors 1 represents the rural living uses located approximately 520 to the north from the site center, across Amboy Road. Receptor 2 represents the rural living use located approximately 2,500 feet to the south of the site center.

Project Operational Noise Levels

Exhibit F shows the "project only" operational noise levels at the property lines and/or sensitive receptor areas and illustrates how the noise will propagate at the site. Worst-case operational noise levels are anticipated to range between 31 to 39 dBA Leq at the receptors R1 & R2. The noise projections are below the County's noise limits as given in Section 83.01.080 of the Municipal Code.

Project Plus Ambient Operational Noise Levels

Since receiver R2 is not located close to Amboy Road, the ambient noise level considered to this location corresponds to the quietest hourly Leq level measured. On the other hand, receiver R1 is close to the roadway, and the ambient level considered corresponds to the quietest hourly Leq level during daytime hours. Table 8 demonstrates the project plus ambient noise levels. Project plus ambient noise level projections are anticipated to range between 43 to 50 dBA Leq at the sensitive receptors.

Table 8: Worst-case Predicted Operational Noise Levels (dBA)

Receptor[1]	Existing Ambient Noise Level (dBA, Leq)[2]	Project Noise Level (dBA, Leq)[3]	Total Combined Noise Level (dBA, Leq)	Limit Day/Night (dBA)	Exceeds Ordinance	Change in Noise Level as Result of Project
R1	50	39	50	55/45	NO[4]	0
R2	43	31	43	55/45	NO	0

Notes:
1. Receptor locations in Exhibit F. R1 & R2 are rural living.
2. The quietest daytime ambient measured Leq for R1 and the quietest measured ambient level for R2.
3. See Exhibit F for noise contours.
4 Limit adjusted to the ambient level according to Section 83.01.080 of the Municipal Code.

In addition, Table 8 provides the anticipated change in noise level as a result of the proposed project operational conditions. As already demonstrated, the project's maximum operational noise levels do not exceed the County's noise limit given by the Municipal Code.

Table 9 provides the characteristics associated with changes in noise levels.

Table 9: Change in Noise Level Characteristics[1]

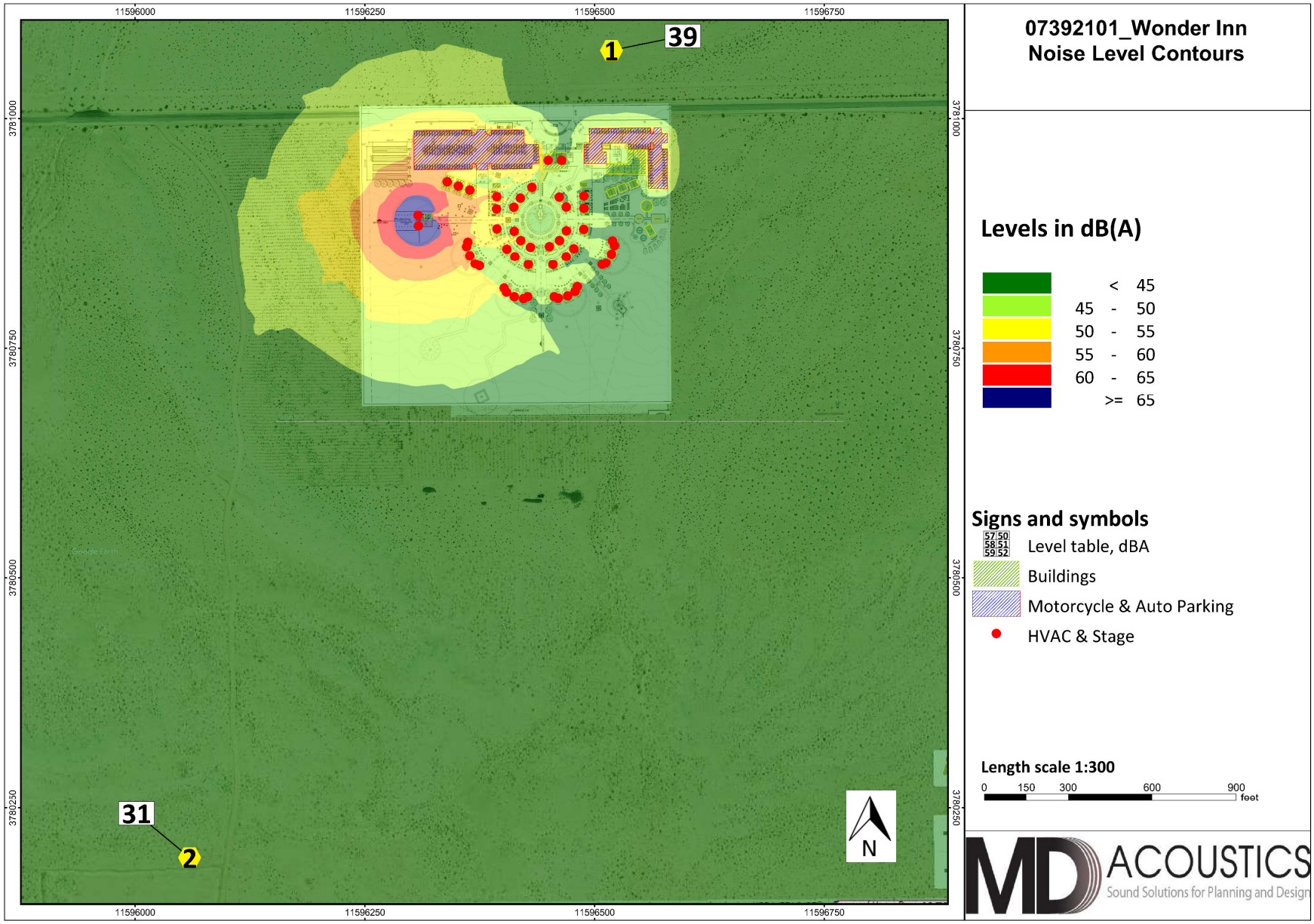
Changes in Intensity Level, dBA	Changes in Apparent Loudness
1	Not perceptible
3	Just perceptible
5	Clearly noticeable
10	Twice (or half) as loud

https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm

The change in noise level would fall within the "Not Perceptible" acoustic characteristic; therefore, the impact is less than significant.

Exhibit F

Operational Noise Levels Contours Leq (h)



7.2 Mitigation Measures

Considering the typical construction standard, the project will meet the County's interior noise ordinance. Also, the project is not located within the Airport Comprehensive Land Use Plan of the Twentynine Palms Airport (TNP). Therefore, at this point no further mitigation is required.

8.0 Construction Noise Impact

The degree of construction noise may vary for different areas of the project site and also vary depending on the construction activities. Noise levels associated with the construction will vary with the different phases of construction.

8.1 Construction Noise

The Environmental Protection Agency (EPA) has compiled data regarding the noise generated characteristics of typical construction activities. The data is presented in Table 10.

Table 10: Typical Construction Equipment Noise Levels[1]

Type	Lmax (dBA) at 50 Feet
Backhoe	80
Truck	88
Concrete Mixer	85
Pneumatic Tool	85
Pump	76
Saw, Electric	76
Air Compressor	81
Generator	81
Paver	89
Roller	74

Notes:
[1] Referenced Noise Levels from FTA noise and vibration manual.

Construction noise is considered a short-term impact and would be considered significant if construction activities are taken outside the allowable times (7a.m. to 7p.m.) as described in the County of San Bernardino Municipal Code Section 83.01.080 (g)(3). Construction is anticipated to occur during the permissible hours according to the County's Municipal Code. Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the project vicinity. Furthermore, noise reduction measures are provided to further reduce construction noise. The impact is considered less than significant however construction noise level projections are provided.

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during grading phase. A likely worst-case construction noise scenario during grading assumes the use of 1-grader, 1-dozer, 1-excavators, 1-scrapers and 1-backhoes operating at 3,050 feet from the nearest sensitive receptor (northwest low density residential).

Assuming a usage factor of 40 percent for each piece of equipment, unmitigated noise levels at 3,050 feet have the potential to reach 46 dBA L_{eq} at the nearest sensitive receptors during grading. Noise levels for the other construction phases would be lower, approximately from 37 to 45 dBA L_{eq}.

8.2 Construction Vibration

Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the proposed project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The primary vibration source during construction may be from a bulldozer. A large bulldozer has a vibration impact of 0.089 inches per second peak particle velocity (PPV) at 25 feet which is perceptible but below any risk to architectural damage.

The fundamental equation used to calculate vibration propagation through average soil conditions and distance is as follows:

$$PPV_{equipment} = PPV_{ref} (100/D_{rec})^n$$

Where: PPV_{ref} = reference PPV at 100ft.
D_{rec} = distance from equipment to receiver in ft.
n = 1.1 (the value related to the attenuation rate through ground)

The thresholds from the Caltrans Transportation and Construction Induced Vibration Guidance Manual in Table 11 (below) provides general thresholds and guidelines as to the vibration damage potential from vibratory impacts.

Table 11: Guideline Vibration Damage Potential Threshold Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: Table 19, Transportation and Construction Vibration Guidance Manual, Caltrans, Sept. 2013.
Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Table 12 gives approximate vibration levels for particular construction activities. This data provides a reasonable estimate for a wide range of soil conditions.

Table 12: Vibration Source Levels for Construction Equipment[1]

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level LV (dVB) at 25 feet
Pile driver (impact)	1.518 (upper range)	112
	0.644 (typical)	104
Pile driver (sonic)	0.734 upper range	105
	0.170 typical	93
Clam shovel drop (slurry wall)	0.202	94
Hydromill	0.008 in soil	66
(slurry wall)	0.017 in rock	75
Vibratory Roller	0.21	94
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

[1] Source: Transit Noise and Vibration Impact Assessment, Federal Transit Administration, May 2006.

At a distance of 3,050 feet, a large bulldozer would yield a worst-case 0.0 PPV (in/sec) which means the vibration would not be perceptible during grading along the northeastern property line of the project site and is below any threshold of damage. There is no impact, and no mitigation is required.

8.3 Construction Noise Reduction Measures

Construction operations must follow the County's General Plan and the Noise Ordinance, which states that construction, repair or excavation work performed must occur within the permissible hours. To further ensure that construction activities do not disrupt the adjacent land uses, the following measures should be taken:

1. Construction should occur during the permissible hours as defined in Section 83.01.080(g)(3).

2. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.

3. The contractor should locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.

4. Idling equipment should be turned off when not in use.

5. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

9.0 References

State of California General Plan Guidelines: 1998. Governor's Office of Planning and Research

County of San Bernardino: General Plan.

County of San Bernardino: Municipal Code. Chapter 83.01.080 Noise

Final Environmental Impact Report and Appendices for County of San Bernardino General Plan: Table IV – 8 – O Roadway Daily Volume Thresholds. February 2007.

County of San Bernardino, Planning Department: Airport Comprehensive Land Use, Twentynine Palms Airport, May 1992.

Federal Highway Administration. Noise Barrier Design Handbook. June 2017.

Federal Transit Administration. Transit Noise and Vibration Impact Assessment Manual. September 2018

Appendix A:

Photographs and Field Measurement Data

24-Hour Continuous Noise Measurement Datasheet

Project Name:	Wonder Inn Project
Project: #/Name:	0739-2021-001
Site Address / Location:	78201 Amboy Road, Twentynine Pal
Date:	03/10/2022
Field Tech / Engineer:	Jason Schuyler
Sound Meter:	Piccolo 2, Soft dB **SN:** P02QC2019080208
Settings:	A-weighted, slow, 1-min, 24-hour duration
Meteorological Cond.:	Partly Cloudy, 75F max 54F min, wind in the afternoon
Site Id:	LT1

Site Observations:

Site Topo: Flat

Ground Type: Soft Site, desert

Noise Source(s) w/ Distance:

105ft from Amboy Rd CL

MD ACOUSTICS

24-Hour Continuous Noise Measurement Datasheet - Cont.

Project Name:	Wonder Inn Project
Site Address / Location:	78201 Amboy Road, Twentynine Pal
Site Id:	LT1

Figure 1: LT1 Looking North

Figure 2: LT1 Looking South

Figure 3: LT1 Looking West

MD ACOUSTICS

24-Hour Continuous Noise Measurement Datasheet - Cont.

Project Name: Wonder Inn Project **Day:** 1 of 1

Site Address / Location: 78201 Amboy Road, Twentynine Pal

Site Id: LT1

Table 1: Baseline Noise Measurement Summary

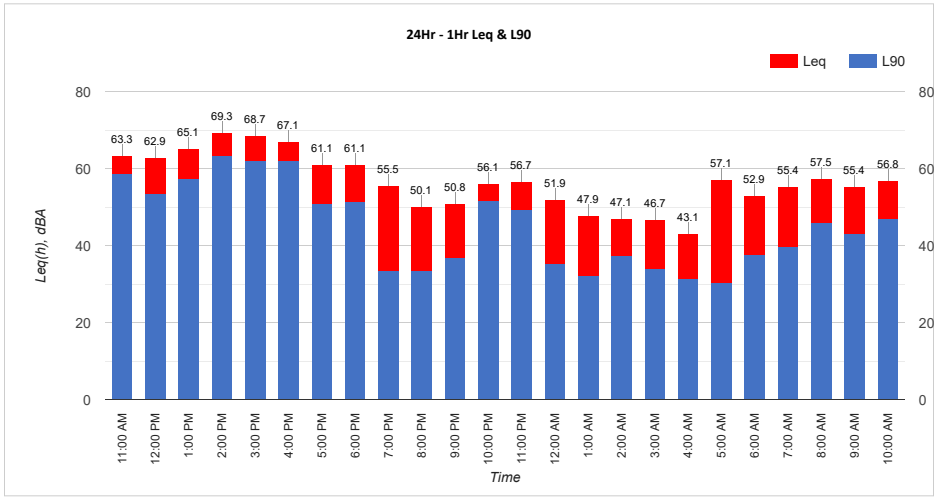
Date	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
3/10/2022	11:00 AM	12:00 PM	63.3	78.9	42	68.2	67.3	63.4	62	58.8
3/10/2022	12:00 PM	1:00 PM	62.9	78.8	38.5	69	66.5	63.8	61.9	53.5
3/10/2022	1:00 PM	2:00 PM	65.1	78.9	41.9	70.6	68.7	66.1	63.7	57.5
3/10/2022	2:00 PM	3:00 PM	69.3	83.2	45.9	74.4	72.8	70.7	67.9	63.3
3/10/2022	3:00 PM	4:00 PM	68.7	80.3	45	73.2	72	70.3	67.9	62.2
3/10/2022	4:00 PM	5:00 PM	67.1	81.8	44.6	71.9	70.1	68	66.2	62.1
3/10/2022	5:00 PM	6:00 PM	61.1	75.7	35.4	66.6	64.9	62.3	60	50.9
3/10/2022	6:00 PM	7:00 PM	61.1	86.1	34.6	67	64.6	61	58.4	51.5
3/10/2022	7:00 PM	8:00 PM	55.5	78.9	30.5	64.5	60.1	54.5	48.1	33.6
3/10/2022	8:00 PM	9:00 PM	50.1	70.1	30.5	55.3	54.5	52.3	47.8	33.6
3/10/2022	9:00 PM	10:00 PM	50.8	71.9	30.5	57.9	55.2	52.4	47.4	36.9
3/10/2022	10:00 PM	11:00 PM	56.1	72.5	36.9	62	58.7	56.5	54.8	51.6
3/10/2022	11:00 PM	12:00 AM	56.7	75.5	33.6	62.3	59.6	57.9	55.8	49.4
3/11/2022	12:00 AM	1:00 AM	51.9	72.3	30.4	59.3	57.7	51.9	46.8	35.3
3/11/2022	1:00 AM	2:00 AM	47.9	72.8	30.4	57.9	51.7	44.1	37.5	32.3
3/11/2022	2:00 AM	3:00 AM	47.1	65.6	30.4	54.4	51.6	47.3	44.3	37.4
3/11/2022	3:00 AM	4:00 AM	46.7	68.1	30.4	55.4	52.9	44.8	41.3	33.9
3/11/2022	4:00 AM	5:00 AM	43.1	68.9	30.4	53.1	44.6	40.4	37.2	31.5
3/11/2022	5:00 AM	6:00 AM	57.1	85.1	30.3	62.9	57.4	51.6	35.2	30.5
3/11/2022	6:00 AM	7:00 AM	52.9	75.6	30.7	60.3	57.7	54.1	45.7	37.7
3/11/2022	7:00 AM	8:00 AM	55.4	77.1	31.1	63.1	60.2	56.7	52	39.7
3/11/2022	8:00 AM	9:00 AM	57.5	80.3	30.8	65	62	57.9	53.3	46.1
3/11/2022	9:00 AM	10:00 AM	55.4	73.5	30.7	61.1	60.2	56.5	54	43
3/11/2022	10:00 AM	11:00 AM	56.8	74.5	30.3	62.4	60.7	57.8	55.8	47.1

	DNL	63.3

MD ACOUSTICS

24-Hour Continuous Noise Measurement Datasheet - Cont.

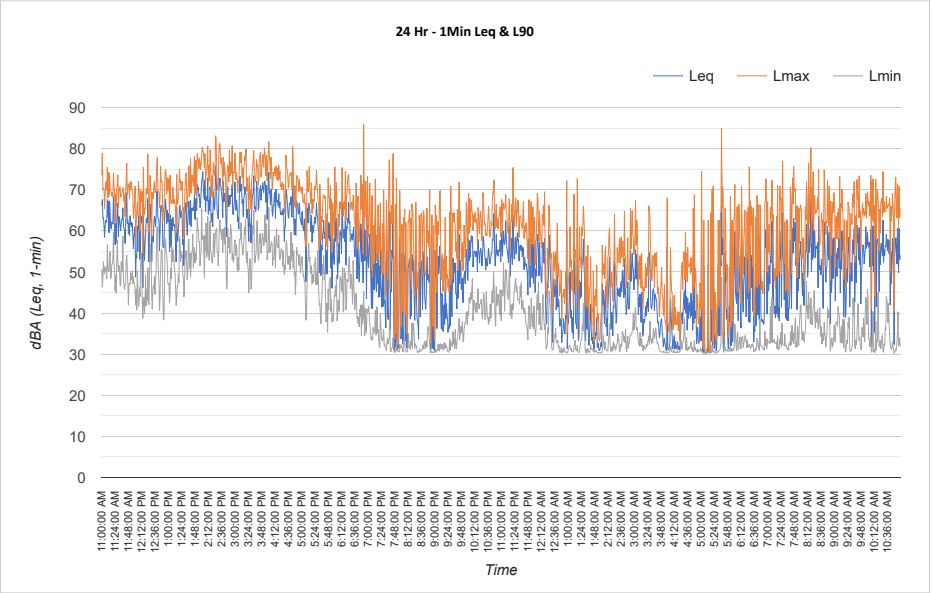
Project Name:	Wonder Inn Project	**Day:** 1 of 1	
Site Address / Location:	78201 Amboy Road, Twentynine Pal		
Site Id:	LT1		



MD ACOUSTICS

24-Hour Continuous Noise Measurement Datasheet - Cont.

Project Name:	Wonder Inn Project	**Day:** 1 of 1	
Site Address / Location:	78201 Amboy Road, Twentynine Pal		
Site Id:	LT1		



MD ACOUSTICS

Appendix B:

Traffic Noise Modeling Output

FHWA-RD-77-108 ROADWAY TRAFFIC NOISE PREDICTION MODEL (CNEL) - CALVENO

PROJECT: Wonder Inn Project
ROADWAY Amboy Road
SEGMENT Pinto Mountain Rd and Gammel Rd
LOCATION: County of San Bernardino SCENARIO: Existing

JOB #: 0739-2021-01
DATE: 2-May-22
ENGINEER: F. Irarrazabal

NOISE INPUT DATA

ROADWAY CONDITIONS

ADT =	7,000
SPEED =	55
PK HR % =	10
NEAR LANE/FAR LANE DIST =	24
ROAD ELEVATION =	0
GRADE =	0
PK HR VOL =	700

RECEIVER INPUT DATA

RECEIVER DISTANCE =		220
DIST C/L TO WALL =		0
RECEIVER HEIGHT =		5
WALL DISTANCE FROM RECEIVER =		220
PAD ELEVATION =		0
ROADWAY VIEW:	LF ANGLE	-90
	RT ANGLE	90
	DF ANGLE	180

SITE CONDITIONS

AUTOMOBILES	15	
MED TRUCKS	15	(HARD SITE=10, SOFT SITE=15)
HVY TRUCKS	15	

WALL INFORMATION

HTH WALL =	0	FT
AMBIENT =	0	
BARRIER =	0	(0=WALL,1=BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVE	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.105	0.974
MEDIUM TRUCKS	0.489	0.022	0.489	0.018
HEAVY TRUCKS	0.473	0.054	0.473	0.007

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES =	2.00	219.7	- -
MEDIUM TRUCKS=	4.00	219.7	- -
HEAVY TRUCKS =	8.01	219.7	0.0

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	57.4	55.4	54.1	48.1	56.5	57.1
MEDIUM TRUCKS	47.3	43.4	36.0	44.6	50.8	50.9
HEAVY TRUCKS	47.3	43.3	39.9	44.5	50.7	50.8
VEHICULAR NOISE	58.2	55.9	54.3	50.8	58.4	**58.8**

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	39	85	183	394
LDN	37	79	171	368

FHWA-RD-77-108 ROADWAY TRAFFIC NOISE PREDICTION MODEL (CNEL) - CALVENO

PROJECT: Wonder Inn Project
ROADWAY Amboy Road
SEGMENT Pinto Mountain Rd and Gammel Rd
LOCATION: County of San Bernardino SCENARIO: Existing + Project

JOB #: 0739-2021-01
DATE: 2-May-22
ENGINEER: F. Irarrazabal

NOISE INPUT DATA

ROADWAY CONDITIONS

ADT =	7,886
SPEED =	55
PK HR % =	10
NEAR LANE/FAR LANE DIST =	24
ROAD ELEVATION =	0
GRADE =	0
PK HR VOL =	789

RECEIVER INPUT DATA

RECEIVER DISTANCE =		220
DIST C/L TO WALL =		0
RECEIVER HEIGHT =		5
WALL DISTANCE FROM RECEIVER =		220
PAD ELEVATION =		0
ROADWAY VIEW:	LF ANGLE	-90
	RT ANGLE	90
	DF ANGLE	180

SITE CONDITIONS

AUTOMOBILES	15	
MED TRUCKS	15	(HARD SITE=10, SOFT SITE=15)
HVY TRUCKS	15	

WALL INFORMATION

HTH WALL =	0	FT
AMBIENT =	0	
BARRIER =	0	(0=WALL,1=BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVE	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.105	0.974
MEDIUM TRUCKS	0.489	0.022	0.489	0.018
HEAVY TRUCKS	0.473	0.054	0.473	0.007

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES =	2.00	219.7	- -
MEDIUM TRUCKS=	4.00	219.7	- -
HEAVY TRUCKS =	8.01	219.7	0.0

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	57.9	55.9	54.6	48.6	57.0	57.6
MEDIUM TRUCKS	47.8	43.9	36.5	45.2	51.3	51.4
HEAVY TRUCKS	47.8	43.8	40.4	45.0	51.2	51.3
VEHICULAR NOISE	58.7	56.4	54.8	51.4	58.9	**59.3**

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	43	92	198	426
LDN	40	86	185	399

Appendix C:

Construction Noise Modeling Output

Construction Noise Levels at Senstive Receptors by Phase

Activity	Leq at 3,050 FT (Northwest)	Lmax at 3,050 FT (Northwest)
Site Preparation	45	47
Grading	46	50
Building Construction	41	45
Architectural Coating	37	41

Equipment Summary	Reference (dBA) 50 ft Lmax
Rock Drills	96
Jack Hammers	82
Pneumatic Tools	85
Pavers	80
Dozers	85
Scrapers	87
Haul Trucks	88
Cranes	82
Portable Generators	80
Rollers	80
Tractors	80
Front-End Loaders	86
Hydraulic Excavators	86
Graders	86
Air Compressors	86
Welders	73
Excavators	85
Conc/Ind Saws	90
Trucks	86

Site Preparation

Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements

No.	Equipment Description	Reference (dBA) 50 ft Lmax	Quantity	Usage Factor[1]	Distance to Receptor (ft)	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	Energy
1	Dozer	85	2	40	3050	0.5	0	43.4	39.4	8704.93233
2	Excavators	85	3	40	3050	0.5	0	45.1	41.2	13057.3985
3	Concrete/Industrial Saws	90	1	20	3050	0.5	0	45.4	38.4	6881.85326
							Lmax*	47	Leq	45
							Lw	81	Lw	76

Source: MD Acoustics, LLC - Sept. 2021.
1- Percentage of time that a piece of equipment is operating at full power.
dBA – A-weighted Decibels
Lmax- Maximum Level
Leq- Equivalent Level

Feet	Meters	Ground Effect	No Shielding Leq dBA	1 dBA Shielding Leq dBA	2 dBA Shielding Leq dBA	3 dBA Shielding Leq dBA	4 dBA Shielding Leq dBA	5 dBA Shielding Leq dBA	6 dBA Shielding Leq dBA	7 dBA Shielding Leq dBA	8 dBA Shielding Leq dBA	9 dBA Shielding Leq dBA	10 dBA Shielding Leq dBA	11 dBA Shielding LeqdBA	12 dBA Shielding Leq dBA	13 dBA Shielding Leq dBA	14 dBA Shielding Leq dBA	15 dBA Shielding Leq dBA
50	15.2	0.5	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30
60	18.3	0.5	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28
70	21.3	0.5	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26
80	24.4	0.5	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24
90	27.4	0.5	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23
100	30.5	0.5	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22
110	33.5	0.5	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
120	36.6	0.5	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
130	39.6	0.5	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19
140	42.7	0.5	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18
150	45.7	0.5	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18
160	48.8	0.5	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17
170	51.8	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
180	54.9	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
190	57.9	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
200	61.0	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
210	64.0	0.5	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14
220	67.1	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
230	70.1	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
240	73.1	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
250	76.2	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
260	79.2	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
270	82.3	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
280	85.3	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
290	88.4	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
300	91.4	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
310	94.5	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
320	97.5	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
330	100.6	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
340	103.6	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
350	106.7	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
360	109.7	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
370	112.8	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8

Grading

		Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements						Calculated (dBA)		
No.	Equipment Description	Reference (dBA) 50 ft Lmax	Quantity	Usage Factor[1]	Distance to Receptor (ft)	Ground Effect	Shielding (dBA)	Lmax	Leq	Energy
1	Grader	86	1	40	3050	0.5	0	41.4	37.4	5479.43026
2	Dozer	85	1	40	3050	0.5	0	40.4	36.4	4352.46617
3	Tractor/Backhoe	80	2	40	3050	0.5	0	38.4	34.4	2752.7413
4	Scrapers	87	2	40	3050	0.5	0	45.4	41.4	13796.388
5	Excavators	86	2	40	3050	0.5	0	44.4	40.4	10958.8605
							Lmax*	50	Leq	46
							Lw	78	Lw	77

Source: MD Acoustics, LLC - Sept. 2021.
1- Percentage of time that a piece of equipment is operating at full power.
dBA – A-weighted Decibels
Lmax- Maximum Level
Leq- Equivalent Level

Feet	Meters	Ground Effect	No Shielding Leq dBA	1 dBA Shielding Leq dBA	2 dBA Shielding Leq dBA	3 dBA Shielding Leq dBA	4 dBA Shielding Leq dBA	5 dBA Shielding Leq dBA	6 dBA Shielding Leq dBA	7 dBA Shielding Leq dBA	8 dBA Shielding Leq dBA	9 dBA Shielding Leq dBA	10 dBA Shielding Leq dBA	11 dBA Shielding LeqdBA	12 dBA Shielding Leq dBA	13 dBA Shielding Leq dBA	14 dBA Shielding Leq dBA	15 dBA Shielding Leq dBA
50	15.2	0.5	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31
60	18.3	0.5	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29
70	21.3	0.5	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27
80	24.4	0.5	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26
90	27.4	0.5	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24
100	30.5	0.5	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23
110	33.5	0.5	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22
120	36.6	0.5	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
130	39.6	0.5	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
140	42.7	0.5	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
150	45.7	0.5	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19
160	48.8	0.5	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18
170	51.8	0.5	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17
180	54.9	0.5	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17
190	57.9	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
200	61.0	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
210	64.0	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
220	67.1	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
230	70.1	0.5	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14
240	73.1	0.5	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14
250	76.2	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
260	79.2	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
270	82.3	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
280	85.3	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
290	88.4	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
300	91.4	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
310	94.5	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
320	97.5	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
330	100.6	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
340	103.6	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
350	106.7	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
360	109.7	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
370	112.8	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9

Building Construction

Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements

No.	Equipment Description	Reference (dBA) 50 ft Lmax	Quantity	Usage Factor[1]	Distance to Receptor (ft)	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	Energy
1	Forklift/Tractor	80	3	40	3050	0.5	0	40.1	36.2	4129.11196
2	Tractor/Backhoe	80	3	40	3050	0.5	0	40.1	36.2	4129.11196
3	Cranes	82	1	40	3050	0.5	0	37.4	33.4	2181.40048
4	Generator	80	1	40	3050	0.5	0	35.4	31.4	1376.37065
5	Welders	73	1	40	3050	0.5	0	28.4	24.4	274.622049
							Lmax*	**45**	**Leq**	**41**
							Lw	**76**	**Lw**	**72**

Source: MD Acoustics, LLC - Sept. 2021.
1- Percentage of time that a piece of equipment is operating at full power.
dBA – A-weighted Decibels
Lmax- Maximum Level
Leq- Equivalent Level

Feet	Meters	Ground Effect	No Shielding Leq dBA	1 dBA Shielding Leq dBA	2 dBA Shielding Leq dBA	3 dBA Shielding Leq dBA	4 dBA Shielding Leq dBA	5 dBA Shielding Leq dBA	6 dBA Shielding Leq dBA	7 dBA Shielding Leq dBA	8 dBA Shielding Leq dBA	9 dBA Shielding Leq dBA	10 dBA Shielding Leq dBA	11 dBA Shielding LeqdBA	12 dBA Shielding Leq dBA	13 dBA Shielding Leq dBA	14 dBA Shielding Leq dBA	15 dBA Shielding Leq dBA
50	**15.2**	**0.5**	**41**	**40**	**39**	**38**	**37**	**36**	**35**	**34**	**33**	**32**	**31**	**30**	**29**	**28**	**27**	**26**
60	18.3	0.5	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24
70	21.3	0.5	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22
80	24.4	0.5	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
90	27.4	0.5	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19
100	30.5	0.5	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18
110	33.5	0.5	32	31	30	29	28	27	26	25	24	23	22	21	20	19	**18**	17
120	36.6	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
130	39.6	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
140	42.7	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
150	45.7	0.5	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14
160	48.8	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
170	51.8	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
180	54.9	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
190	57.9	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
200	61.0	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
210	64.0	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
220	67.1	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
230	70.1	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
240	73.1	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
250	76.2	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
260	79.2	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
270	82.3	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
280	85.3	0.5	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7
290	88.4	0.5	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7
300	91.4	0.5	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6
310	94.5	0.5	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6
320	97.5	0.5	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6
330	100.6	0.5	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5
340	103.6	0.5	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5
350	106.7	0.5	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5
360	109.7	0.5	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4
370	112.8	0.5	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4

Architectural Coating

Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements										
No.	Equipment Description	Reference (dBA) 50 ft Lmax	Quantity	Usage Factor[1]	Distance to Receptor (ft)	Ground Effect	Shielding (dBA)	Calculated (dBA) Lmax	Calculated (dBA) Leq	Energy
1	Air Compressor	86	1	40	3050	0.5	0	41.4	37.4	5479.43026
							Lmax*	41	Leq	37
							Lw	73	Lw	69

Source: MD Acoustics, LLC - Sept. 2021.
1- Percentage of time that a piece of equipment is operating at full power.
dBA – A-weighted Decibels
Lmax- Maximum Level
Leq- Equivalent Level

Feet	Meters	Ground Effect	No Shielding Leq dBA	1 dBA Shielding Leq dBA	2 dBA Shielding Leq dBA	3 dBA Shielding Leq dBA	4 dBA Shielding Leq dBA	5 dBA Shielding Leq dBA	6 dBA Shielding Leq dBA	7 dBA Shielding Leq dBA	8 dBA Shielding Leq dBA	9 dBA Shielding Leq dBA	10 dBA Shielding Leq dBA	11 dBA Shielding LeqdBA	12 dBA Shielding Leq dBA	13 dBA Shielding Leq dBA	14 dBA Shielding Leq dBA	15 dBA Shielding Leq dBA
50	**15.2**	**0.5**	**37**	**36**	**35**	**34**	**33**	**32**	**31**	**30**	**29**	**28**	**27**	**26**	**25**	**24**	**23**	**22**
60	18.3	0.5	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
70	21.3	0.5	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19
80	24.4	0.5	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17
90	27.4	0.5	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16
100	30.5	0.5	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15
110	33.5	0.5	29	28	27	26	25	24	23	22	21	20	19	18	17	16	**15**	14
120	36.6	0.5	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13
130	39.6	0.5	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12
140	42.7	0.5	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11
150	45.7	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
160	48.8	0.5	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10
170	51.8	0.5	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9
180	54.9	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
190	57.9	0.5	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8
200	61.0	0.5	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7
210	64.0	0.5	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7
220	67.1	0.5	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6
230	70.1	0.5	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6
240	73.1	0.5	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5
250	76.2	0.5	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5
260	79.2	0.5	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4
270	82.3	0.5	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4
280	85.3	0.5	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4
290	88.4	0.5	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3
300	91.4	0.5	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3
310	94.5	0.5	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3
320	97.5	0.5	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2
330	100.6	0.5	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2
340	103.6	0.5	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2
350	106.7	0.5	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
360	109.7	0.5	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
370	112.8	0.5	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1

Appendix D:

Reference Sound Levels and SoundPlan Input and Outputs

Project:	Sound Library	**Site Observations:**	
Job Number:	0000-2020-02	Clear sky, measurements were performed at 3ft from source.	
Site Address/Location:	Gilbert, AZ		
Date:	09/18/2018		
Field Tech/Engineer:	Robert Pearson		
Source/System:	Carrier 50TFQ0006 - 5 Ton		
General Location:	Measured @ 3'		
Sound Meter:	NTi XL2 **SN:** A2A-05967-E0		
Settings:	A-weighted, slow, 1-sec, 10-sec duration		
Meteorological Cond.:	90 degrees, 0 mph wind		

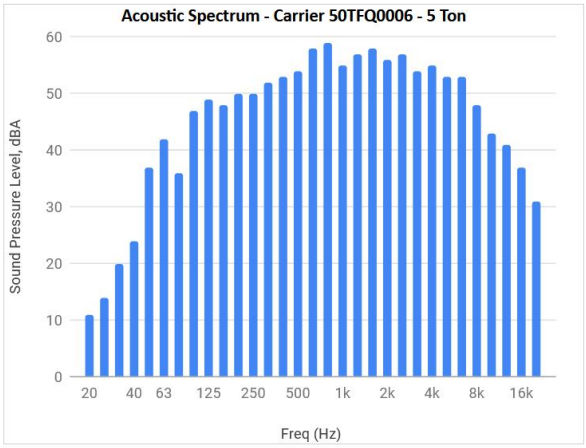
Leq	Lmin	Lmax
67.7	66.9	68.5

Ln 2	Ln 8	Ln 25	Ln 50	Ln 90	Ln 99
0.0	0.0	0.0	0.0	0.0	0.0

Table 1: Summary Measurement Data

Source/System	Overall Source	Overall	3rd Octave Band Data (dBA)																												
		dB(A)	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	12.5	1.6k	2k	2.5k	3.15	4k	5k	6.3k	8k	10k	12.5	16k	20k
Carrier 50TFQ0006 - 5 Ton	HVAC	67.7	11.0	14.0	20.0	24.0	37.0	42.0	36.0	47.0	49.0	48.0	50.0	50.0	52.0	53.0	54.0	58.0	59.0	55.0	57.0	58.0	56.0	57.0	54.0	55.0	53.0	53.0	48.0	43.0	41.0	37.0	31.0

Figure 1: Commercial Air Conditioner - Carrier 50TFQ0006 - 5 Ton



Wonder Inn
Octave spectra of the sources in dB(A) - 001 - Wonder Inn: Outdoor SP

Name	Source type	I or A m,m²	Li dB(A)	R'w dB	L'w dB(A)	Lw dB(A)	KI dB	KT dB	LwMax dB(A)	DO-Wall dB	Time histogram	Emission spectrum	63Hz dB(A)	125Hz dB(A)	250Hz dB(A)	500Hz dB(A)	1kHz dB(A)	2kHz dB(A)	4kHz dB(A)	8kHz dB(A)	16kHz dB(A)
Auto Parking	PLot	5325.96			56.1	93.4	0.0	0.0		0	.5	Typical spectrum	76.7	88.3	80.8	85.3	85.4	85.8	83.1	76.9	64.1
Auto Parking	PLot	2879.90			54.9	89.5	0.0	0.0		0	.5	Typical spectrum	72.8	84.4	76.9	81.4	81.5	81.9	79.2	73.0	60.2
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9

Wonder Inn
Octave spectra of the sources in dB(A) - 001 - Wonder Inn: Outdoor SP

Name	Source type	I or A m,m²	Li dB(A)	R'w dB	L'w dB(A)	Lw dB(A)	KI dB	KT dB	LwMax dB(A)	DO-Wall dB	Time histogram	Emission spectrum	63Hz dB(A)	125Hz dB(A)	250Hz dB(A)	500Hz dB(A)	1kHz dB(A)	2kHz dB(A)	4kHz dB(A)	8kHz dB(A)	16kHz dB(A)
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9

Name	Source type	I or A	Li	R'w	L'w	Lw	KI	KT	LwMax	DO-Wall	Time histogram	Emission spectrum	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	16kHz
		m,m²	dB(A)	dB	dB(A)	dB(A)	dB	dB	dB(A)	dB			dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9

Wonder Inn
Octave spectra of the sources in dB(A) - 001 - Wonder Inn: Outdoor SP

Name	Source type	l or A	Li	R'w	L'w	Lw	KI	KT	LwMax	DO-Wall	Time histogram	Emission spectrum	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	16kHz
		m,m²	dB(A)	dB	dB(A)	dB(A)	dB	dB	dB(A)	dB			dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)
HVAC	Point				74.9	74.9	0.0	0.0		0	100%/24h	HVAC: 67.7dB @ 3ft - Carrier 50TFQ0006 -	52.0	60.5	62.9	67.2	69.5	69.1	66.1	61.2	48.9
Stage Speaker	Point				102.0	102.0	0.0	0.0		0	100%/24h	12' from 2 Speakers	84.2	91.8	97.7	97.4	89.9	88.8	87.5	83.3	69.8
Stage Speaker	Point				102.0	102.0	0.0	0.0		0	100%/24h	12' from 2 Speakers	84.2	91.8	97.7	97.4	89.9	88.8	87.5	83.3	69.8

Source group	Source ty	Tr. lane	Leq,d dB(A)	A dB	
Receiver R3 Fl G Lr,lim dB(A) Leq,d 38.9 dB(A)					
Default parking lot noise	PLot		31.6	0.0	
Default parking lot noise	PLot		32.9	0.0	
Default industrial noise	Point		18.2	0.0	
Default industrial noise	Point		18.9	0.0	
Default industrial noise	Point		12.8	0.0	
Default industrial noise	Point		11.3	0.0	
Default industrial noise	Point		11.0	0.0	
Default industrial noise	Point		11.6	0.0	
Default industrial noise	Point		10.0	0.0	
Default industrial noise	Point		13.3	0.0	
Default industrial noise	Point		10.2	0.0	
Default industrial noise	Point		11.9	0.0	
Default industrial noise	Point		15.7	0.0	
Default industrial noise	Point		16.2	0.0	
Default industrial noise	Point		18.0	0.0	
Default industrial noise	Point		17.5	0.0	
Default industrial noise	Point		16.2	0.0	
Default industrial noise	Point		11.5	0.0	
Default industrial noise	Point		11.1	0.0	
Default industrial noise	Point		11.6	0.0	
Default industrial noise	Point		13.9	0.0	
Default industrial noise	Point		12.4	0.0	
Default industrial noise	Point		13.2	0.0	
Default industrial noise	Point		13.6	0.0	
Default industrial noise	Point		15.0	0.0	
Default industrial noise	Point		17.0	0.0	
Default industrial noise	Point		17.8	0.0	
Default industrial noise	Point		34.4	0.0	
Default industrial noise	Point		27.9	0.0	
Default industrial noise	Point		14.6	0.0	
Default industrial noise	Point		14.2	0.0	
Default industrial noise	Point		14.0	0.0	
Default industrial noise	Point		9.6	0.0	
Default industrial noise	Point		9.4	0.0	
Default industrial noise	Point		9.2	0.0	
Default industrial noise	Point		10.2	0.0	
Default industrial noise	Point		9.9	0.0	
Default industrial noise	Point		8.7	0.0	
Default industrial noise	Point		8.6	0.0	
Default industrial noise	Point		8.6	0.0	
Default industrial noise	Point		8.7	0.0	
Default industrial noise	Point		8.8	0.0	
Default industrial noise	Point		9.1	0.0	
Default industrial noise	Point		9.1	0.0	

Source group	Source ty	Tr. lane	Leq,d dB(A)	A dB	
Default industrial noise	Point		9.9	0.0	
Default industrial noise	Point		10.3	0.0	
Default industrial noise	Point		11.1	0.0	
Default industrial noise	Point		13.4	0.0	
Default industrial noise	Point		12.6	0.0	
Default industrial noise	Point		12.4	0.0	
Default industrial noise	Point		11.7	0.0	
Default industrial noise	Point		12.0	0.0	
Receiver R4 Fl G Lr,lim dB(A) Leq,d 30.9 dB(A)					
Default parking lot noise	PLot		13.1	0.0	
Default parking lot noise	PLot		7.4	0.0	
Default industrial noise	Point		-2.4	0.0	
Default industrial noise	Point		-2.2	0.0	
Default industrial noise	Point		-2.0	0.0	
Default industrial noise	Point		-1.6	0.0	
Default industrial noise	Point		-1.5	0.0	
Default industrial noise	Point		-1.3	0.0	
Default industrial noise	Point		-1.1	0.0	
Default industrial noise	Point		-1.1	0.0	
Default industrial noise	Point		-1.1	0.0	
Default industrial noise	Point		-1.3	0.0	
Default industrial noise	Point		-1.6	0.0	
Default industrial noise	Point		-1.8	0.0	
Default industrial noise	Point		-2.2	0.0	
Default industrial noise	Point		-2.1	0.0	
Default industrial noise	Point		-1.8	0.0	
Default industrial noise	Point		-1.6	0.0	
Default industrial noise	Point		-1.5	0.0	
Default industrial noise	Point		-1.3	0.0	
Default industrial noise	Point		-1.3	0.0	
Default industrial noise	Point		-1.4	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-1.9	0.0	
Default industrial noise	Point		-2.1	0.0	
Default industrial noise	Point		-2.6	0.0	
Default industrial noise	Point		-2.7	0.0	
Default industrial noise	Point		27.6	0.0	
Default industrial noise	Point		27.7	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-0.9	0.0	
Default industrial noise	Point		-0.9	0.0	
Default industrial noise	Point		-0.7	0.0	
Default industrial noise	Point		-0.7	0.0	

Source group	Source ty	Tr. lane	Leq,d dB(A)	A dB	
Default industrial noise	Point		-0.7	0.0	
Default industrial noise	Point		-0.5	0.0	
Default industrial noise	Point		-0.5	0.0	
Default industrial noise	Point		-0.5	0.0	
Default industrial noise	Point		-0.5	0.0	
Default industrial noise	Point		-0.6	0.0	
Default industrial noise	Point		-0.8	0.0	
Default industrial noise	Point		-0.8	0.0	
Default industrial noise	Point		-1.0	0.0	
Default industrial noise	Point		-1.1	0.0	
Default industrial noise	Point		-1.2	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-1.7	0.0	
Default industrial noise	Point		-1.9	0.0	
Default industrial noise	Point		-2.0	0.0	
Default industrial noise	Point		-2.1	0.0	

Wonder Inn
Contribution spectra - 001 - Wonder Inn: Outdoor SP

Time slice	Sum	25Hz	31.5Hz	40Hz	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz	500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz	16kHz	20kHz	
	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	
Receiver R3 Fl G Lr,lim dB(A) Leq,d 38.9 dB(A)																																
Leq,d	31.6					17.5			25.2			15.1			21.5			24.3			27.1			20.3			0.1			-50.3		
Leq,d	32.9					17.1			25.8			16.2			22.9			26.7			28.0			22.8			7.7			-29.6		
Leq,d	9.9	-37.5	-31.6	-27.7	-15.0	-10.2	-16.5	-9.1	-7.4	-8.6	-7.1	-7.2	-5.4	-4.4	-3.5	0.3	2.1	-2.2	-0.6	1.9	-1.0	-1.3	-6.5	-8.7	-15.7	-23.3	-39.6	-61.0	-85.7			
Leq,d	10.2	-37.2	-31.1	-27.2	-14.2	-9.3	-15.4	-8.1	-6.3	-7.5	-6.3	-6.4	-4.6	-3.4	-2.6	1.1	3.2	-1.3	0.3	1.0	-2.0	-2.4	-7.5	-9.7	-16.6	-24.0	-40.1	-61.3	-85.8			
Leq,d	9.2	-40.0	-34.0	-30.0	-17.0	-12.0	-18.0	-10.3	-8.3	-9.4	-7.5	-7.5	-5.6	-4.7	-3.7	0.1	1.9	-2.3	-0.6	0.3	-2.6	-2.8	-7.8	-9.8	-16.5	-23.8	-39.6	-60.5	-84.6			
Leq,d	8.6	-40.4	-34.3	-30.4	-17.4	-12.4	-18.4	-10.8	-8.9	-10.0	-8.0	-8.0	-6.1	-5.2	-4.3	-0.4	1.4	-2.9	-1.2	-0.4	-3.2	-3.5	-8.7	-10.9	-17.9	-25.7	-42.2	-64.1	-89.6			
Leq,d	8.6	-40.3	-34.3	-30.3	-17.3	-12.4	-18.4	-10.7	-8.8	-9.9	-8.0	-8.0	-6.1	-5.2	-4.3	-0.4	1.4	-2.9	-1.2	-0.4	-3.3	-3.6	-8.7	-11.0	-18.0	-25.8	-42.3	-64.2	-89.7			
Leq,d	8.7	-40.3	-34.2	-30.3	-17.3	-12.3	-18.3	-10.7	-8.7	-9.8	-7.9	-7.9	-6.0	-5.1	-4.2	-0.3	1.5	-2.8	-1.1	-0.3	-3.2	-3.5	-8.6	-10.8	-17.8	-25.5	-41.9	-63.6	-88.9			
Leq,d	14.2	-38.4	-32.4	-28.4	-15.4	-10.4	-16.4	-8.3	-6.3	-7.3	-5.3	-5.1	-3.1	-1.9	-0.7	3.5	5.8	2.3	5.2	7.0	4.3	4.3	-0.3	-1.8	-7.7	-13.6	-27.5	-45.5	-65.6	-93.7		
Leq,d	14.6	-38.2	-32.2	-28.2	-15.1	-10.2	-16.1	-8.1	-6.1	-7.1	-5.0	-4.9	-2.8	-1.6	-0.4	3.9	6.2	2.8	5.8	7.3	4.6	4.6	0.1	-1.4	-7.1	-12.9	-26.6	-44.2	-63.8	-91.3		
Leq,d	17.8	-33.9	-27.9	-23.9	-10.9	-5.9	-11.9	-3.8	-1.9	-2.9	-0.9	-0.8	1.2	2.2	3.3	7.3	9.3	5.3	7.4	8.9	7.0	8.1	5.2	5.8	1.5	-2.0	-12.3	-25.0	-37.6	-55.9	-79.6	
Leq,d	9.4	-39.9	-33.8	-29.9	-16.9	-11.9	-17.9	-10.1	-8.1	-9.2	-7.3	-7.3	-5.4	-4.4	-3.5	0.4	2.1	-2.1	-0.4	0.5	-2.3	-2.5	-7.5	-9.4	-16.0	-23.1	-38.8	-59.2	-82.8			
Leq,d	9.6	-39.8	-33.7	-29.7	-16.8	-11.8	-17.8	-9.9	-8.0	-9.1	-7.1	-7.1	-5.2	-4.3	-3.3	0.5	2.3	-2.0	-0.3	0.6	-2.2	-2.3	-7.2	-9.1	-15.7	-22.6	-38.1	-58.3	-81.5			
Leq,d	14.0	-38.7	-32.6	-28.6	-15.6	-10.6	-16.6	-8.5	-6.6	-7.6	-5.5	-5.4	-3.3	-2.2	-0.9	3.3	5.6	2.2	5.2	6.7	4.0	4.0	-0.7	-2.2	-8.2	-14.4	-28.5	-46.9	-67.5	-96.3		
Leq,d	12.6	-35.9	-29.9	-25.9	-12.9	-8.0	-14.1	-6.5	-4.6	-5.8	-4.7	-4.8	-3.1	-2.0	-1.2	2.5	4.5	0.1	3.6	4.4	1.6	1.5	-3.3	-5.0	-11.2	-17.6	-32.1	-50.9	-72.2			
Leq,d	13.4	-35.9	-29.9	-25.9	-12.9	-7.9	-13.9	-6.3	-4.4	-5.5	-4.4	-4.4	-2.5	-1.0	-0.1	3.8	6.2	2.0	3.7	4.7	1.9	1.9	-2.9	-4.5	-10.6	-16.9	-31.3	-50.0	-71.1			
Leq,d	11.1	-36.8	-30.8	-26.8	-13.9	-9.0	-15.0	-7.5	-5.6	-6.8	-5.6	-5.7	-3.8	-2.6	-1.8	2.0	4.1	-0.3	1.2	1.9	-1.0	-1.4	-6.4	-8.4	-15.1	-22.1	-37.6	-57.8	-81.0			
Leq,d	12.0	-35.4	-29.5	-25.7	-12.9	-8.2	-14.5	-6.9	-5.2	-6.4	-4.8	-4.8	-3.0	-2.0	-1.1	2.8	4.5	0.3	2.0	3.0	0.4	0.4	-4.1	-5.4	-11.0	-14.2	-27.6	-44.7	-63.7	-90.3		
Leq,d	11.7	-35.8	-29.9	-26.1	-13.3	-8.6	-14.9	-7.3	-5.5	-6.8	-5.1	-5.1	-3.2	-2.3	-1.3	2.5	4.3	0.0	1.8	2.7	0.1	0.1	-4.4	-5.8	-11.5	-17.2	-30.7	-48.1	-67.4	-94.5		
Leq,d	12.4	-35.8	-29.9	-26.1	-13.2	-8.5	-14.8	-7.2	-5.5	-6.8	-5.2	-5.3	-3.5	-2.5	-1.6	2.2	4.0	-0.3	3.6	4.5	1.8	1.7	-3.0	-4.5	-10.5	-16.7	-29.0	-47.2	-67.6	-95.9		
Leq,d	9.1	-40.1	-34.1	-30.1	-17.1	-12.1	-18.1	-10.4	-8.5	-9.6	-7.6	-7.6	-5.7	-4.8	-3.8	0.0	1.8	-2.4	-0.8	0.1	-2.7	-3.0	-8.0	-10.0	-16.8	-24.2	-40.2	-61.3	-85.7			
Leq,d	8.8	-40.3	-34.2	-30.3	-17.3	-12.3	-18.3	-10.6	-8.7	-9.8	-7.9	-7.9	-6.0	-5.0	-4.1	-0.3	1.6	-2.7	-1.0	-0.2	-3.0	-3.3	-8.4	-10.5	-17.4	-25.0	-41.4	-62.9	-86.7			
Leq,d	8.7	-40.3	-34.3	-30.3	-17.3	-12.4	-18.4	-10.7	-8.8	-9.9	-8.0	-8.0	-6.1	-5.1	-4.2	-0.4	1.5	-2.8	-1.1	-0.3	-3.1	-3.4	-8.5	-10.7	-17.7	-25.4	-41.8	-63.5	-88.9			
Leq,d	10.3	-37.0	-31.0	-27.1	-14.1	-9.2	-15.3	-7.9	-6.1	-7.4	-6.2	-6.4	-4.6	-3.6	-2.8	0.9	2.7	-1.6	0.0	0.8	-0.5	-0.8	-5.9	-8.1	-15.0	-22.4	-38.3	-59.0	-82.8			
Leq,d	9.9	-40.0	-34.0	-30.0	-17.0	-12.1	-18.1	-10.3	-8.3	-9.4	-7.5	-7.5	-5.6	-4.7	-3.7	0.1	1.9	-2.3	-0.6	2.2	-0.6	-0.8	-5.9	-7.9	-14.7	-22.1	-38.1	-59.1	-83.4			
Leq,d	9.1	-40.1	-34.1	-30.1	-17.1	-12.1	-18.1	-10.4	-8.5	-9.6	-7.6	-7.6	-5.7	-4.8	-3.9	0.0	1.8	-2.4	-0.8	0.1	-2.7	-3.0	-8.0	-10.1	-16.9	-24.3	-40.3	-61.4	-85.8			
Leq,d	11.9	-35.9	-29.9	-25.9	-13.0	-8.1	-14.2	-6.6	-4.7	-5.9	-4.8	-4.9	-3.1	-1.9	-1.1	2.6	4.6	0.2	1.8	2.6	0.4	0.2	-4.7	-6.5	-12.8	-19.2	-33.6	-52.2	-73.1			
Leq,d	10.2	-39.3	-33.3	-29.3	-16.3	-11.3	-17.3	-9.3	-7.4	-8.5	-6.5	-6.5	-4.6	-3.7	-2.8	1.1	2.8	-1.4	0.3	1.2	-1.6	-1.7	-6.5	-8.3	-14.6	-21.2	-36.0	-55.4	-77.4			
Leq,d	13.3	-37.2	-31.3	-27.4	-14.6	-9.8	-16.0	-8.4	-6.6	-7.8	-6.2	-6.3	-4.5	-3.5	-2.6	1.2	6.8	2.5	4.2	5.7	2.8	2.5	-2.7	-4.9	-11.8	-19.3	-35.2	-55.5	-78.2			
Leq,d	18.0	-36.0	-29.9	-25.9	-12.9	-7.8	-13.7	-5.6	-3.5	-4.4	-2.2	-1.8	0.5	2.3	3.7	7.6	11.0	6.9	8.7	9.7	7.2	7.5	3.2	2.3	-2.6	-7.2	-18.9	-33.8	-49.6	-71.9		
Leq,d	16.2	-37.6	-31.5	-27.5	-14.4	-9.4	-15.4	-7.3	-5.2	-6.1	-4.0	-3.7	-1.4	0.0	1.7	6.0	9.4	5.2	7.0	8.0	5.3	5.4	1.0	-0.3	-5.8	-11.2	-24.3	-41.1	-59.6	-85.5		
Leq,d	15.7	-38.0	-31.9	-27.9	-14.9	-9.9	-15.8	-7.7	-5.6	-6.6	-4.4	-4.1	-1.8	-0.3	1.4	5.5	8.9	4.7	6.5	7.4	4.8	4.8	0.3	-1.1	-6.8	-12.5	-26.0	-43.4	-62.8	-89.8		
Leq,d	10.0	-39.5	-33.5	-29.5	-16.5	-11.5	-17.5	-9.5	-7.6	-8.7	-6.7	-6.7	-4.8	-3.9	-3.0	0.9	2.6	-1.6	0.1	1.0	-1.8	-1.9	-6.7	-8.5	-14.9	-21.6	-36.6	-56.2	-78.6			
Leq,d	12.8	-37.4	-31.4	-27.4	-14.4	-9.4	-15.4	-7.4	-5.5	-6.6	-4.6	-4.5	-2.6	-1.6	-0.6	3.3	5.1	1.0	2.9	4.0	1.6	1.9	-2.3	-3.1	-8.0	-12.5	-24.3	-39.9	-58.0	-83.3		
Leq,d	18.9	-36.4	-30.3	-26.3	-13.3	-8.4	-14.4	-6.3	-4.4	-5.5	-3.5	-3.4	-1.5	-0.5	2.8	7.0	11.6	8.4	10.3	11.3	8.8	9.0	4.7	3.8	-1.1	-5.4	-17.6	-33.1	-49.6	-72.8		

Time slice	Sum	25Hz	31.5Hz	40Hz	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz	500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz	16kHz	20kHz	
	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	
Leq,d	18.2	-35.7	-29.6	-25.7	-12.7	-7.7	-13.7	-5.6	-3.7	-4.8	-2.7	-2.7	-0.7	0.3	1.3	8.0	10.0	6.1	8.4	10.3	8.3	8.7	5.2	4.7	0.5	-4.0	-15.7	-30.3	-45.7	-67.5	-95.5	
Leq,d	11.6	-39.2	-33.2	-29.2	-16.2	-11.2	-17.3	-9.2	-7.3	-8.4	-6.4	-6.4	-4.5	-3.6	-2.7	1.2	2.9	-1.3	2.1	4.3	1.5	1.3	-2.5	-4.4	-10.9	-17.8	-33.0	-52.6	-74.6			
Leq,d	11.0	-38.8	-32.7	-28.7	-15.8	-10.8	-16.8	-8.8	-6.9	-8.0	-6.0	-6.0	-4.1	-3.1	-2.2	1.7	3.4	-0.8	0.9	1.9	0.0	-0.1	-5.0	-6.7	-12.8	-19.1	-33.4	-51.8	-72.5			
Leq,d	11.3	-38.4	-32.3	-28.3	-15.4	-10.4	-16.4	-8.4	-6.5	-7.6	-5.6	-5.6	-3.7	-2.7	-1.8	2.1	3.8	-0.4	1.4	2.4	-0.3	-0.3	-4.9	-6.3	-12.2	-18.0	-31.8	-49.6	-69.5	-97.3		
Leq,d	12.4	-38.5	-32.5	-28.5	-15.5	-10.6	-16.6	-8.6	-6.6	-7.7	-5.8	-5.8	-3.8	-2.9	-2.0	3.6	5.4	1.1	2.8	3.7	1.0	0.9	-3.9	-5.7	-11.8	-18.2	-32.5	-50.9	-71.4	-99.8		
Leq,d	13.2	-34.7	-28.7	-24.8	-11.8	-6.9	-13.0	-5.4	-3.5	-4.7	-3.6	-3.6	-1.8	-0.7	0.2	3.9	5.9	1.5	3.2	4.0	1.3	1.3	-3.3	-4.7	-10.2	-15.7	-28.8	-45.6	-64.0	-89.9		
Leq,d	13.6	-34.3	-28.3	-24.3	-11.4	-6.6	-12.7	-5.0	-3.2	-4.4	-3.2	-3.3	-1.4	-0.4	0.5	4.2	6.2	1.8	3.5	4.4	1.7	1.8	-2.7	-3.9	-9.2	-14.3	-26.9	-43.0	-60.5	-85.0		
Leq,d	15.0	-36.3	-30.2	-26.3	-13.3	-8.3	-14.3	-6.3	-4.4	-5.4	-3.5	-3.4	-1.5	-0.6	0.4	6.1	7.8	3.6	5.4	6.4	3.9	4.0	-0.4	-1.4	-6.7	-11.6	-23.8	-39.3	-55.7	-78.6		
Leq,d	17.0	-34.3	-28.3	-24.3	-11.3	-6.3	-12.3	-4.3	-2.3	-3.4	-1.4	-1.3	0.7	1.7	2.8	6.8	8.7	4.7	6.8	8.2	6.1	7.0	3.8	4.5	0.7	-3.0	-13.5	-26.6	-39.8	-58.8	-83.4	
Leq,d	13.9	-36.7	-30.8	-27.0	-14.1	-9.4	-15.5	-7.8	-6.0	-7.3	-5.6	-5.7	-3.8	-2.9	-0.1	3.7	7.1	2.9	4.6	5.6	3.0	3.0	-1.6	-3.0	-8.5	-15.1	-30.0	-49.2	-70.9			
Leq,d	17.5	-36.4	-30.4	-26.4	-13.3	-8.3	-14.3	-6.2	-4.1	-5.1	-2.9	-2.7	-0.4	0.9	2.5	7.2	10.5	6.4	8.2	9.3	6.7	6.9	2.6	1.7	-3.4	-8.2	-20.3	-35.6	-52.0	-75.2		
Leq,d	16.2	-37.5	-31.5	-27.4	-14.4	-9.4	-15.3	-7.1	-5.1	-5.9	-3.7	-3.3	-1.1	0.7	2.1	6.0	9.4	5.2	7.0	8.0	5.3	5.4	1.0	-0.3	-5.8	-11.2	-24.3	-41.1	-59.6	-85.5		
Leq,d	11.5	-38.2	-32.1	-28.1	-15.2	-10.2	-16.2	-8.2	-6.3	-7.4	-5.4	-5.4	-3.5	-2.5	-1.6	2.3	4.1	-0.1	1.6	2.6	-0.1	0.0	-4.6	-6.0	-11.7	-17.4	-31.0	-48.5	-68.0	-95.2		
Leq,d	11.1	-38.5	-32.5	-28.5	-15.5	-10.6	-16.6	-8.6	-6.6	-7.7	-5.8	-5.8	-3.8	-2.9	-2.0	1.9	3.7	-0.5	1.2	2.2	-0.5	-0.5	-5.2	-6.7	-11.4	-17.7	-32.0	-50.3	-70.7	-99.0		
Leq,d	11.6	-36.0	-30.0	-26.1	-13.1	-8.2	-14.3	-6.7	-4.9	-6.1	-4.9	-5.0	-3.2	-2.1	-1.3	2.5	4.4	0.0	1.6	2.4	-0.4	-0.6	-5.4	-7.1	-13.2	-19.5	-33.9	-52.5	-73.5			
Leq,d	34.4	-36.9	-28.3	-2.9	6.7	13.9	28.5	22.0	21.0	21.6	21.7	27.8	23.5	20.8	24.4	21.0	14.1	12.1	14.0	12.2	9.7	1.5	4.7	-2.5	-10.4	-18.4	-32.5	-50.7	-79.5			
Leq,d	27.9	-38.3	-30.2	-5.4	3.4	9.9	23.7	16.5	15.0	15.0	14.3	20.1	15.5	12.8	16.2	12.8	6.1	4.0	5.8	3.9	1.3	-6.7	-2.9	-9.5	-16.6	-24.0	-37.6	-55.3	-83.8			
Receiver R4 Fl G Lr,lim dB(A) Leq,d 30.9 dB(A)																																
Leq,d	13.1					4.6			9.9			0.4			4.8			4.3			0.5			-21.5			-96.6					
Leq,d	7.4					-0.7			4.4			-4.9			-1.2			-2.0			-7.4			-32.4								
Leq,d	-0.7	-46.7	-40.7	-36.7	-23.7	-18.8	-24.8	-18.8	-17.0	-18.1	-16.3	-16.4	-14.6	-13.8	-13.0	-9.3	-7.1	-11.7	-10.5	-10.5	-14.6	-16.9	-25.1	-32.1	-46.6	-65.8	-99.5					
Leq,d	-0.7	-46.7	-40.7	-36.7	-23.7	-18.8	-24.8	-18.8	-17.0	-18.1	-16.3	-16.4	-14.6	-13.8	-13.0	-9.3	-7.1	-11.7	-10.5	-10.5	-14.6	-16.9	-25.1	-32.1	-46.6	-65.8	-99.5					
Leq,d	-0.7	-46.8	-40.7	-36.8	-23.8	-18.9	-24.9	-18.9	-17.0	-18.2	-16.3	-16.5	-14.7	-13.9	-13.1	-9.4	-7.2	-11.8	-10.6	-10.6	-14.7	-17.0	-25.3	-32.4	-47.0	-66.3						
Leq,d	-0.5	-46.6	-40.6	-36.6	-23.6	-18.7	-24.7	-18.7	-16.8	-18.0	-16.1	-16.2	-14.4	-13.6	-12.8	-9.2	-6.9	-11.5	-10.3	-10.3	-14.4	-16.6	-24.7	-31.6	-45.9	-64.7	-97.9					
Leq,d	-0.5	-46.6	-40.6	-36.6	-23.6	-18.7	-24.7	-18.7	-16.8	-18.0	-16.1	-16.2	-14.4	-13.6	-12.8	-9.2	-6.9	-11.5	-10.3	-10.3	-14.4	-16.6	-24.7	-31.6	-45.9	-64.8	-98.0					
Leq,d	-0.5	-46.6	-40.6	-36.6	-23.6	-18.7	-24.7	-18.7	-16.8	-18.0	-16.1	-16.3	-14.5	-13.7	-12.9	-9.2	-7.0	-11.5	-10.4	-10.3	-14.4	-16.7	-24.8	-31.7	-46.1	-65.0	-98.3					
Leq,d	-1.7	-47.4	-41.4	-37.4	-24.5	-19.5	-25.6	-19.6	-17.8	-19.0	-17.1	-17.3	-15.5	-14.7	-14.0	-10.3	-8.1	-12.7	-11.7	-11.7	-16.1	-18.7	-27.4	-35.2	-50.9	-72.0						
Leq,d	-1.7	-47.4	-41.4	-37.4	-24.5	-19.5	-25.6	-19.7	-17.8	-19.0	-17.1	-17.3	-15.5	-14.7	-14.0	-10.3	-8.1	-12.7	-11.7	-11.7	-16.1	-18.7	-27.4	-35.2	-51.0	-72.0						
Leq,d	-2.7	-48.1	-42.1	-38.1	-25.2	-20.2	-26.3	-20.4	-18.6	-19.8	-18.0	-18.1	-16.4	-15.6	-14.9	-11.2	-9.0	-13.7	-12.7	-13.0	-17.5	-20.4	-29.7	-38.3	-55.3	-78.3						
Leq,d	-0.9	-46.9	-40.8	-36.9	-23.9	-18.9	-25.0	-19.0	-17.1	-18.3	-16.4	-16.6	-14.8	-14.0	-13.2	-9.5	-7.3	-11.9	-10.8	-10.7	-14.9	-17.2	-25.5	-32.7	-47.4	-66.9						
Leq,d	-0.9	-46.9	-40.9	-36.9	-23.9	-19.0	-25.0	-19.0	-17.2	-18.4	-16.5	-16.6	-14.8	-14.0	-13.3	-9.6	-7.4	-12.0	-10.8	-10.8	-15.0	-17.4	-25.7	-32.9	-47.7	-67.4						
Leq,d	-1.7	-47.4	-41.4	-37.4	-24.5	-19.5	-25.6	-19.6	-17.8	-19.0	-17.1	-17.3	-15.5	-14.7	-14.0	-10.3	-8.1	-12.7	-11.6	-11.7	-16.1	-18.7	-27.4	-35.2	-50.9	-71.9						
Leq,d	-1.7	-47.5	-41.4	-37.5	-24.5	-19.6	-25.6	-19.7	-17.8	-19.0	-17.2	-17.3	-15.5	-14.8	-14.0	-10.3	-8.1	-12.8	-11.7	-11.8	-16.1	-18.7	-27.5	-35.3	-51.1	-72.2						
Leq,d	-1.7	-47.4	-41.4	-37.4	-24.5	-19.5	-25.6	-19.6	-17.8	-19.0	-17.1	-17.3	-15.5	-14.7	-13.9	-10.3	-8.1	-12.7	-11.6	-11.7	-16.0	-18.6	-27.3	-35.2	-50.9	-71.9						
Leq,d	-1.2	-47.1	-41.0	-37.1	-24.1	-19.2	-25.2	-19.2	-17.4	-18.6	-16.7	-16.8	-15.0	-14.3	-13.5	-9.8	-7.6	-12.2	-11.1	-11.1	-15.3	-17.8	-26.2	-33.6	-48.7	-68.8						
Leq,d	-2.1	-47.7	-41.7	-37.7	-24.7	-19.8	-25.8	-19.9	-18.1	-19.3	-17.4	-17.6	-15.8	-15.1	-14.3	-10.7	-8.4	-13.1	-12.1	-12.2	-16.6	-19.3	-28.2	-36.4	-52.6	-74.3						

Time slice	Sum	25Hz	31.5Hz	40Hz	50Hz	63Hz	80Hz	100Hz	125Hz	160Hz	200Hz	250Hz	315Hz	400Hz	500Hz	630Hz	800Hz	1kHz	1.25kHz	1.6kHz	2kHz	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz	12.5kHz	16kHz	20kHz	
	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	
Leq,d	-2.0	-47.7	-41.6	-37.7	-24.7	-19.8	-25.8	-19.9	-18.1	-19.3	-17.4	-17.5	-15.8	-15.0	-14.3	-10.6	-8.4	-13.0	-12.0	-12.1	-16.5	-19.2	-28.1	-36.2	-52.4	-74.0						
Leq,d	-1.9	-47.6	-41.5	-37.6	-24.6	-19.7	-25.7	-19.8	-18.0	-19.1	-17.3	-17.4	-15.7	-14.9	-14.1	-10.5	-8.3	-12.9	-11.9	-12.0	-16.3	-19.0	-27.8	-35.8	-51.8	-73.2						
Leq,d	-0.8	-46.8	-40.8	-36.8	-23.9	-18.9	-25.0	-19.0	-17.1	-18.3	-16.4	-16.5	-14.7	-14.0	-13.2	-9.5	-7.3	-11.9	-10.7	-10.7	-14.8	-17.2	-25.5	-32.6	-47.3	-66.8						
Leq,d	-0.6	-46.7	-40.6	-36.7	-23.7	-18.8	-24.8	-18.8	-16.9	-18.1	-16.2	-16.3	-14.5	-13.7	-13.0	-9.3	-7.0	-11.6	-10.5	-10.4	-14.5	-16.8	-25.0	-32.0	-46.4	-65.4	-98.9					
Leq,d	-0.5	-46.6	-40.6	-36.6	-23.6	-18.7	-24.8	-18.7	-16.9	-18.0	-16.2	-16.3	-14.5	-13.7	-12.9	-9.2	-7.0	-11.6	-10.4	-10.3	-14.4	-16.7	-24.8	-31.8	-46.1	-65.0	-98.4					
Leq,d	-1.1	-47.0	-41.0	-37.0	-24.0	-19.1	-25.1	-19.2	-17.3	-18.5	-16.6	-16.7	-15.0	-14.2	-13.4	-9.7	-7.5	-12.1	-11.0	-11.0	-15.2	-17.6	-26.0	-33.4	-48.4	-68.3						
Leq,d	-1.0	-46.9	-40.9	-36.9	-23.9	-19.0	-25.1	-19.1	-17.2	-18.4	-16.5	-16.6	-14.9	-14.1	-13.3	-9.6	-7.4	-12.0	-10.9	-10.9	-15.0	-17.4	-25.7	-33.0	-47.8	-67.5						
Leq,d	-0.8	-46.8	-40.8	-36.8	-23.9	-18.9	-25.0	-19.0	-17.1	-18.3	-16.4	-16.5	-14.8	-14.0	-13.2	-9.5	-7.3	-11.9	-10.7	-10.7	-14.9	-17.2	-25.5	-32.7	-47.4	-66.8						
Leq,d	-1.3	-47.2	-41.2	-37.2	-24.2	-19.3	-25.3	-19.4	-17.5	-18.7	-16.8	-17.0	-15.2	-14.4	-13.6	-10.0	-7.7	-12.3	-11.3	-11.3	-15.5	-18.0	-26.6	-34.1	-49.4	-69.7						
Leq,d	-1.1	-47.0	-41.0	-37.0	-24.1	-19.1	-25.2	-19.2	-17.3	-18.5	-16.6	-16.8	-15.0	-14.2	-13.4	-9.8	-7.5	-12.1	-11.0	-11.0	-15.2	-17.7	-26.1	-33.5	-48.5	-68.4						
Leq,d	-1.1	-47.0	-41.0	-37.0	-24.0	-19.1	-25.1	-19.1	-17.3	-18.5	-16.6	-16.7	-14.9	-14.2	-13.4	-9.7	-7.5	-12.1	-11.0	-11.0	-15.2	-17.6	-26.0	-33.3	-48.3	-68.1						
Leq,d	-2.2	-47.8	-41.8	-37.8	-24.8	-19.9	-25.9	-20.1	-18.2	-19.4	-17.6	-17.7	-15.9	-15.2	-14.4	-10.8	-8.6	-13.2	-12.2	-12.4	-16.8	-19.6	-28.5	-36.8	-53.1	-75.1						
Leq,d	-1.8	-47.5	-41.5	-37.5	-24.5	-19.6	-25.6	-19.7	-17.9	-19.1	-17.2	-17.3	-15.6	-14.8	-14.0	-10.4	-8.2	-12.8	-11.7	-11.8	-16.2	-18.8	-27.6	-35.5	-51.3	-72.5						
Leq,d	-1.6	-47.4	-41.3	-37.4	-24.4	-19.5	-25.5	-19.6	-17.7	-18.9	-17.1	-17.2	-15.4	-14.7	-13.9	-10.2	-8.0	-12.6	-11.6	-11.6	-15.9	-18.5	-27.2	-35.0	-50.6	-71.4						
Leq,d	-1.1	-47.0	-41.0	-37.0	-24.0	-19.1	-25.1	-19.1	-17.3	-18.5	-16.6	-16.7	-14.9	-14.2	-13.4	-9.7	-7.5	-12.1	-11.0	-11.0	-15.2	-17.6	-26.0	-33.3	-48.3	-68.1						
Leq,d	-2.0	-47.6	-41.6	-37.6	-24.7	-19.7	-25.8	-19.9	-18.0	-19.2	-17.4	-17.5	-15.7	-15.0	-14.2	-10.6	-8.3	-13.0	-12.0	-12.1	-16.5	-19.2	-28.0	-36.1	-52.1	-73.7						
Leq,d	-2.2	-47.8	-41.8	-37.8	-24.8	-19.9	-26.0	-20.1	-18.2	-19.4	-17.6	-17.7	-16.0	-15.2	-14.5	-10.8	-8.6	-13.3	-12.3	-12.4	-16.9	-19.6	-28.6	-36.9	-53.3	-75.4						
Leq,d	-2.4	-47.9	-41.9	-37.9	-25.0	-20.0	-26.1	-20.2	-18.4	-19.6	-17.7	-17.9	-16.1	-15.4	-14.6	-11.0	-8.7	-13.4	-12.4	-12.6	-17.1	-19.9	-29.0	-37.4	-54.0	-76.4						
Leq,d	-1.3	-47.1	-41.1	-37.1	-24.2	-19.2	-25.3	-19.3	-17.4	-18.6	-16.8	-16.9	-15.1	-14.3	-13.6	-9.9	-7.7	-12.3	-11.2	-11.2	-15.4	-17.9	-26.4	-33.9	-49.1	-69.3						
Leq,d	-1.5	-47.3	-41.3	-37.3	-24.3	-19.4	-25.4	-19.5	-17.6	-18.8	-16.9	-17.1	-15.3	-14.5	-13.8	-10.1	-7.9	-12.5	-11.4	-11.5	-15.8	-18.3	-26.9	-34.6	-50.0	-70.6						
Leq,d	-1.6	-47.4	-41.4	-37.4	-24.4	-19.5	-25.5	-19.6	-17.8	-18.9	-17.1	-17.2	-15.5	-14.7	-13.9	-10.3	-8.0	-12.7	-11.6	-11.7	-16.0	-18.6	-27.3	-35.1	-50.7	-71.6						
Leq,d	-1.4	-47.2	-41.2	-37.2	-24.3	-19.3	-25.4	-19.4	-17.6	-18.8	-16.9	-17.0	-15.3	-14.5	-13.7	-10.0	-7.8	-12.4	-11.4	-11.4	-15.7	-18.2	-26.8	-34.4	-49.8	-70.3						
Leq,d	-1.7	-47.5	-41.4	-37.5	-24.5	-19.6	-25.6	-19.7	-17.8	-19.0	-17.2	-17.3	-15.5	-14.8	-14.0	-10.4	-8.1	-12.8	-11.7	-11.8	-16.1	-18.8	-27.5	-35.4	-51.2	-72.3						
Leq,d	-1.9	-47.6	-41.6	-37.6	-24.6	-19.7	-25.7	-19.8	-18.0	-19.2	-17.3	-17.5	-15.7	-14.9	-14.2	-10.5	-8.3	-12.9	-11.9	-12.0	-16.4	-19.1	-27.9	-35.9	-51.9	-73.3						
Leq,d	-2.1	-47.7	-41.7	-37.7	-24.8	-19.8	-25.9	-20.0	-18.2	-19.3	-17.5	-17.6	-15.9	-15.1	-14.4	-10.7	-8.5	-13.2	-12.1	-12.3	-16.7	-19.4	-28.4	-36.6	-52.9	-74.7						
Leq,d	-2.6	-48.1	-42.0	-38.1	-25.1	-20.2	-26.2	-20.4	-18.5	-19.7	-17.9	-18.0	-16.3	-15.5	-14.8	-11.2	-8.9	-13.6	-12.6	-12.9	-17.4	-20.3	-29.5	-38.1	-54.9	-77.7						
Leq,d	-1.3	-47.2	-41.2	-37.2	-24.2	-19.3	-25.3	-19.4	-17.5	-18.7	-16.8	-17.0	-15.2	-14.4	-13.6	-10.0	-7.7	-12.4	-11.3	-11.3	-15.6	-18.0	-26.6	-34.1	-49.4	-69.8						
Leq,d	-2.1	-47.7	-41.7	-37.7	-24.8	-19.8	-25.9	-20.0	-18.1	-19.3	-17.5	-17.6	-15.9	-15.1	-14.4	-10.7	-8.5	-13.1	-12.1	-12.3	-16.7	-19.4	-28.4	-36.6	-52.8	-74.7						
Leq,d	-1.8	-47.5	-41.5	-37.5	-24.5	-19.6	-25.7	-19.7	-17.9	-19.1	-17.2	-17.4	-15.6	-14.8	-14.1	-10.4	-8.2	-12.8	-11.8	-11.9	-16.2	-18.9	-27.7	-35.6	-51.5	-72.7						
Leq,d	-1.6	-47.4	-41.4	-37.4	-24.4	-19.5	-25.5	-19.6	-17.7	-18.9	-17.1	-17.2	-15.4	-14.7	-13.9	-10.3	-8.0	-12.7	-11.6	-11.7	-16.0	-18.6	-27.2	-35.0	-50.7	-71.6						
Leq,d	-1.5	-47.3	-41.3	-37.3	-24.3	-19.4	-25.4	-19.5	-17.6	-18.8	-16.9	-17.1	-15.3	-14.5	-13.8	-10.1	-7.9	-12.5	-11.4	-11.5	-15.8	-18.3	-26.9	-34.5	-50.0	-70.6						
Leq,d	-1.3	-47.2	-41.1	-37.2	-24.2	-19.3	-25.3	-19.3	-17.5	-18.7	-16.8	-16.9	-15.2	-14.4	-13.6	-9.9	-7.7	-12.3	-11.2	-11.3	-15.5	-18.0	-26.5	-34.1	-49.3	-69.6						
Leq,d	27.6	-47.1	-38.2	-12.5	-2.6	4.9	19.8	13.0	12.4	13.5	13.6	20.2	16.5	15.7	19.9	17.3	10.7	9.3	11.5	9.7	6.7	-2.6	-1.8	-13.4	-28.3	-47.8	-79.5					
Leq,d	27.7	-46.9	-38.1	-12.4	-2.5	5.0	19.9	13.1	12.6	13.6	13.7	20.4	16.7	15.8	20.1	17.4	10.9	9.4	11.7	9.9	7.0	-2.3	-1.5	-12.9	-27.7	-46.8	-78.2					

Attachment F-3

CDFW Comment Letter Wonder Inn Hotel/Resort

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

February 14, 2023
Sent via email

Azhar Khan, Senior Planner
San Bernardino County
385 North Arrowhead Avenue
San Bernardino, CA 92415

Subject: Initial Study/ Mitigated Negative Declaration
Wonder Inn Hotel/Resort
State Clearinghouse No. 2023010295

Dear Mr. Khan:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from San Bernardino County (County) for the Wonder Inn Hotel/Resort Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 78201 Amboy Road near the City of Twentynine Palms in unincorporated San Bernardino County, California; Latitude, 34.164989 N and Longitude -115.954732 W. The Project site totals 134.6 acres on Assessor's Parcel Number's 0625-071-04, -05, -07, -08, -09, and -10. The Project will construct a hotel, convert an existing 4,407- square foot office building to a restaurant/lobby, and build 106 guest rooms in form of pre-manufactured pods, a 5,000 square foot conference room, a 3,985 square foot wellness center, and ancillary structures (e.g., bathrooms) on approximately 24.4-acres. The Project also includes the construction of a swimming pool, garden, astronomy pergola, and rock lined swales along the southern side of the Project property to intercept and divert surface runoff to proposed detention ponds located on both sides of the Project.

Timeframe: Project completion is anticipated to be less than one year from Project initiation (currently unknown).

COMMENTS AND RECOMMENDATIONS

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

Assessment of Biological Resources

Loss of Nesting Bird and/or Foraging Habitat

The biggest threat to birds includes habitat loss and the conversion of natural vegetation into commercial, residential, and industrial land uses. Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of 53 acres of creosote bush scrub and 39 acres of jojoba fields.

Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

Avoidance. The final MND should include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project

phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The final MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site.

Mitigation. CDFW supports the inclusion of biological (BIO) mitigation measure (MM)-1 "Pre-Construction Nesting Bird Clearance Survey" with edits (edits are in ~~strikethrough~~ and **bold**) in the final MND, as per below to avoid impacts to nesting birds:

Mitigation Measure BIO-1

Pre-Construction Nesting Bird Clearance Survey**.** All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests~~. Compliance with the MBTA shall be accomplished by completing the following: Construction activities involving vegetation removal shall be conducted between September1andJanuary 31. If construction occurs inside the peak nesting season (between February 1 and August31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.~~

Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment.

If the Biologist finds an active nest within the pre-construction survey area **or the Project's zone of influence (generally 100-300 feet**) and determines that the nest may be impacted, the Biologist shall delineate an appropriate **no disturbance** buffer zone around the nest **to prevent nest destruction or abandonment**. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. **The buffer shall be a minimum of** ~~These buffers are typically~~ 300 feet from the nests of ~~nonlisted species~~ **songbirds** and 500 feet from the nests of raptors and listed species **unless a smaller buffer is specifically determined**

by a qualified biologist familiar with the nesting phenology of the nesting species. Any active nests observed during the survey shall be mapped on an aerial photograph. ~~Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated.~~ **The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist.** The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to **determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to** ensure that no inadvertent impacts on these nests occur. **If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws.** Results of the preconstruction survey and any subsequent monitoring shall be provided to **CDFW,** the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring~~,~~ **and** describe construction restrictions currently in place~~, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds~~.

Special-Status Bats

Project construction and activities may result in direct and indirect impacts to bats, such as pallid bat (*Antrozous pallidus*; Species of Special Concern [SSC]) and spotted bat (*Euderma maculatum*; SSC). Direct impacts may include removal and/or modification of structures occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, loss of foraging habitat, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

The biological survey that was conducted was reconnaissance in nature (i.e., not focused) and took place during the daytime, when bats are inactive and may go undetected. As a result, onsite bat presence remains undetermined. Any impacts to bats, either direct or indirect including roost disturbance and loss of habitat would be significant. Therefore, species-specific bat surveys are required during appropriate weather and time to determine presence/absence of bats onsite and to mitigate the Project's impact to bats below a significant level.

Protection Status. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1).

Avoidance. The Project is conditioned to avoid impacts to bats through MM BIO-2. CDFW appreciates that MM BIO-2 proposes to avoid the maternity season for bat species, which generally spans from April 1 to August 31.

Mitigation. CDFW supports the inclusion of MM BIO-2 “Pre-Construction Bat Surveys” with edits (edits are in ~~strikethrough~~ and **bold**) in the final MND, as per below to avoid impacts to bats.

Pre-Construction Bat Surveys. ~~No less than 60~~ **No more than 30** days prior to initiating Project activities, ~~the Project biologist~~ **a CDFW-approved bat biologist** shall conduct a bat **survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating** ~~roosting habitat suitability assessment of any vegetation that may be removed, altered, or indirectly impacted by the~~ Project activities. Any locations with potential to **provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites** ~~Support roosting bats~~ shall be surveyed by the **CDFW-approved bat** ~~Project~~ biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than **14** ~~30~~ days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, **bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project-specific** avoidance and minimization measures **to monitor Project-related noise, vibration, lighting, project phasing and timing**, ~~including~~ **and shall include** the designation of buffers based upon what bat species are found, and phased removal of trees.~~,~~ **The BAMPP** shall be developed and submitted to CDFW for review and approval **prior to initiating Project activities**. If the site supports maternity roosts, Applicant shall avoid **Project activities** ~~disturbing those areas~~ during the breeding season **(typically, maternity season is April 1 through August 31)** and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.

Desert Tortoise (*Gopherus agassizii*)

Project activities may result in the permanent loss of up to 134.6 acres of potential habitat for desert tortoise, a state-threatened, proposed endangered species, given that the Project property supports habitat for desert tortoise, as recognized in the IS/MND’s Habitat Assessment.

A search of the California Natural Diversity Database (CNDDB 2023) yielded four (4) occurrences of desert tortoise within a 5-mile radius of the Project site. If present, take of desert tortoise may occur as a result of Project-related activities such as crushing of desert tortoise-occupied burrows from construction equipment, vehicles, and foot traffic. Additionally, Project activities such as grading, ground disturbance, and vegetation clearing may also result in take of desert tortoise.

Protection Status. Desert tortoise is a state-threatened, proposed endangered species under CESA. Take of desert tortoise is prohibited except as authorized by State law (Fish & Game Code, §§ 2080, 2085, California Code of Regulations, tit. 14, § 786.9).

Avoidance. The IS/MND is conditioned to avoid impacts to desert tortoise through pre-construction surveys (see MM BIO-3 below). In areas where desert tortoise may be present and cannot be avoided, CDFW encourages the Project proponent to obtain a CESA Incidental Take Permit (ITP), as re-iterated in MM-BIO-3 below.

Mitigation. CDFW appreciates the inclusion of MM BIO 3 “Pre-Construction Desert Tortoise Clearance Survey” and encourages the County move forward with MM BIO-3 as revised below to avoid impacts to desert tortoise (edits are in ~~strikethrough~~ and **bold**):

Mitigation Measure BIO-3

Pre-Construction Desert Tortoise Clearance Survey. A pre-construction clearance survey shall be conducted by a CDFW-approved biologist ~~thirty (30) days~~ **no more than 48 hours** prior to ground disturbing activities ~~in undeveloped areas~~ to confirm the absence of desert tortoise within the boundaries of the ~~survey~~ **Project** area **and a 50-foot buffer and after any pause in Project activities lasting 30 days or more** during desert tortoise active season (April to May or September to October), in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. **Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented**. Survey transects should be spaced at 10-meter (33-foot) intervals ~~throughout the undeveloped portions of the project area~~ to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW **prior to start of Project activities**. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. ~~Although not anticipated, if~~ **If** desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine ~~if~~ avoidance and minimization measures ~~can be implemented~~ to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be obtained prepared and approved by the USFWS and CDFW.

Burrowing Owl (*Athena cunicularia*)

The Habitat Assessment concludes that the Project site does not support suitable habitat for burrowing owl, a California SSC, however, no focused surveys were conducted to determine presence/absence of burrowing owls. Burrowing owls are

known to occur within one (1) mile of the Project site (CNDDB 2023). Burrowing owls favor open areas populated with scarce, low-lying vegetation, such as that found on the Project site. Burrowing owl surveys should be conducted whenever burrowing owl habitat or sign is encountered on or adjacent to (within 150 meters) a project site and follow protocols set forth in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012).

Project construction may result in injury or mortality of burrowing owls, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may result in the permanent loss of up to 134.6 acres of potential breeding, wintering, and foraging habitat for burrowing owl. CDFW recommends that the County review and follow requirements for burrowing owl as outlined in the 2012 Staff Report to ensure the Project meets burrowing owl survey requirements and to avoid potential impacts to burrowing owl and burrowing owl foraging, breeding, and nesting habitat.

Protection Status. Burrowing owl is a CDFW SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. Burrowing owl is a SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

Avoidance. Burrowing owl are susceptible to impacts year-round as their breeding season generally extends from February 1 to August 31 and their overwintering period generally from September 1 to January 31. While overwintering, burrowing owl may be less likely to be detected as they overwinter underground in burrows. In areas where burrowing owl may be present, ground disturbing should be avoided. If burrowing owl are found within the Project area during pre-construction surveys (see MM BIO-4 below) or construction activities, and it is not possible to avoid active burrows, passive relocation and mitigation should be implemented as per MM BIO-5 below.

Mitigation. In areas where burrowing owl may be present, CDFW recommends that the County follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFW 2012c). The 2012 Staff Report specifies three steps for project impact evaluations: a habitat assessment; surveys; and an impact assessment. Impact assessments should evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance by the Project. If impacts to burrowing owl or their associated habitat are to occur, the Project should be conditioned such that appropriate habitat for burrowing owl is protected or created. Habitat should be secured or created based on site-specific analysis and consider the wide variation of natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. Mitigation for permanent impacts to nesting,

occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range wide. Therefore, CDFW supports the inclusion of MM BIO-4 with revisions (edits are in ~~strikethrough~~ and **bold**) and recommends the adoption of MM BIO-5 in the final MND, as per below to avoid impacts to burrowing owl:

Mitigation Measure BIO-4

Pre-Construction Burrowing Owl Clearance Survey. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls **are** ~~remain~~ absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted**, one at no more than** 14 ~~–30~~ days and **another within** 24 hours**,** prior to any ground disturbance or vegetation removal activities. **The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.**

Mitigation Measure BIO-5

Burrowing Owl Avoidance/Relocation. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation

program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

Impacts to Sensitive Plant Species

CDFW is concerned that the Project may affect sensitive plant species with the potential to occur onsite, such as alkali mariposa-lily (*Calochortus striatus*; Rank 1B.2) considering floristic surveys were conducted in March, which is outside of the blooming period for some sensitive plant species; for example, alkali mariposa-lily has a general blooming period of April through June. The Project has the potential to impact sensitive species, that are rare, threatened, or endangered in California (Rank 1B.2), such as alkali mariposa-lily. Grading, vegetation removal, and other ground disturbances are likely to result in direct mortality of sensitive plants.

Protection Status. Take of any CESA-listed plant species (i.e., western Joshua tree) that results from the Project is prohibited, except as authorized by State law (Fish & Game Code, §§ 2080, 2085, California Code of Regulations, tit. 14, § 786.9). Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. Likewise, CDFW considers State listed communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in the Manual of California Vegetation (MCV) | California Native Plant Society (cnps.org) (CNPS 2022).

Avoidance. The final MND should include measures to fully avoid and otherwise protect special status, sensitive, and rare plant species, and plant communities from Project-related direct and indirect impacts. The Project should discuss how the Project has been designed to avoid impacts to special status plant species so that CDFW may assess whether impacts have been lowered to less than significant. CDFW therefore recommends a thorough, floristic-based assessment of special status plants at the appropriate time(s) of year, using the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018 or most recent version) before the County adopts the MND.

Mitigation. To avoid impacts to sensitive plant species, CDFW recommends MM BIO-6 below. As indicated in MM BIO-6, if sensitive plant species are present, the County should avoid the plant(s). If complete avoidance is not feasible, the County should mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species (i.e., western Joshua tree), the County should apply for a CESA ITP with CDFW.

Mitigation Measure BIO-6

Pre-construction rare plant clearance survey. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Lake and Streambed Alteration

CDFW has authority over activities in rivers, streams and lakes that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake (Fish and Game Code section 1602). For any such activities, the County should provide written notification of Lake and Streambed

Alteration to CDFW and obtain a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code section 1602.

The IS/MND states that a preliminary jurisdictional delineation was conducted for the Project, during which it was determined that several unnamed ephemeral drainages (total number undisclosed) exist within the Project site. Based on aerial imagery, CDFW estimates there are at least two distinct drainages onsite. Although the IS/MND states that not all of the drainages will be impacted, no information is provided on which drainages will be avoided or how they will be avoided and/or impacted. It is also worth noting that the jurisdictional delineation was not provided in the IS/MND.

Avoidance. A notification to CDFW of Lake and Streambed Alteration should be provided for the Project to ensure impacts to Fish and Game Code section 1602 resources are assessed by CDFW, and if impacts are to occur that impacts are authorized and mitigated. The notification should include thorough details, including corresponding acreage of each drainage and acres of permanent and temporary impacts. The notification should also demonstrate how each drainage will be completely avoided or impacted and include the jurisdictional delineation that was conducted.

Mitigation. CDFW recommends MM BIO-7 below to determine impacts to Fish and Game Code section 1602 resources, and if impacts are to occur, to authorize and offset those impacts.

Mitigation Measure BIO-7

Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Drought-Tolerant Landscaping

The Project proposes native palm trees for landscaping and shade trees. Because California has entered another period of extended drought, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: Around the Yard (saveourwater.com).

ENVIRONMENTAL DATA

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: Submitting Data to the CNDDB (ca.gov). The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: CNDDB - Plants and Animals (ca.gov).

FILING FEES

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

CONCLUSION

CDFW requests that the County include the suggested mitigation measures (Attachment 1) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

CDFW appreciates the opportunity to comment on the IS/MND for San Bernardino County Wonder Inn Hotel/Resort (SCH No. 2023010295) and hopes our comments will assist the County in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Corina Jimenez, Environmental Scientist at Corina.Jimenez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov.

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

California Natural Diversity Database (CNDDB) Government [ds45]. 2023. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline

California Native Plant Society. 2022. Manual of California Vegetation. Available from: Manual of California Vegetation (MCV) | California Native Plant Society (cnps.org)

U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Biological (BIO) Mitigation Measures (MM)	Implementation Schedule	Responsible Party
MM BIO-1 Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any	Prior to the initiation of Project activities	Project Proponent

potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If the Biologist finds an active nest within the pre-construction survey area or the Project's zone of influence (generally 100-300 feet) and determines that the nest may be impacted, the Biologist shall delineate an appropriate no disturbance buffer zone around the nest to prevent nest destruction or abandonment. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. The buffer shall be a minimum of songbirds and 500 feet from the nests of raptors and listed species unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. Any active nests observed during the survey shall be mapped on an aerial photograph. no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to ensure that no inadvertent impacts on these nests occur. If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws. Results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW, the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring and describe construction restrictions currently in place.		

MM BIO-2 Pre-Construction Bat Surveys. No more than 30 days prior to initiating Project activities, a CDFW-approved bat biologist shall conduct a bat survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating Project activities. Any locations with potential to provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites shall be surveyed by the CDFW-approved bat biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than 14 days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project-specific avoidance and minimization measures to monitor Project-related noise, vibration, lighting, project phasing and timing, and shall include the designation of buffers based upon what bat species are found, and phased removal of trees. The BAMPP shall be developed and submitted to CDFW for review and approval prior to initiating Project activities. If the site supports maternity roosts, Applicant shall avoid Project activities during the breeding season (typically, maternity season is April 1 through August 31) and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.	Prior to the initiation of Project activities	Project Proponent
MM BIO-3 Pre-Construction Desert Tortoise Clearance Survey. A pre-construction clearance survey shall be conducted by a CDFW-approved biologist no more than 48 hours prior to ground disturbing activities to confirm the absence of desert tortoise within the boundaries of the	Prior to the initiation of Project activities	Project Proponent

Project area and a 50-foot buffer and after any pause in Project activities lasting 30 days or more during desert tortoise active season (April to May or September to October), in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Survey transects should be spaced at 10-meter (33-foot) intervals to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine ~~if~~ avoidance and minimization measures to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be obtained prepared and approved by the USFWS and CDFW.		
MM BIO-4 <u>Pre-Construction Burrowing Owl Clearance Survey</u>. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls are absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted, one at no more than 14 days and another within 24 hours, prior to any ground disturbance or vegetation removal activities. The surveys shall include 100 percent coverage of the	Prior to the initiation of Project activities	Project Proponent

project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.		
MM BIO-5 <u>Burrowing Owl Avoidance/Relocation</u>. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.	Prior to the initiation of Project activities	Project Proponent

MM BIO-6 Pre-construction rare plant clearance survey. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.	Prior to the initiation of Project activities	Project Proponent
MM BIO-7 Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written	Prior to the initiation of Project activities	Project Proponent

correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.		

EXHIBIT E

Conditions of Approval

Conditions of Approval

Description: CONDITIONAL USE PERMIT FOR A PROPOSED HOTEL USE WITH THE CONVERSION OF AN EXISTING 4,407-SQUARE FOOT OFFICE BUILDING TO A RESTAURANT/LOBBY AND THE CONSTRUCTION OF 106 GUEST ROOMS, 5,000 SQUARE FOOT CONFERENCE ROOM, 3,985 SQUARE FOOT WELLNESS CENTER AND ANCILLARY STRUCTURES ON A 25 ACRE SITE, LOCATED AT 78201 AMBOY ROAD, TWENTYNINE PALMS; WITHIN THE COUNTYWIDE PLAN DESIGNATION RURAL LIVING AND COMMERCIAL (RL/C) RURAL LIVING AND SERVICE COMMERCIAL ZONING DISTRICT (RL/CS); APN: 0625-071-04, 0625-071-05, 0625-071-07, 0625-071-09 & 0625-071-10; 3RD SUPERVISORIAL DISTRICT; PROJECT NUMBER: PROJ-2021-00163

ON-GOING

Land Use Services - Planning

1 **Project Approval Description (CUP)** -
Conditional Use Permit to construct and operate a hotel use with the conversion of an existing 4,226 square foot office building to a restaurant/lobby and the construction of 106 guest rooms, a 5,031 square foot conference room, a 4,666 square foot wellness center and ancillary structures on a 24.4- acre site, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the
approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.

2 **Project Location** -
The Project site is located 78201 Amboy Road, Twentynine Palms.

3 **Revisions** -
Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** -
In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** -
The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

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

7 **Continous Effect/Revocation** -
All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

8 **Extension of Time** -
Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

9 **Project Account** -
The Project account number is PROJ-2021-00163. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10 **Development Impact Fees** -
Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

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

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

13 **Clear Sight Triangle** -
Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

14 **Lighting** -
Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

15 **Underground Utilities** -
No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

16 **Construction Hours** -
Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

17 **Construction Noise** -
The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

18 **Cultural Resources** -
During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

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

20 **Mitigation Measures** -
MITIGATION MEASURE CR-1 In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR?1, regarding any precontact and/or historic era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

21 **Mitigation Measures** -
MITIGATION MEASURE CR-2 If significant precontact and/or historic era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR?1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

22 **Mitigation Measures** -
MITIGATION MEASURE - CR-3 Discovery of Human Remains. If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified. If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner. If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner. If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner. If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

23 **Mitigation Measures** -
MITIGATION MEASURE - TR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Public Health– Environmental Health Services

24 **Noise Levels** -
Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

25 **OWTS Maintenance** -
The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

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

Public Works - Traffic

27 **Access** -
The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

28 **Back Out Into Public Roadways** -
Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL

County Fire - Community Safety

29 **Access – 150+ feet** -
Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.

30 **Access – 30% slope** -
Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.

31 **Additional Requirements** -
In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

32 **Jurisdiction** -
The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.

33 **Permit Expiration** -
Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

34 **Sprinkler Installation Letter** -
The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.

Land Use Services - Land Development

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

36 **Erosion Control Installation** -
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

37 **Tributary Drainage** -
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year 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.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

38 **Mitigation Measures** -
MITIGATION MEASURE - BIO-1 Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If the Biologist finds an active nest within the pre-construction survey area or the Project's zone of influence (generally 100-300 feet) and determines that the nest may be impacted, the Biologist shall delineate an appropriate no disturbance buffer zone around the nest to prevent nest destruction or abandonment. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. The buffer shall be a minimum of 300 feet from the nests of songbirds and 500 feet from the nests of raptors and listed species unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to ensure that no inadvertent impacts on these nests occur. If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws. Results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW, the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, and describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

39 **Mitigation Measures** -
MITIGATION MEASURE - BIO-2 Pre-Construction Bat Surveys. No more than 30 days prior to initiating Project activities, a CDFW-approved bat biologist shall conduct a bat survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating Project activities. Any locations with potential to provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites shall be surveyed by the CDFW-approved bat biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than 14 days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project- specific avoidance and minimization measures to monitor Project-related noise, vibration, lighting, project phasing and timing, and shall include the designation of buffers based upon what bat species are found, and phased removal of trees., The BAMPP shall be developed and submitted to CDFW for review and approval prior to initiating Project activities. If the site supports maternity roosts, Applicant shall avoid Project activities during the breeding season (typically, maternity season is April 1 through August 31) and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.

40 **Mitigation Measures** -
MITIGATION MEASURE - BIO-3 Focused Protocol Presence/Absence Desert Tortoise Survey. A focused protocol desert tortoise survey will be conducted during the active season (April – May or Sep – Oct) within the boundaries of the survey Project area and a 50- foot buffer. Focused surveys cannot be combined with other surveys conducted for other species while using the same personnel. Survey transects should be spaced at 10-meter (33-foot) intervals throughout the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW prior to start of Project activities. The results of a pre-construction survey will be provided to Building and Safety at least 72 hours prior to issuance of the grading permit. If desert tortoise are found onsite during the focused survey, desert tortoise shall not be handled or moved and no work shall occur until coordination with the USFWS and CDFW to determine if avoidance measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if until "Take" permits are issued by the USFWS and CDFW. Pre-Construction Take Avoidance. Even if the focused survey confirms absence of live desert tortoise or occupied burrows, all construction activities shall ensure avoidance of desert tortoise take. The approved biologist shall conduct pre-construction take avoidance surveys no more than 24 hours prior to construction. If the project is divided into work areas or phases of construction surveys will occur prior to ground disturbance in each work area. No take clearance preconstruction surveys will be done by walking transects throughout the work area to ensure tortoises have not entered the site. During all construction activities the approved biologist shall continue to monitor for tortoises wandering into the construction areas, check under vehicles, and examine excavations and other potential pitfalls for entrapped animals. An approved biologist will stop work if a tortoise enters the work area. Work activities will only proceed at the site after the tortoise has moved away of its own accord outside a suitable buffer distance as determined by the approved biologist. Potential hazards to desert tortoise (e.g., auger holes or steep-sided depressions) will be securely covered or filled at the end of each workday. If a tortoise is observed on or near a road accessing a work area, the approved biologist will be contacted immediately, and vehicles will stop to allow the tortoise to move off the road on its own. Project proponent shall notify CDFW within 24 hours of any desert tortoise observations within the project area.

41 **Mitigation Measures** -
MITIGATION MEASURE - BIO-4 Pre-Construction Burrowing Owl Clearance Survey. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls are remain absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted, one at no more than 14 – 30 days and another within 24 hours, prior to any ground disturbance or vegetation removal activities. The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.

42 **Mitigation Measures** -
MITIGATION MEASURE - BIO-5 Burrowing Owl Avoidance/Relocation. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

43 **Mitigation Measures** -
MITIGATION MEASURE - BIO-6 Pre-construction rare plant clearance survey. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

44 **Mitigation Measures** -
MITIGATION MEASURE - BIO-7 Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW- executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

45 **Mitigation Measures** -
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

46 **Mitigation Measures** - Status: Outstanding
MITIGATION MEASURE TCR-1 The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR?1, of any precontact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

Land Use Services - Building and Safety

47 **Demolition Permit Required Before Grading** -
Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

48 **Geotechnical (Soil) Report Required Before Grading** -
A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

49 **Wall Plans** -
Submit plans and obtain separate building permits for any required retaining walls.

Land Use Services - Land Development

50 **Drainage Improvements** -
A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A $750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

51 **FEMA Flood Zone** -
The project is located within Flood Zone D according to FEMA Panel Number 06071C8225H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

52 **Grading Plans** -
Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

53 **NPDES Permit** -
An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

54 **On-site Flows** -
On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

55 **Regional Board Permit** -
Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

Public Health– Environmental Health Services

56 **Vector Control Requirement** -
The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

Public Works - Surveyor

57 **Corner Records Required Before Grading** -
Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

58 **Monument Disturbed by Grading** -
If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

59 **Issuance/Building Permit Condition** -
Prior to Building Permit Issuance, A Tentative Parcel Map (TPM) shall be submitted to the County Planning Department.

60 **Signs** -
All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

County Fire - Community Safety

61 **Building Plans** -
Building plans shall be submitted to the Fire Department for review and approval.

62 **Combustible Protection** -
Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

63 **Fire Fee** -
The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

64 **Fire Flow Test** -
Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.

65 **Haz-Mat Approval** -
The applicant 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.

66 **Primary Access Paved** -
Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.

67 **Solar** -
Solar / Photovoltaic System Plans. Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.

68 **Surface** -
Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

69 **Turnaround** -
Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.

70 **Water System** -
Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code.

71 **Water System Commercial**
A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.

Land Use Services - Building and Safety

72 **Construction Plans** -
Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

73 **Temporary Use Permit** -
A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

Land Use Services - Land Development

74 **Construction Permits** -
Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

75 **Encroachment Permits** -
Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

76 **Road Dedication/Improvements** -
The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Amboy Road (Major Highway – 104 feet): •Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet, and a 50-foot radius return grant of easement is required at the intersection of Amboy Road and the Westerly Property line. •Street Improvements. Design AC Dike and gutter with match up paving 40 feet from centerline. •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130. Easterly Property Line (Section Line – 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet. Southerly Property Line (Section Line – 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet, and a 50-foot radius return grant of easement is required at the intersection of Southerly Property Line and the Easterly Property line. Westerly Property Line (Section Line – 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet, and a 50-foot radius return grant of easement is required at the intersection of Southerly Property Line and the Westerly Property line.

77 **Road Standards and Design** -
All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

78 **Slope Easements** -
Slope rights shall be dedicated where necessary.

79 **Slope Tests** -
Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

80 **Soils Testing** -
Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

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

82 **Street Type Entrance** -
Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

83 **Transitional Improvements** -
Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

84 **Utilities.** -
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

85 **California Regional Water Quality Control Board Clearance** -
Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, 760-346-7491.

86 **Existing OWTS** -
Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

87 **Existing Wells** -
If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

88 **Food Establishment Plan Check Required** -
Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

89 **New OWTS** -
If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

90 **Preliminary Acoustical Information** -
Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

91 **Sewage Disposal** -
Method of sewage disposal shall be an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

92 **Swimming Pool Plan Check Required** -
Plans for swimming pools and associated restroom facilities shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

93 **Water Purveyor**
Water purveyor shall be EHS approved.

94 **Water System Permit** -
A water system permit will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report in accordance with California Health and Safety Code §116527(c) to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at (800) 442-2283 and SWRCB-DDW at (916) 449-5577.

Public Works - Solid Waste Management

95 **Part 2 Requirements** -
Construction Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at http://cms.sbcounty.gov/dpw/SolidWasteManagement/ConstructionWasteManagement.aspx. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of $150.00 for residential projects/$530.00 for commercial/non-residential projects.

Public Works - Surveyor

96 **Corner Records Required Before Grading** -
Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

97 **Monument Disturbed by Grading** -
If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO OCCUPANCY

Land Use Services - Planning

98 **Fees Paid** -
Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2021-00163.

99 **Installation of Improvements** -
All required on-site improvements shall be installed per approved plans.

100 **Landscaping/Irrigation** -
All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

101 **Mitigation Measures** -
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

102 **Screen Rooftop** -
All roof top mechanical equipment is to be screened from ground vistas.

103 **Shield Lights** -
Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

104 **Condition Compliance** -
Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

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

County Fire - Community Safety

106 **Inspection by the Fire Department** -
Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Land Development

107 **Drainage Improvements** -
All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

108 **LDD Requirements** -
All LDD requirements shall be completed by the applicant prior to occupancy.

109 **Parkway Planting** -
Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

110 **Road Improvements** -
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

111 **Structural Section Testing** -
A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Health– Environmental Health Services

112 **Hotel/Motel/Apartment Certificate of Use Request** -
Prior to occupancy of a newly constructed or remodeled apartment complex, hotel, motel, resort, pursuant to San Bernardino County Code 33.101 et. seq., a Certificate of Use request shall be submitted to EHS. For information, call EHS at: (800) 442-2283.

113 **New Public Water System Permit** -
A Public Water System annual permit which meets Title 22, CCR requirements pertaining to the type of water system, shall be required. For information, contact EHS at: (800) 442-2283.

114 **New Recreational Health Permit** -
A Recreational Health annual permit for public swimming pool, spa or bathing place shall be required. For information, contact EHS at: (800) 442-2283.

115 **New Retail Food Facility Permit** -
A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.

PRIOR TO FINAL INSPECTION

Land Use Services - Planning

116 **Issuance/Building Permit Condition** -
Prior to Final, an approved Tentative Parcel Map (TPM) shall be submitted the County Surveyor's Office and Recorded.

County Fire - Community Safety

117 **Access** -
The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

118 **Above Ground Storage Tank** -
The applicant shall submit an Application for an Above Ground Storage Tank detailed plans to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.

119 **Combustible Vegetation** -
Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.

120 **Commercial Addressing** -
Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.

121 **Fire Alarm - Manual** -
A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

122 **Fire Extinguishers** -
Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

123 **Fire Lanes** -
The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.

124 **Fire Sprinkler-NFPA #13** -
An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

125 **Hood and Duct Suppression** -
An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

126 **Hydrant Marking** -
Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.

127 **Illuminated Site Diagram** -
The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.

128 **Key Box** -
An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.

129 **Material Identification Placards** -
The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

130 **Override Switch** -
Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

131 **Roof Certification** -
A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.

132 **Spark Arrestor** -
An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.

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

Public Works - Traffic

134 **Improvements** -
The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

Public Works - Solid Waste Management

135 **Part 2 Requirements** -
Construction Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at http://cms.sbcounty.gov/dpw/SolidWasteManagement/ConstructionWasteManagement.aspx.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://dph.sbcounty.gov/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
External Agencies (Caltrans, U.S. Army, etc.)	*See condition text for contact information...*	

EXHIBIT F

CDFW Comment Letter

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

February 14, 2023
Sent via email

Azhar Khan, Senior Planner
San Bernardino County
385 North Arrowhead Avenue
San Bernardino, CA 92415

Subject: Initial Study/ Mitigated Negative Declaration
Wonder Inn Hotel/Resort
State Clearinghouse No. 2023010295

Dear Mr. Khan:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from San Bernardino County (County) for the Wonder Inn Hotel/Resort Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 78201 Amboy Road near the City of Twentynine Palms in unincorporated San Bernardino County, California; Latitude, 34.164989 N and Longitude -115.954732 W. The Project site totals 134.6 acres on Assessor's Parcel Number's 0625-071-04, -05, -07, -08, -09, and -10. The Project will construct a hotel, convert an existing 4,407- square foot office building to a restaurant/lobby, and build 106 guest rooms in form of pre-manufactured pods, a 5,000 square foot conference room, a 3,985 square foot wellness center, and ancillary structures (e.g., bathrooms) on approximately 24.4-acres. The Project also includes the construction of a swimming pool, garden, astronomy pergola, and rock lined swales along the southern side of the Project property to intercept and divert surface runoff to proposed detention ponds located on both sides of the Project.

Timeframe: Project completion is anticipated to be less than one year from Project initiation (currently unknown).

COMMENTS AND RECOMMENDATIONS

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

Assessment of Biological Resources

Loss of Nesting Bird and/or Foraging Habitat

The biggest threat to birds includes habitat loss and the conversion of natural vegetation into commercial, residential, and industrial land uses. Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of 53 acres of creosote bush scrub and 39 acres of jojoba fields.

Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

Avoidance. The final MND should include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project

phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The final MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site.

Mitigation. CDFW supports the inclusion of biological (BIO) mitigation measure (MM)-1 "Pre-Construction Nesting Bird Clearance Survey" with edits (edits are in ~~strikethrough~~ and **bold**) in the final MND, as per below to avoid impacts to nesting birds:

Mitigation Measure BIO-1

Pre-Construction Nesting Bird Clearance Survey**.** All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests~~. Compliance with the MBTA shall be accomplished by completing the following: Construction activities involving vegetation removal shall be conducted between September1andJanuary 31. If construction occurs inside the peak nesting season (between February 1 and August31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.~~

Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment.

If the Biologist finds an active nest within the pre-construction survey area **or the Project's zone of influence (generally 100-300 feet**) and determines that the nest may be impacted, the Biologist shall delineate an appropriate **no disturbance** buffer zone around the nest **to prevent nest destruction or abandonment.** The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. **The buffer shall be a minimum of** ~~These buffers are typically~~ 300 feet from the nests of ~~nonlisted species~~ **songbirds** and 500 feet from the nests of raptors and listed species **unless a smaller buffer is specifically determined**

by a qualified biologist familiar with the nesting phenology of the nesting species. Any active nests observed during the survey shall be mapped on an aerial photograph. ~~Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated.~~ **The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist.** The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to **determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to** ensure that no inadvertent impacts on these nests occur. **If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws.** Results of the preconstruction survey and any subsequent monitoring shall be provided to **CDFW,** the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring~~,~~ **and** describe construction restrictions currently in place~~, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds~~.

Special-Status Bats

Project construction and activities may result in direct and indirect impacts to bats, such as pallid bat (*Antrozous pallidus*; Species of Special Concern [SSC]) and spotted bat (*Euderma maculatum*; SSC). Direct impacts may include removal and/or modification of structures occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, loss of foraging habitat, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

The biological survey that was conducted was reconnaissance in nature (i.e., not focused) and took place during the daytime, when bats are inactive and may go undetected. As a result, onsite bat presence remains undetermined. Any impacts to bats, either direct or indirect including roost disturbance and loss of habitat would be significant. Therefore, species-specific bat surveys are required during appropriate weather and time to determine presence/absence of bats onsite and to mitigate the Project's impact to bats below a significant level.

Protection Status. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1).

Avoidance. The Project is conditioned to avoid impacts to bats through MM BIO-2. CDFW appreciates that MM BIO-2 proposes to avoid the maternity season for bat species, which generally spans from April 1 to August 31.

Mitigation. CDFW supports the inclusion of MM BIO-2 “Pre-Construction Bat Surveys” with edits (edits are in ~~strikethrough~~ and **bold**) in the final MND, as per below to avoid impacts to bats.

Pre-Construction Bat Surveys. ~~No less than 60~~ **No more than 30** days prior to initiating Project activities, ~~the Project biologist~~ **a CDFW-approved bat biologist** shall conduct a bat **survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating** ~~roosting habitat suitability assessment of any vegetation that may be removed, altered, or indirectly impacted by the~~ Project activities. Any locations with potential to **provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites** ~~Support roosting bats~~ shall be surveyed by the **CDFW-approved bat** ~~Project~~ biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than **14** ~~30~~ days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, **bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project-specific** avoidance and minimization measures **to monitor Project-related noise, vibration, lighting, project phasing and timing**, ~~including~~ **and shall include** the designation of buffers based upon what bat species are found, and phased removal of trees.~~,~~ **The BAMPP** shall be developed and submitted to CDFW for review and approval **prior to initiating Project activities**. If the site supports maternity roosts, Applicant shall avoid **Project activities** ~~disturbing those areas~~ during the breeding season **(typically, maternity season is April 1 through August 31)** and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.

Desert Tortoise (*Gopherus agassizii*)

Project activities may result in the permanent loss of up to 134.6 acres of potential habitat for desert tortoise, a state-threatened, proposed endangered species, given that the Project property supports habitat for desert tortoise, as recognized in the IS/MND’s Habitat Assessment.

A search of the California Natural Diversity Database (CNDDB 2023) yielded four (4) occurrences of desert tortoise within a 5-mile radius of the Project site. If present, take of desert tortoise may occur as a result of Project-related activities such as crushing of desert tortoise-occupied burrows from construction equipment, vehicles, and foot traffic. Additionally, Project activities such as grading, ground disturbance, and vegetation clearing may also result in take of desert tortoise.

Protection Status. Desert tortoise is a state-threatened, proposed endangered species under CESA. Take of desert tortoise is prohibited except as authorized by State law (Fish & Game Code, §§ 2080, 2085, California Code of Regulations, tit. 14, § 786.9).

Avoidance. The IS/MND is conditioned to avoid impacts to desert tortoise through pre-construction surveys (see MM BIO-3 below). In areas where desert tortoise may be present and cannot be avoided, CDFW encourages the Project proponent to obtain a CESA Incidental Take Permit (ITP), as re-iterated in MM-BIO-3 below.

Mitigation. CDFW appreciates the inclusion of MM BIO 3 "Pre-Construction Desert Tortoise Clearance Survey" and encourages the County move forward with MM BIO-3 as revised below to avoid impacts to desert tortoise (edits are in ~~strikethrough~~ and **bold**):

Mitigation Measure BIO-3

Pre-Construction Desert Tortoise Clearance Survey. A pre-construction clearance survey shall be conducted by a CDFW-approved biologist ~~thirty (30) days~~ **no more than 48 hours** prior to ground disturbing activities ~~in undeveloped areas~~ to confirm the absence of desert tortoise within the boundaries of the ~~survey~~ **Project** area **and a 50-foot buffer and after any pause in Project activities lasting 30 days or more** during desert tortoise active season (April to May or September to October), in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. **Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented.** Survey transects should be spaced at 10-meter (33-foot) intervals ~~throughout the undeveloped portions of the project area~~ to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW **prior to start of Project activities**. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. ~~Although not anticipated, if~~ **If** desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine ~~if~~ avoidance and minimization measures ~~can be implemented~~ to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be obtained prepared and approved by the USFWS and CDFW.

Burrowing Owl (*Athena cunicularia*)

The Habitat Assessment concludes that the Project site does not support suitable habitat for burrowing owl, a California SSC, however, no focused surveys were conducted to determine presence/absence of burrowing owls. Burrowing owls are

known to occur within one (1) mile of the Project site (CNDDB 2023). Burrowing owls favor open areas populated with scarce, low-lying vegetation, such as that found on the Project site. Burrowing owl surveys should be conducted whenever burrowing owl habitat or sign is encountered on or adjacent to (within 150 meters) a project site and follow protocols set forth in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012).

Project construction may result in injury or mortality of burrowing owls, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may result in the permanent loss of up to 134.6 acres of potential breeding, wintering, and foraging habitat for burrowing owl. CDFW recommends that the County review and follow requirements for burrowing owl as outlined in the 2012 Staff Report to ensure the Project meets burrowing owl survey requirements and to avoid potential impacts to burrowing owl and burrowing owl foraging, breeding, and nesting habitat.

Protection Status. Burrowing owl is a CDFW SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. Burrowing owl is a SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

Avoidance. Burrowing owl are susceptible to impacts year-round as their breeding season generally extends from February 1 to August 31 and their overwintering period generally from September 1 to January 31. While overwintering, burrowing owl may be less likely to be detected as they overwinter underground in burrows. In areas where burrowing owl may be present, ground disturbing should be avoided. If burrowing owl are found within the Project area during pre-construction surveys (see MM BIO-4 below) or construction activities, and it is not possible to avoid active burrows, passive relocation and mitigation should be implemented as per MM BIO-5 below.

Mitigation. In areas where burrowing owl may be present, CDFW recommends that the County follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFW 2012c). The 2012 Staff Report specifies three steps for project impact evaluations: a habitat assessment; surveys; and an impact assessment. Impact assessments should evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance by the Project. If impacts to burrowing owl or their associated habitat are to occur, the Project should be conditioned such that appropriate habitat for burrowing owl is protected or created. Habitat should be secured or created based on site-specific analysis and consider the wide variation of natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. Mitigation for permanent impacts to nesting,

occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range wide. Therefore, CDFW supports the inclusion of MM BIO-4 with revisions (edits are in ~~strikethrough~~ and **bold**) and recommends the adoption of MM BIO-5 in the final MND, as per below to avoid impacts to burrowing owl:

Mitigation Measure BIO-4

Pre-Construction Burrowing Owl Clearance Survey. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls **are** ~~remain~~ absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted**, one at no more than** 14 ~~– 30~~ days and **another within** 24 hours**,** prior to any ground disturbance or vegetation removal activities. **The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.**

Mitigation Measure BIO-5

Burrowing Owl Avoidance/Relocation. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation

program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

Impacts to Sensitive Plant Species

CDFW is concerned that the Project may affect sensitive plant species with the potential to occur onsite, such as alkali mariposa-lily (*Calochortus striatus*; Rank 1B.2) considering floristic surveys were conducted in March, which is outside of the blooming period for some sensitive plant species; for example, alkali mariposa-lily has a general blooming period of April through June. The Project has the potential to impact sensitive species, that are rare, threatened, or endangered in California (Rank 1B.2), such as alkali mariposa-lily. Grading, vegetation removal, and other ground disturbances are likely to result in direct mortality of sensitive plants.

Protection Status. Take of any CESA-listed plant species (i.e., western Joshua tree) that results from the Project is prohibited, except as authorized by State law (Fish & Game Code, §§ 2080, 2085, California Code of Regulations, tit. 14, § 786.9). Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. Likewise, CDFW considers State listed communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in the Manual of California Vegetation (MCV) | California Native Plant Society (cnps.org) (CNPS 2022).

Avoidance. The final MND should include measures to fully avoid and otherwise protect special status, sensitive, and rare plant species, and plant communities from Project-related direct and indirect impacts. The Project should discuss how the Project has been designed to avoid impacts to special status plant species so that CDFW may assess whether impacts have been lowered to less than significant. CDFW therefore recommends a thorough, floristic-based assessment of special status plants at the appropriate time(s) of year, using the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018 or most recent version) before the County adopts the MND.

Mitigation. To avoid impacts to sensitive plant species, CDFW recommends MM BIO-6 below. As indicated in MM BIO-6, if sensitive plant species are present, the County should avoid the plant(s). If complete avoidance is not feasible, the County should mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species (i.e., western Joshua tree), the County should apply for a CESA ITP with CDFW.

Mitigation Measure BIO-6

Pre-construction rare plant clearance survey. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Lake and Streambed Alteration

CDFW has authority over activities in rivers, streams and lakes that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake (Fish and Game Code section 1602). For any such activities, the County should provide written notification of Lake and Streambed

Alteration to CDFW and obtain a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code section 1602.

The IS/MND states that a preliminary jurisdictional delineation was conducted for the Project, during which it was determined that several unnamed ephemeral drainages (total number undisclosed) exist within the Project site. Based on aerial imagery, CDFW estimates there are at least two distinct drainages onsite. Although the IS/MND states that not all of the drainages will be impacted, no information is provided on which drainages will be avoided or how they will be avoided and/or impacted. It is also worth noting that the jurisdictional delineation was not provided in the IS/MND.

Avoidance. A notification to CDFW of Lake and Streambed Alteration should be provided for the Project to ensure impacts to Fish and Game Code section 1602 resources are assessed by CDFW, and if impacts are to occur that impacts are authorized and mitigated. The notification should include thorough details, including corresponding acreage of each drainage and acres of permanent and temporary impacts. The notification should also demonstrate how each drainage will be completely avoided or impacted and include the jurisdictional delineation that was conducted.

Mitigation. CDFW recommends MM BIO-7 below to determine impacts to Fish and Game Code section 1602 resources, and if impacts are to occur, to authorize and offset those impacts.

Mitigation Measure BIO-7

Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Drought-Tolerant Landscaping

The Project proposes native palm trees for landscaping and shade trees. Because California has entered another period of extended drought, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: Around the Yard (saveourwater.com).

ENVIRONMENTAL DATA

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: Submitting Data to the CNDDB (ca.gov). The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: CNDDB - Plants and Animals (ca.gov).

FILING FEES

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

CONCLUSION

CDFW requests that the County include the suggested mitigation measures (Attachment 1) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

CDFW appreciates the opportunity to comment on the IS/MND for San Bernardino County Wonder Inn Hotel/Resort (SCH No. 2023010295) and hopes our comments will assist the County in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Corina Jimenez, Environmental Scientist at Corina.Jimenez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov.

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

California Natural Diversity Database (CNDDB) Government [ds45]. 2023. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline

California Native Plant Society. 2022. Manual of California Vegetation. Available from: Manual of California Vegetation (MCV) | California Native Plant Society (cnps.org)

U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Biological (BIO) Mitigation Measures (MM)	Implementation Schedule	Responsible Party
MM BIO-1 Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Regardless of the time of year, a pre-construction sweep shall be performed to verify the absence of nesting birds. A qualified biologist (Biologist) shall conduct the pre-activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by the Biologist no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Surveys shall include any	Prior to the initiation of Project activities	Project Proponent

potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If the Biologist finds an active nest within the pre-construction survey area or the Project's zone of influence (generally 100-300 feet) and determines that the nest may be impacted, the Biologist shall delineate an appropriate no disturbance buffer zone around the nest to prevent nest destruction or abandonment. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. The buffer shall be a minimum of songbirds and 500 feet from the nests of raptors and listed species unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. Any active nests observed during the survey shall be mapped on an aerial photograph. no longer occupied and the juvenile birds can survive independently from the nests as confirmed by the Biologist. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to determine whether construction activities are disturbing the nesting birds or nestlings. If the Biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the 'no disturbance buffer' shall be expanded to ensure that no inadvertent impacts on these nests occur. If an active nest is encountered during construction, construction shall stop immediately until the Biologist can determine the status of the nest and when work can proceed without risking violation to state or federal laws. Results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW, the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring and describe construction restrictions currently in place.		

MM BIO-2 <u>Pre-Construction Bat Surveys</u>. No more than 30 days prior to initiating Project activities, a CDFW-approved bat biologist shall conduct a bat survey on and within 100 feet of the Project site during appropriate weather conditions and time of day prior to initiating Project activities. Any locations with potential to provide daytime and/or nighttime, wintering (hibernacula), and maternity roost sites shall be surveyed by the CDFW-approved bat biologist using an appropriate combination of structure inspection, sampling, exit counts, and acoustic surveys. Surveys shall be conducted during the appropriate time of day/night to ensure detection of bats. The results of the pre-construction bat surveys shall be submitted to CDFW for review no less than 14 days prior to the initiation of Project activities. If the presence of bats within the Project is confirmed, bats shall be identified to the species level. The colony shall be evaluated for its size and significance and to determine the presence of a maternal colony. A CDFW-approved bat biologist shall develop and implement a Bat Avoidance, Monitoring, and Protection Plan (BAMPP) that includes Project-specific avoidance and minimization measures to monitor Project-related noise, vibration, lighting, project phasing and timing, and shall include the designation of buffers based upon what bat species are found, and phased removal of trees. The BAMPP shall be developed and submitted to CDFW for review and approval prior to initiating Project activities. If the site supports maternity roosts, Applicant shall avoid Project activities during the breeding season (typically, maternity season is April 1 through August 31) and shall compensate for impacts and losses to maternity roosts and/or special-status bat habitat through a mitigation strategy approved by CDFW.	Prior to the initiation of Project activities	Project Proponent
MM BIO-3 <u>Pre-Construction Desert Tortoise Clearance Survey</u>. A pre-construction clearance survey shall be conducted by a CDFW-approved biologist no more than 48 hours prior to ground disturbing activities to confirm the absence of desert tortoise within the boundaries of the	Prior to the initiation of Project activities	Project Proponent

Project area and a 50-foot buffer and after any pause in Project activities lasting 30 days or more during desert tortoise active season (April to May or September to October), in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Survey transects should be spaced at 10-meter (33-foot) intervals to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine ~~if~~ avoidance and minimization measures to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be obtained prepared and approved by the USFWS and CDFW.		
MM BIO-4 <u>Pre-Construction Burrowing Owl Clearance Survey</u>. A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls are absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) preconstruction clearance surveys should be conducted, one at no more than 14 days and another within 24 hours, prior to any ground disturbance or vegetation removal activities. The surveys shall include 100 percent coverage of the	Prior to the initiation of Project activities	Project Proponent

project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction. If occupied active burrows or sign thereof are found within the development footprint during the pre-construction clearance survey, Project activities shall not commence, and Mitigation Measure BIO-5 shall apply.		
MM BIO-5 <u>Burrowing Owl Avoidance/Relocation</u>. If active burrows or signs thereof are found within the development footprint during the pre-construction clearance surveys, site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the applicant and the County, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite and propose mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.	Prior to the initiation of Project activities	Project Proponent

MM BIO-6 Pre-construction rare plant clearance survey. Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the County shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project Applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.	Prior to the initiation of Project activities	Project Proponent
MM BIO-7 Lake and Streambed Alteration Notification: Prior to construction and issuance of any grading permit the Project Proponent should either: (1) obtain written	Prior to the initiation of Project activities	Project Proponent

correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or (2) obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.		

EXHIBIT G

Desert Tortoise Council Letter

DESERT TORTOISE COUNCIL
3807 Sierra Highway #6-4514
Acton, CA 93510
www.deserttortoise.org
eac@deserttortoise.org

Via email only

10 February 2023

Attn: Azhar Khan, Planner
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave 1st Floor
San Bernardino, CA 92415
azhar.khan@lus.sbcounty.gov

RE: Wonder Inn Hotel/Resort (Twentynine Palms) (PROJ-2021-00163)

Dear Mr. Khan,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer that the County of San Bernardino Land Use Services Department (County) email to us future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail." In fact, it was by means of an email received from the County on 1/20/2023 that we received notification of this project, which we appreciate.

Given the location of the proposed project in habitats known to be occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments pertain to enhancing protection of this species during activities authorized by the County. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), as it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), population size fewer than 50 individuals, other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. This status, in part, prompted the Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Defenders of Wildlife et al. 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California.

The following information is provided in the County's Notice of Availability (NOA) and Notice of Intent (NOI), dated 1/17/2023: "A Concurrent filing of a Tentative Parcel Map to consolidate six parcels into two parcels, a General Plan Land Use Amendment from Rural Living (RL) to Commercial (C) and a Zoning Amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS), a Conditional Use Permit for a proposed hotel use with the conversion of an existing 4,407- square foot office building to a restaurant/lobby and the construction of 106 guest rooms, 5,031 square foot conference room, 4,666 square foot wellness center and ancillary structures on a 24.4-acre site, located at 78201 Amboy Road, Twentynine Palms" (Proposed Project). The total project area is 134.6 acres.

The County's Initial Study/Mitigated Negative Declaration Checklist, dated January 2023, provide the following additional information on page 2:

Accommodations:
• 106 pre-manufactured modular structures placed in pods that will serve as the hotel rooms (total of 42,120 SF).
• 210 vehicle parking stalls, of which 12 contain electric vehicle charging stations, and seven are compliant with the American With Disabilities Act (ADA).
• 10 dedicated to motorcycle parking.

Amenities:
• Lobby, restaurant, kitchen, clubhouse – 4,407 SF (remodel of existing commercial style building).
• Administration/Back of House – 6,310 SF pre-manufactured modular building.
• One Swimming Pool – 6,300 SF.
• Wellness Area with arrival center (a building), shade structure treatment rooms, restroom, and a shade structure fitness room (total 3,985 SF).
• A 3,300 SF multi-purpose tent for gatherings with a 1,700 SF building and restroom area.
• Astronomy pergola – an approximately 250-foot linear, landscaped pathway to an existing on-site metal structure that includes landscaping and benches, and hard surfaces to set up telescopes or sit and watch the stars.
• Sunken Garden – an approximately 250-foot linear, landscaped pathway would lead to a landscaped area that is lower than the ground surface for seating.

Site Features:
• Landscaping features that include a variety of native palm and shade trees, water features, creosote mounds, decomposed granite trails, and water features.
• The parking lot will be asphalt chip seal, but the interior pathways and roadways and trails will be compacted decomposed granite.
• Drainage controls include construction of rock lined swales mostly along southern side of the property, intended to intercept and divert surface runoff to proposed detention ponds on both sides of the development area. This will prevent the offsite runoff from mixing with the rain water in the development zone. The outlet points for these lined swales will be fitted with detention ponds to attenuate the flow as it is released from the site. Outlets for the ponds will also include riprap pads and dissipators, if necessary. Within the development area, inlets and pipe systems will be used to intercept and convey runoff. The runoff will be brought to infiltration ponds for treatment before eventual release to its original flow path.

We note on page 5 of the Initial Study under the list of "Additional Approval Required by Other Public Agencies," that there are no such Federal approvals and several approvals by the State of California. For reasons given herein, we believe that a Federal Section 10(a)(1)(B) incidental take permit will be required from the U.S. Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act (FESA) and a Section 2081 incidental take permit under the California Endangered Species Act (CESA) will be required from the California Department of Fish and Wildlife (CDFW) before any ground disturbance occurs, which we believe will result in the take of the Federal- and State-listed Mojave desert tortoise. In addition, authorizations from both agencies may be required for the take of migratory birds under the Migratory Bird Treaty Act and its implementing regulations, and California Fish and Game Code.

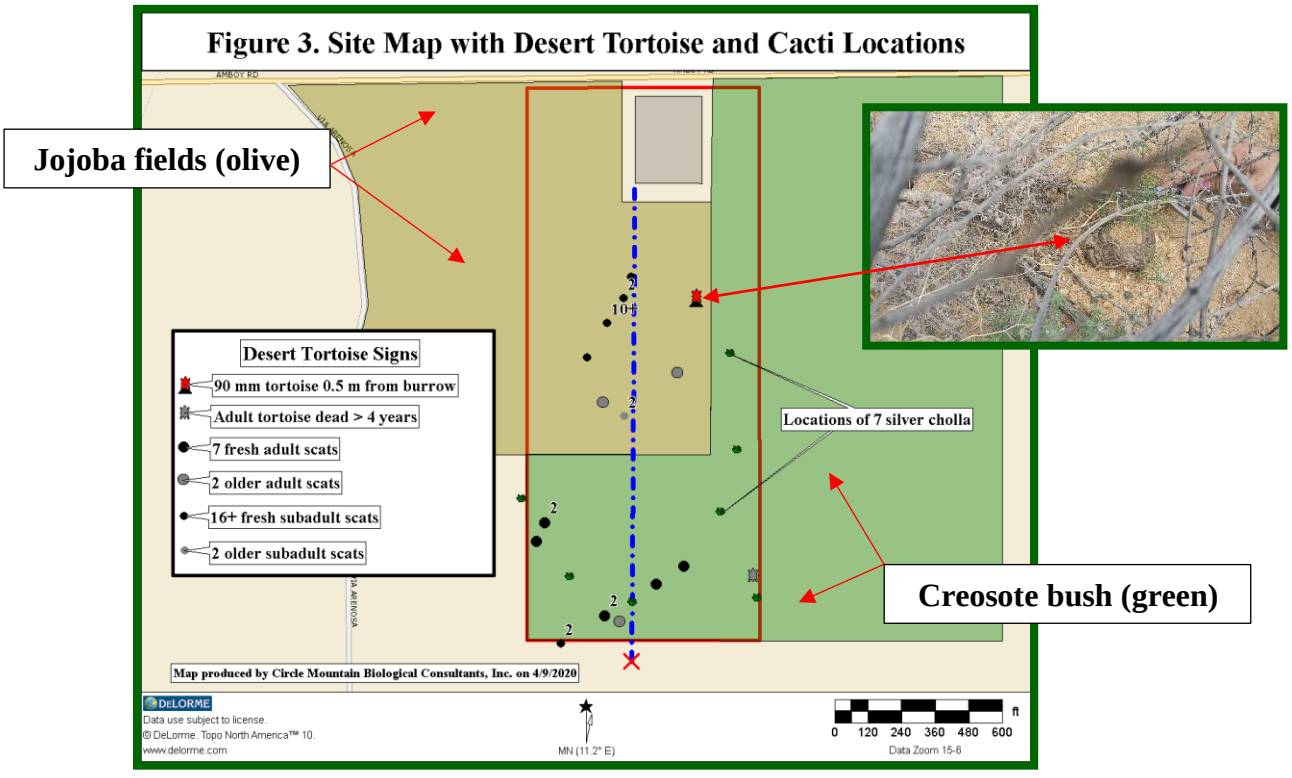
On page 30 of the Initial Study, we read "No special-status wildlife species were observed on-site during the field survey performed as part of the Habitat Assessment (HA) in Appendix B-1. Based on habitat requirements for specific species and the availability and quality of onsite habitats, the HA in Appendix B-1 identified that the Proposed Project site has a low to moderate potential to support the following species as identified in Table 4 - Summary of Sensitive Species and Potential to Occur, although none of the species in Table 3 [sic?] were identified in the field survey in Appendix B-1." Please revise this section and add the species in the tables.

We read on page 5 of the Habitat Assessment (ELMT 2021), "All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred on the project site that would otherwise limit the distribution of special-status biological resources." Perhaps through no fault of their own, the consultant was not aware that a protocol tortoise survey and habitat assessment was conducted on 40 of the 135-acre± subject property in April 2020 (Circle Mountain Biological Consultants, Inc. 2020), which is described below. The results of this survey and assessment should be added to the HA and the California Environmental Quality Act (CEQA) document and included in the description and analysis of impacts from implementation of the Proposed Project.

Page 6 of the HA states, "ELMT biologist Travis J. McGill evaluated the extent and conditions of the plant communities found within the boundaries of the project site on March 25, 2021. Plant communities identified on aerial photographs during the literature review were verified in the field by walking *meandering transects* [*emphasis* added] through the on-site plant communities and along boundaries between plant communities." We note later on page 16 that a "systematic search of the project site" is referenced but not described.

There is no indication that a protocol tortoise survey (USFWS 2019) was performed, either in the text or in the literature cited. We note that given a 30-year standard of surveying for tortoises of approximately four acres per hour, that it would take approximately 34 hours to survey a 135-acre site, which excludes peripheral surveys to detect western burrowing owl (*Athene cunicularia*) (CDFG 2012[1]), which would take several more hours. Given that Mr. McGill completed "meandering transects" on the 135-acre site on only one day, and lacking any additional information, we conclude that the requisite protocol survey was not performed.

Importantly, Mr. McGill's reconnaissance survey was performed on 3/25/2021, approximately 11 months after CMBC (2020) performed its protocol survey on 4/6/2020. During the April survey, two biologists spent approximately eight hours performing surveys on a 40-acre portion of the same property, encompassing a portion of APN 0625-071-04 and all of APN 0625-071-09. During the CMBC survey, biologists found a 90 mm desert tortoise, the carcass of an adult tortoise that died more than four years ago, 7 fresh scats deposited in 2020 by adult tortoise(s), 2 older scats deposited prior to 2020 by adult tortoise(s), 16+ fresh scats of subadult tortoise(s), and 2 older scats of subadult tortoise(s). Following is a diagram from CMBC (2020) depicting tortoise sign:



[1] https://www.dropbox.com/s/1mqiw7aqo847hzs/WonderInn.2012.pdf?dl=0

Most of our Board members are desert tortoise field biologists, and we can state without reservations that 90% or more of the tortoise sign found in April 2020 was still present on the smaller 40-acre parcel in March 2021 when the reconnaissance survey was performed. Depending on the biologist's experience level, we are certain that tortoise sign would have been found had the appropriate protocol survey been performed. It is noteworthy that tortoise sign, including the juvenile tortoise, were found in marginal habitats in the abandoned jojoba fields (olive area shown above in Figure 3); the sign is even more common in the intact creosote bush scrub community (green areas in Figure 3); and tortoise sign almost certainly occur on the 90 acres that were not surveyed by CMBC. So, the full extent of the impact remains unknown until the entire site is surveyed along transects spaced at no wider than 10-meter intervals (USFWS 2019).

Given this information and available data from peer-reviewed scientific papers on biology of and threats to the tortoise, the Council concludes that development of this site would invariably result in the take of tortoises. Take would occur from direct, indirect, and/or cumulative impacts (e.g., increase in human subsidized predation, entrapment of tortoises in drainage control facilities, etc.), and without the State and Federal incidental take permits listed above, would be in violation of both the California Endangered Species Act and Federal Endangered Species Act. We recommend that the County require a new survey of the 135-acre± site, employing the appropriate tortoise survey protocols (USFWS 2019) onsite and burrowing owl survey protocols in adjacent areas (CDFG 2012). For tortoise surveys, this would include implementing the survey at the appropriate time of the year and by personnel deemed qualified by USFWS and CDFW. In the meantime, the Initial Study, at least with regards to Biological Resources, needs to be revised and redistributed after these surveys are performed.

Finally, given the introduction of people into tortoise-occupied habitats and the likelihood that tortoise predators, including common ravens and coyotes, are likely to be drawn onto the site and adjacent areas seeking new food and water sources (Boarman 2003, Kristan and Boarman 2003), the Council concludes that the County must require an environmental impact report (EIR) for the proposed project that addresses all direct, indirect, and cumulative impacts to tortoises in the area. Importantly, the subject property is only 2.5 miles north of the Pinto Mountains Critical Habitat Unit (USFWS 1994) and Pinto Mountains Area of Critical Environmental Concern (ACEC; BLM 2006). Among other things, the EIR must address impacts to these proximate, essential tortoise habitats (USFWS 1994). The County should require the Project Proponent to contribute to the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts as well as other measures to mitigate the direct and indirect impacts during construction and operations and maintenance of the Proposed Project.

We appreciate this opportunity to provide comments on this project and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the County that may affect species of desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we ask that you respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Respectfully,

Mari Quillman, Chairperson
Desert Tortoise Council

cc. Rollie White, Assistant Field Supervisor, Palm Spring Fish and Wildlife Office, U.S. Fish and Wildlife Office, rollie_white@fws.gov

Heidi Calvert, Regional Manager, Region 6 – Inland and Desert Region, California Department of Fish and Wildlife, Heidi.Calvert@wildlife.ca.gov

Brandy Wood, Region 6 – Desert Inland Region, California Department of Fish and Wildlife, brandy.wood@wildlife.ca.gov

California State Clearinghouse state.clearinghouse@opr.ca.gov

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[USFWS] U.S. Fish and Wildlife Service. 1994. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. Federal Register 55(26):5820-5866. Washington, D.C. https://www.dropbox.com/s/c98obavb2mn8aom/USFWS%20Critical%20Habitat%20Designation%20in%201994.pdf?dl=0

EXHIBIT H

Findings

FINDINGS: GENERAL PLAN AMENDMENT. The following are the required findings, per the San Bernardino County Development Code ("Development Code") Section 86.12.060 and supporting facts for the proposed Policy Plan amendment from Rural Living (RL) to Commercial (C) (the "Policy Plan Amendment") and zoning amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS) (the "Zoning Amendment") (collectively the "Proposed Amendment" or "Project") on a 21.22-acre site consisting of a portion of APNs 0625-071-04, -05 and -07 ("Project Site"):

1. **The proposed amendment is internally consistent with all other provisions of the Policy Plan;**

   The proposed amendment is consistent with and will further the objectives, goals and policies of the Policy Plan. Specific goals and policies furthered by the proposed amendment include, but are not limited to, the following:

   - Policy LU-2.1 Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

     Consistency: *The Proposed Amendment is appropriate because a 3.18-acre portion of the Project Site already has a current Policy Plan and Zoning designation as Commercial (C) and Service Commercial (CS), respectively. The Project proposes to expand the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres. The Project Site currently has an existing commercial building and does not have any adjacent single-family homes. The change is consistent with the required minimum lot size for parcels that are zoned Service Commercial (CS). The Proposed Amendment would allow the proposed nonresidential use to be located within the parameters of the Service Commercial (CS) zone.*

   - Policy LU-2.4 Land Use Map consistency. We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

     Consistency: *The Proposed Amendment is appropriate as a portion of the current Policy Plan and Zoning designation for the Project Site is Commercial (C) and Service Commercial (CS), respectively, and the Project proposes to expand the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres. The increase in the commercial size to the additional 21.22 acres would be compatible and consistent with surrounding land uses. The Proposed Amendment will support the development of a hotel and resort that aligns with maintaining the values and aspirations*

of the Wonder Valley Community Action Guide, including the furtherance of Action Statement B.3 which seeks to attract local businesses to the area. The Proposed Amendment will support a project that will increase tourism in the area, while maintaining a rural atmosphere and the natural desert beauty.

- Policy LU-2.10 Unincorporated commercial development. We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.

  Consistency: *The Proposed Amendment will support the development of a hotel and resort that will serve the unincorporated residential areas, tourists and travelers because it would provide overnight lodging and service options to an area that has seen an increase in tourism and create additional recreational activities for residents, tourists and travelers. The proposed use of the Project Site will include pedestrian access and trails within the development to support pedestrian circulation within the project area.*

- Policy LU-4.6 Adaptive reuse. We encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the unique sense of place, identity, and history of our communities.

  Consistency: *The Proposed Amendment will support the development of a hotel and resort that will rehabilitate and reuse an existing office building to preserve the unique sense of place.*

- Policy LU-6.3 Commercial amendments. We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially-designated land in the area.

  Consistency: *The Proposed Amendment does not introduce new commercial areas, rather expands on existing commercial area. The Proposed Amendment expands the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres.*

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

The Proposed Amendment will allow for the development of a hotel use with the conversion of an existing 4,226 square foot office building to a restaurant/lobby, the construction of 106 guest rooms, 5,031 square foot conference room, 4,666 square foot wellness center and ancillary structures. The Proposed Amendment would not be detrimental to the public

interest, health, safety, convenience, or welfare of the County. The Proposed Amendment facilitate a development that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the development will generate increased revenue to the community as a result of increased property taxes, resulting in enhanced local public services. The Project will also promote significant economic development within the community, including construction jobs.

3. The proposed amendment is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.

Approval of the Proposed Amendment would allow for the development of hotel and resort use. The development would require construction of new parking areas, internal vehicular access drive aisles curb, gutter, sidewalks, storm drain improvements and related infrastructure improvements. The proposed development will provide a community benefit by means of improved drainage, infrastructure improvements such as widening of Amboy Road, and the construction of sidewalks, curb and gutters fronting Amboy Road. In addition, the development would include landscaping throughout the site and the use of consistent building materials which would provide architectural compatibility. The development would also provide overnight lodging and service options to an area that has seen an increase in tourism and create additional recreational activities for residents, tourists and travelers. As such, the proposed Project will be a benefit to the community and region and not compromise existing development in the area.

4. The proposed amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

The Proposed Amendment will not result in an inconsistency with the existing land use pattern, rather the Proposed Amendment expands on the existing commercial area in a reasonable and logic extension of the existing land use pattern. The Proposed Amendment expands the commercially zoned property into a more conforming size from 3.18 acres to 24.4 acres. Furthermore, the Proposed Amendment would not conflict with a policy or plan adopted for the purpose of avoiding or mitigating an environmental effect.

5. The proposed amendment change does not conflict with provisions of this Development Code.

The Proposed Amendment will further the objectives and purpose of the Commercial Land Use Category and Zoning designations, which is intended for commercial uses and provides for a mixture of heavy commercial uses and light industrial uses, including light manufacturing uses, and similar and compatible uses. Since proposal is for a hotel use, the development is considered to be consistent and will not conflict with the Development Code.

6. **The proposed amendment will not have a substantial adverse effect on surrounding property.**

   The Proposed Amendment will allow for the development of a 106-room hotel. A portion of the Project Site of the Proposed Amendment has been previously used for commercial activity since the 1970s. The Project Site was also previously used as agricultural crop production which ceased operations in 2007.

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

   The Proposed Amendment will facilitate the development of a hotel use that is suitable in terms of design, location, shape and size to allow for adequate emergency vehicle access and connection to all required utilities. Developing the hotel use would be consistent with the allowed uses within the land use table which requires the submittal of a Conditional Use Permit. The proposal would create a cohesive neighborhood and would not endanger, jeopardize or create a hazard to properties in the vicinity. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of the development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity.

FINDINGS: CONDITIONAL USE PERMIT. The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040 and supporting facts for the Conditional Use Permit (PROJ-2021-00163) for a proposed hotel use with the conversion of an existing 4,226 square foot office building to a restaurant/lobby, the construction of 106 guest rooms, 5,031 square foot conference room, 4,666 square foot wellness center and ancillary structures ("Project") on a 24.4-acre site ("Project Site").

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

   The 24.4-acre site will accommodate the proposed hotel use and ancillary structures associated with the Project. The proposed site plan complies with applicable Development Code standards in terms of setbacks, parking, landscaping, walls, and fences. The site will provide 143,212 (15%) square feet of landscaping. The Project also complies with the California Department of Fish and Wildlife's recommendation for xeriscaping with locally native California species and installing water-efficient and targeted irrigation system.

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 site for the proposed use has adequate access because the Project's design and proposed conditions of approval provide for the streets surrounding the site to be fully improved to provide legal and physical access to the site. The site is provided with adequate legal and physical via three driveways access from Amboy Road.

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

The proposed hotel use and Project improvements have been designed to incorporate sufficient road improvements and to conform to commercial performance standards, including those for noise and vibration and lighting. In addition, the use will not interfere with the present or future ability to use solar energy systems.

4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan and any applicable Community or Specific Plan.

The Project is consistent with and will further the objectives, goals and policies of the Policy Plan. Specific goals and policies furthered by the proposed amendment include, but are not limited to, the following:

- Policy LU-2.1 Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

  Consistency: *The Project is appropriate because a 3.18-acre portion of the Project Site already has a current Policy Plan and Zoning designation as Commercial (C) and Service Commercial (CS), respectively. The Project proposes to expand the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres. The Project Site currently has an existing commercial building and does not have any adjacent single-family homes. The change is consistent with the required minimum lot size for parcels that are zoned Service Commercial (CS). The Project would allow the proposed nonresidential use to be located within the parameters of the Service Commercial (CS) zone.*

- Policy LU-2.4 Land Use Map consistency. We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: *The Project is appropriate as a portion of the current Policy Plan and Zoning designation for the Project Site is Commercial (C) and Service Commercial (CS), respectively, and the Project proposes to expand the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres. The increase in the commercial size to the additional 21.22 acres would be compatible and consistent with surrounding land uses. The Project will support the development of a hotel and resort that aligns with maintaining the values and aspirations of the Wonder Valley Community Action Guide, including the furtherance of Action Statement B.3 which seeks to attract local businesses to the area. The Project will increase tourism in the area, while maintaining a rural atmosphere and the natural desert beauty.*

- Policy LU-2.10 Unincorporated commercial development. We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.

  Consistency: *The Project will support the development of a hotel and resort that will serve the unincorporated residential areas, tourists and travelers because it would provide overnight lodging and service options to an area that has seen an increase in tourism and create additional recreational activities for residents, tourists and travelers. The proposed use of the Project Site will include pedestrian access and trails within the development to support pedestrian circulation within the project area.*

- Policy LU-4.6 Adaptive reuse. We encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the unique sense of place, identity, and history of our communities.

  Consistency: *The Project will support the development of a hotel and resort that will rehabilitate and reuse an existing office building to preserve the unique sense of place.*

- Policy LU-6.3 Commercial amendments. We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially-designated land in the area.

  Consistency: *The Project does not introduce new commercial areas, rather expands on existing commercial area. The Project expands the commercially zoned property into a more conforming size from 3.18 acres to approximately 24.4 acres.*

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

   The developer will be required to construct road improvements along Amboy Road and provide road dedication as part of the Conditions of Approval.

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

   The conditions of approval include mitigation measures from the Initial Study that require the developer to comply with the performance measures outlined in the County Development Code.

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.**

   Through the orientation and design of the buildings, the Project will be able to take advantage of passive solar heating capabilities.

ENVIRONMENTAL FINDINGS:

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures which have been incorporated into the Project's conditions of approval. The review authority finds that the changes to Mitigation Measures BIO-1, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7 after the circulation of the Mitigated Negative Declaration (MND) do not trigger recirculation. The review authority concludes that the changes identified above are equivalent or more effective in mitigating environmental impacts as previously determined in the circulated MND and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the Project and made part of the Project's Mitigation Monitoring and Reporting Program

A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination will be filed with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT I

Notice of Determination

Notice of Determination

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ Clerk of the Board
County of: San Bernardino
Address: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

From:
Public Agency: San Bernardino County, LUSD
Address: 385 North Arrowhead Ave, First Floor San Bernardino, CA 92415-0187
Contact: Azhar Khan
Phone: 909-601-4667

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2023010295

Project Title: Wonder Inn Hotel/Resort (PROJ-2021-00163)

Project Applicant: Wonder Inn LLC Jason Landver

Project Location (include county): 78201 Amboy Road, Twentynine Palms

Project Description:

A Policy Plan Land Use Amendment from Rural Living (RL) to Commercial (C) and a Zoning Amendment from Rural Living, 5-acre minimum lot size (RL-5) to Service Commercial (CS) on a 21.22-acre site, and a Conditional Use Permit to construct and operate a hotel with the conversion of an existing 4,226 square foot office building to a restaurant/lobby, the construction of 106 guest rooms, a 5,031 square foot conference room, a 4,666 square foot wellness center and ancillary structures on a 24.4-acre site.

This is to advise that the San Bernardino County Board of Supervisors has approved the above (☒ Lead Agency or ☐ Responsible Agency)

described project on TBD (date) and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final project approval and the Mitigated Negative Declaration are available to the General Public at:
385 N. Arrowhead Ave., San Bernardino, CA 92415

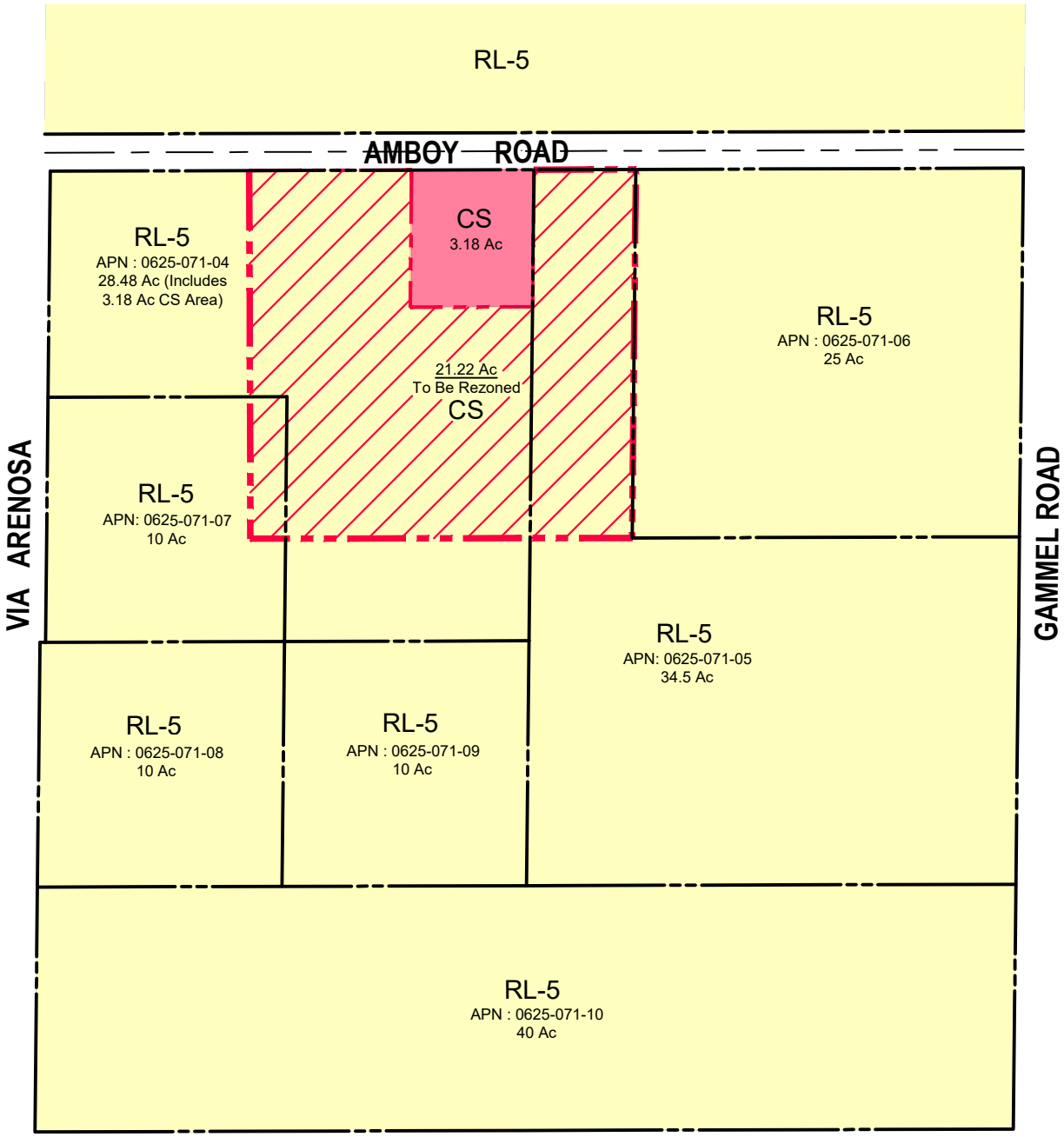
Signature (Public Agency): Heidi Duron Title: Planning Director

Date: Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code. Revised 2011

EXHIBIT J

Site Plan



Legend:

Service Commercial (CS)

Rural Living - 5-acre minimum (RL-5)

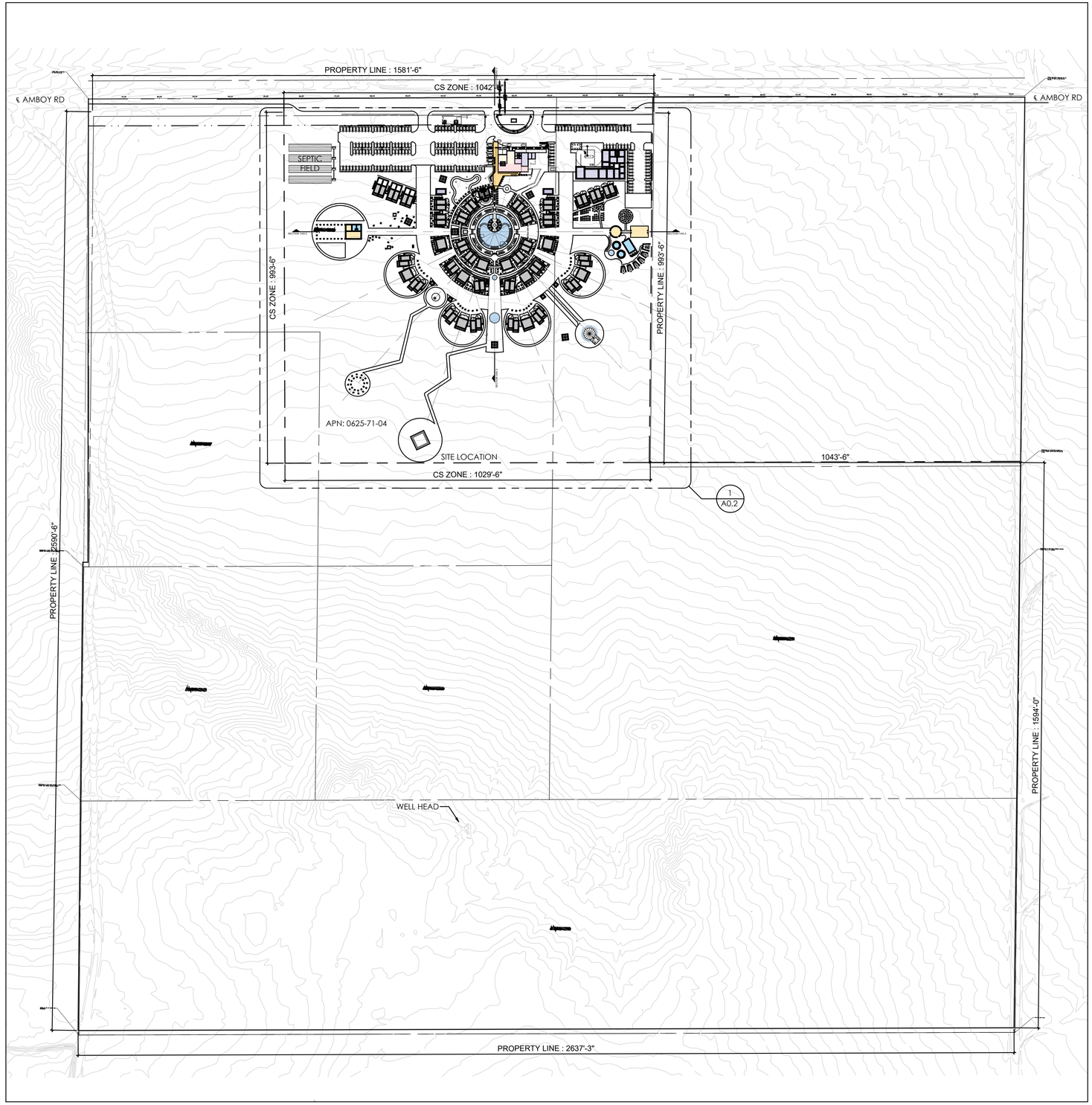
NTS

THE WONDER INN
78201 Amboy Road, 29 Palms, CA

TRANSTECH
www.transtech.org
TT-JN 20241 12-27-2022

CDP NOTES

1. Fire Jurisdiction: This project is protected by the San Bernardino County Fire Department. Prior to building permits being issues on any parcle, the applicant shall comply with the adopted Uniform Fire Code requirements and all other applicable codes, ordinances, and standards of San Bernardino County and local Fire Department standards.
2. Fire Requirements: Individual lot owners shall be required to provide their own fire protection measures as determined and approved by the Fire Department prior to any building permit issuance. Fire Protection measures may include Fire Department approval of Individual fire protection water systems (e.g. fire flow) for each lot, Automatic fire sprinklers for all structures, and Surfacing of access roads and roadways.
3. Deferred submittal will be required for Sprinklers, Alarms, and Underground Fire Water



01 - OVERALL SITE PLAN

SCALE 1"=150'-0"

FOR OFFICIAL USE ONLY

DEVELOPMENT SUMMARY

	REQ'D	PROPOSED
ZONING DISTRICT	CS	DESERT REGION
MIN LOT AREA	5 AC	24.4 AC (1,062,864 SF)
MIN LOT WIDTH	60 FT	1,040 FT
MIN LOT DEPTH	100 FT	989 FT
MAX WIDTH:DEPTH	1:3	1:1
NEW LODGING UNITS		106 DU
BUILDING HEIGHT LIMIT	35'	30'
ROW DEDICATION	52'	52' (FROM ℄ OF AMBOY)
SETBACKS		
FRONT	25'	25'
SIDE-STREET	25'	N/A
SIDE-INTERIOR	10'	10'
REAR	10'	10'
FLOOR:AREA RATIO	0.3:1	0.08
LOT COVERAGE	80%	SEE A0.2
PARKING	SEE PARKING CHART, A0.2	
MIN LANDSCAPE RATIO	40%	SEE LANDSCAPE

SHEET INDEX

APPLICANT

JASON LANDVER
78201 AMBOY RD, 29 PALMS, CA

LEGAL DESCRIPTION

NW ¼ NW ¼ NE ¼ AND ½ NW ¼ NE ¼ SEC 20 TP 1N R 10E EX N 50 FT THEREOF

APN

0625-071-04 through 0625-071-10

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED ARCHITECT
Joshua T. Shambaugh
C-38919
REN: 1-31-2023
STATE OF CALIFORNIA

CLIENT
A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

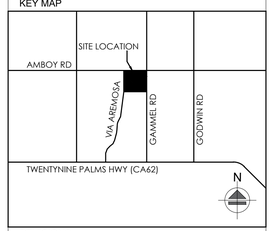
CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
450 EGAN AVE.
BEAUMONT, CA 92223
PHONE: 951.845.7743

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP



REVISIONS

NO.:	DESCRIPTION:	DATE:
1	COUNTY RESPONSE	6-16-22

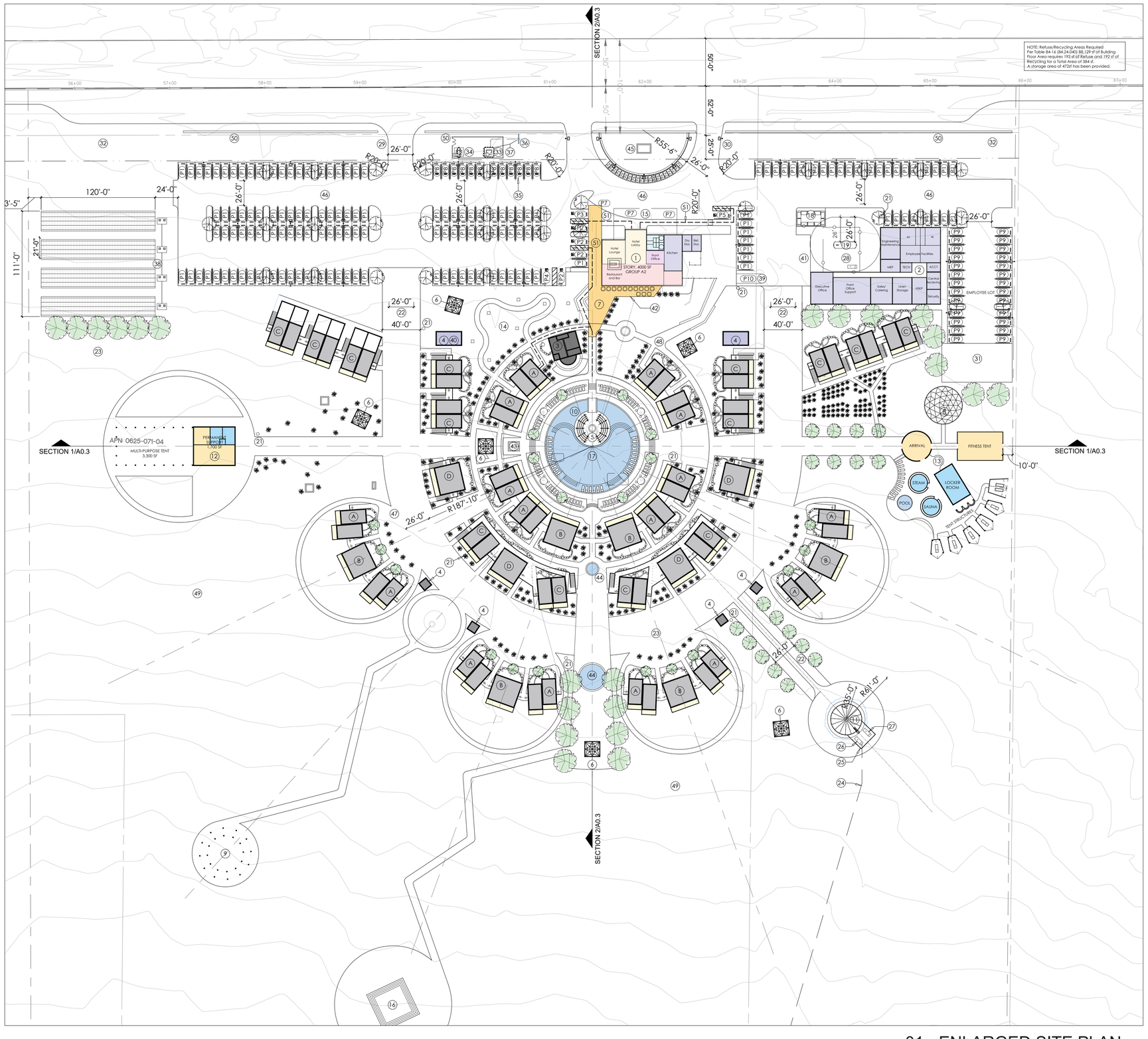
ISSUE DATE: 11-15-2021

CONDITIONAL USE PERMIT

SHEET NO.

A0.1

ARCHITECTURAL SITE PLAN



01 - ENLARGED SITE PLAN

SCALE 1"=50'-0"

KEY LEGEND

A	ONE-STORY HOTEL MODULE, GROUP R-1, 10/A0.4
B	ONE-STORY HOTEL MODULE, SUITE, GROUP R-1
C	TWO-STORY HOTEL MODULE, GROUP R-1, 7/A0.4
D	TWO-STORY HOTEL MODULE W/ SUITE, GROUP R-1
1	CLUBHOUSE BUILDING (EXISTING), GROUP A2, 1/A0.4
2	BACK OF HOUSE SUPPORT, GROUP B, 2/A0.4
3	POOL BAR, GROUP S-2, RESTROOMS, 3/A0.4
4	HOUSEKEEPING, GROUP S-1, 4/A0.4
5	POOL PERGOLA, 5/A0.4
6	OPEN-AIR PYRAMID (RELOCATED), 6/A0.4
7	COVERED WALKWAY
8	GEODESIC DOME (RELOCATED), 8/A0.4
9	ASTRONOMY PERGOLA, 9/A0.4
10	POOL LOUNGE SHELF
11	WATER TANK, 180,000 GAL, 11/A0.4
12	CONFERENCE CENTER, GROUP A-3, 12/A0.4
13	WELLNESS CENTER, A-3 13/A0.4
14	SCULPTURE GARDEN
15	DROP-OFF ZONE
16	SUNKEN GARDEN
17	SWIMMING POOL
18	REFUSE AND RECYCLING (472sf PROVIDED, See NOTE))
19	PROPANE TANK, 6,500 GAL, 25' MIN CLEARANCE
20	NOT USED
21	FIRE HYDRANT, REFER TO FIRE ACCESS PLAN
22	26' WIDE FIRE APPARATUS ACCESS ROAD
23	NOT USED
24	NEW 4" DIA. PVC WATER PIPE TO WELL
25	8' HIGH PROTECTION FENCE
26	WATER PUMP
27	EMERGENCY WATER PUMP BACK UP GENERATOR
28	EMERGENCY BACK UP PROPANE GENERATOR
29	PRIMARY EMERGENCY VEHICLE ACCESS WITH POSTED ADDRESS
30	SECONDARY EMERGENCY VEHICLE ACCESS WITH POSTED ADDRESS
31	NON-PARKING, LOT EXTENSION FOR FIRE ACCESS TURNAROUND
32	STORM WATER INFILTRATION BASIN, REFER TO CIVIL
33	TRANSFORMER
34	SWITCH
35	DEMO EXISTING POWER POLE
36	EXISTING POWER POLE
37	NEW UNDERGROUND POWER FROM POLE TO NEW SWITCH AND TRANSFORMER
38	SEPTIC LEACH FIELD (TO BE DESIGNED BY OTHERS)
39	TRUCK DELIVERY AREA
40	POOL EQUIPMENT
41	PROPANE DELIVERY PARKING
42	OUTDOOR DINING
43	ACCESSIBLE HOT TUB
44	WATER FEATURE
45	PREMISE AND BUILDING IDENTIFICATION/ADDRESSING
46	MIN. 2" ASPHALTIC CONCRETE
47	DECOMPOSED GRANITE PAVING
48	CONCRETE HARDSCAPE
49	WATER DETENTION BASIN, REFER TO CIVIL
50	SITE WALL, 36" NATURAL STONE
51	ACCESSIBLE PATH OF TRAVEL, NO SLOPE TO EXCEED 1:12 ALONG PATH, CHANGES IN GRADE TO COMPLY WITH ADA ACCESSIBILITY STANDARDS

PARKING LEGEND

P1	PARKING, STANDARD 9'X19' (149)
P2	PARKING, ACCESSIBLE 9'X19' W/ 5' AISLE (4)
P3	PARKING, ACCESSIBLE VAN 10'X19' W/ 5' AISLE (1)
P4	PARKING, ACCESSIBLE HC VAN 12'X19' W/ 5' AISLE (1)
P5	PARKING, ACCESSIBLE LOADING W/ AISLE, RAMP (1)
P6	PARKING, MOTORCYCLE 4'X8' (34)
P7	PARKING, STANDARD PARALLEL LOADING (3)
P8	PARKING, STANDARD CLEAN AIR VEHICLE 9'X19' (12)
P9	PARKING, STANDARD EMPLOYEE 9'X19' (28)
P10	PARKING, FREIGHT LOADING 10'X26' (1)

PARKING BREAKDOWN

HOTEL (1 PER UNIT @106 UNITS)	106
RESTAURANT (1 PER 50SF OF SEATING)	38
POOL (1 PER 500SF POOL AREA)	13
EMPLOYEE (APPROX. 10 PER SHIFT)	10
LOADING DOCK	1
CONFERENCE CENTER (1 PER 3 UNITS)	36
TOTAL REQUIRED	**204**
DISABLED (4 CAR, 1 VAN, 1 HC VAN, 1 DROPOFF)	7
CLEAN AIR VEHICLES	12
MOTORCYCLE (2=1 STANDARD, 20/2)	10
EMPLOYEE PARKING	26
LOADING DOCK	1
DROP-OFF	3
STANDARD	149
TOTAL PROPOSED	**208**
Total Building	**88,129**
Total Paving	**312,628**
Total CS Zone	**1,062,975**

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED ARCHITECT
Joshua T. Shambaugh
C-38919
REN: 1-31-2023
STATE OF CALIFORNIA

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A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

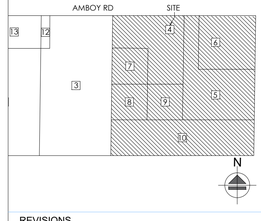
CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
450 EGAN AVE.
BEAUMONT, CA 92223
PHONE: 951.845.7743

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP



REVISIONS

NO.:	DESCRIPTION:	DATE:
1	COUNTY RESPONSE	6-16-22

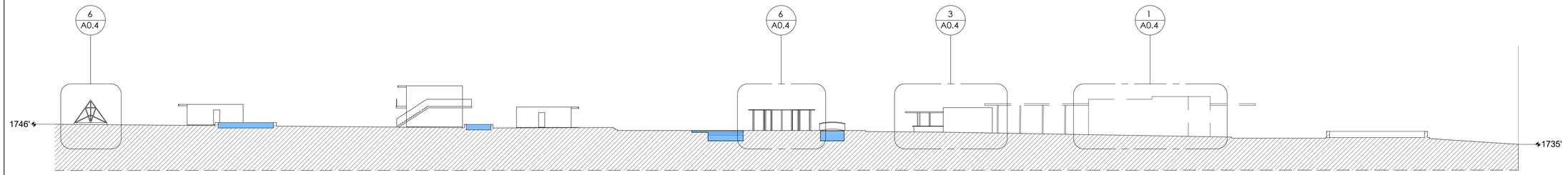
ISSUE DATE: 11-15-2021

CONDITIONAL USE PERMIT

SHEET NO.

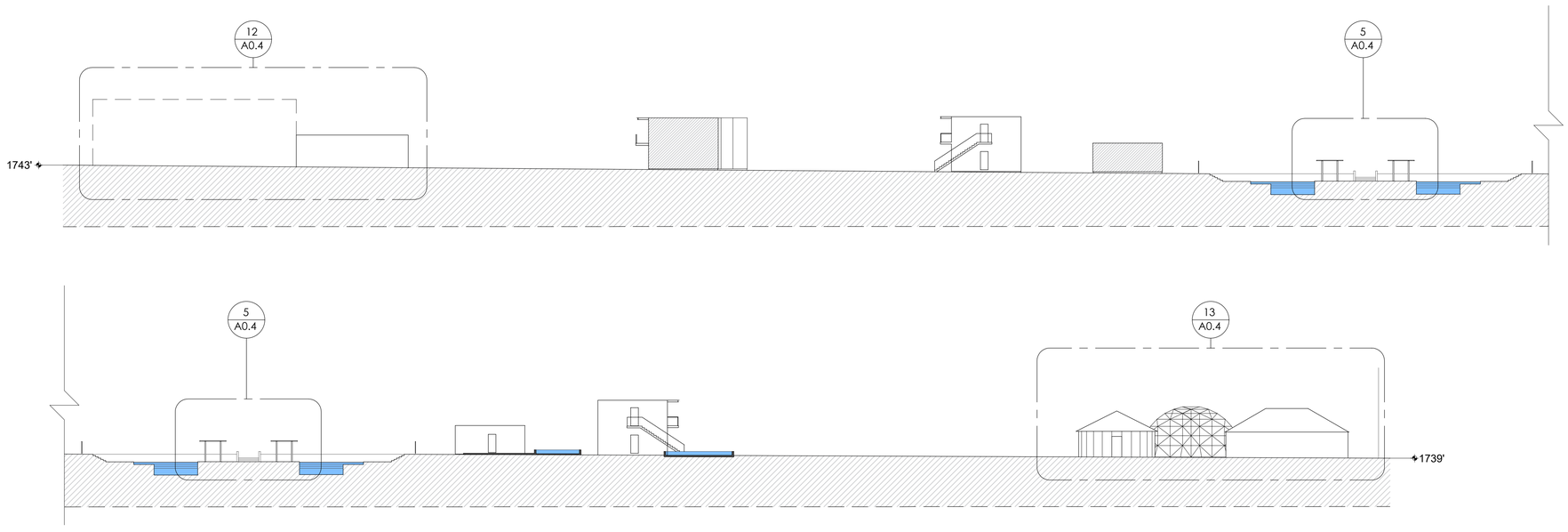
A0.2

ENLARGED ARCHITECTURAL SITE PLAN



02 - SITE SECTION 2

SCALE 1"=25'-0"



01 - SITE SECTION 1

SCALE 1"=25'-0"

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
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201 NORTH WESTMORELAND AVE
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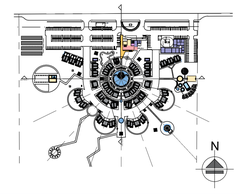
Disclaimer 1: NMDA's Contract Drawings are intended to illustrate the overall project design intentions and functional layout, and as such, NMDA's drawings DOES NOT represent the local Methods, Techniques and Means of Construction. Contractor shall issue their own shop drawings and only use NMDA's Contract Drawings as reference to meet the design intent.

Disclaimer 2: All Structural, Mechanical, Electrical and Plumbing Layout and Requirements are to be completed, verified and approved by the local Registered Structural, Mechanical, Electrical and Plumbing Engineers for compliance with the Local Building Safety, Codes and Regulations having jurisdiction over the Project's site.

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP



REVISIONS

NO.:	DESCRIPTION:	DATE:

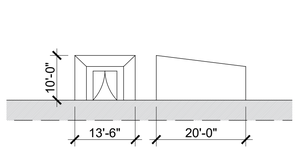
ISSUE DATE: 11-15-2021

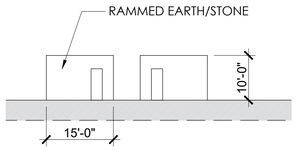
CONDITIONAL USE PERMIT

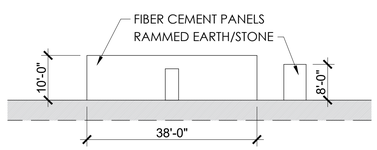
SHEET NO.

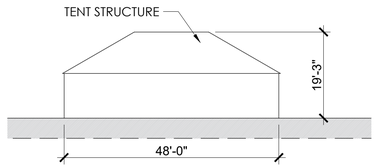
A0.3

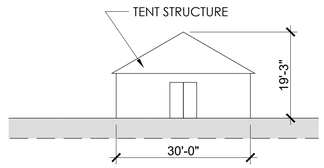
SITE SECTIONS

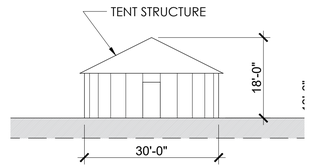






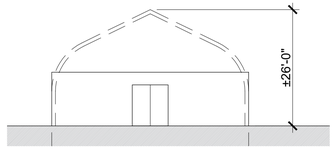


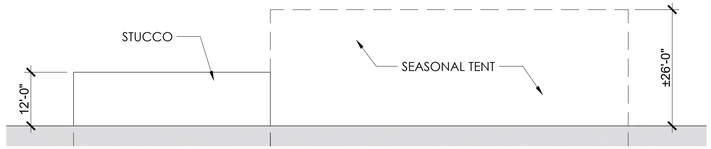




13 - WELLNESS CENTER

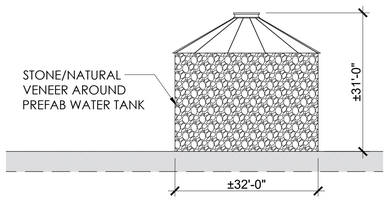
SCALE 1/16"=1'-0"





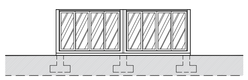
12- CONFERENCE CENTER

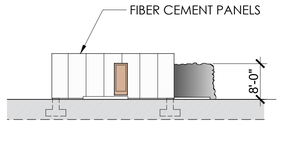
SCALE 1/16"=1'-0"

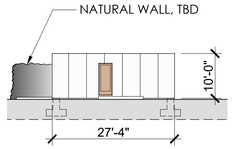


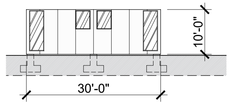
11 - WATER TOWER

SCALE 1/16"=1'-0"



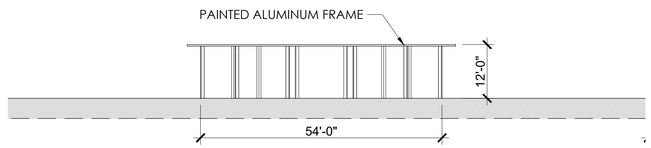






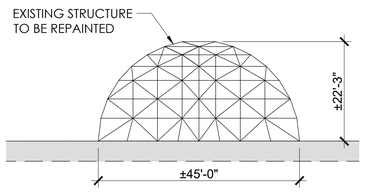
10 - SINGLE-STORY HOTEL MODULE (TYP)

SCALE 1/16"=1'-0"



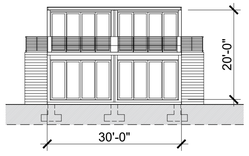
09 - ASTRONOMY PERGOLA

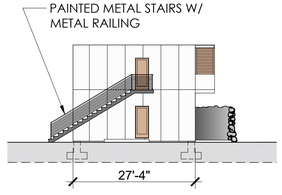
SCALE 1/16"=1'-0"

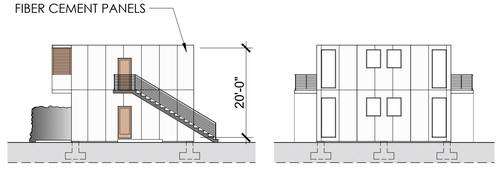


08 - GEODESIC DOME

SCALE 1/16"=1'-0"

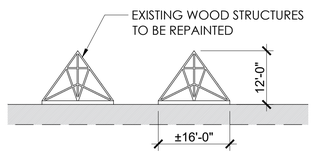






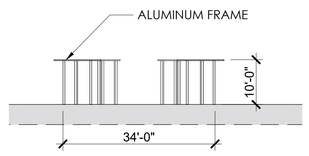
07 - DOUBLE-STORY HOTEL MODULE (TYP)

SCALE 1/16"=1'-0"



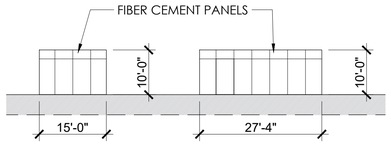
06 - OPEN-AIR PYRAMID

SCALE 1/16"=1'-0"



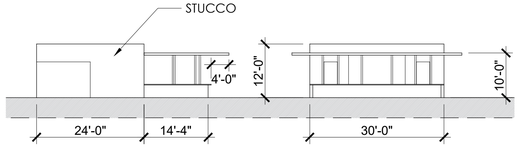
05 - POOL PERGOLA

SCALE 1/16"=1'-0"



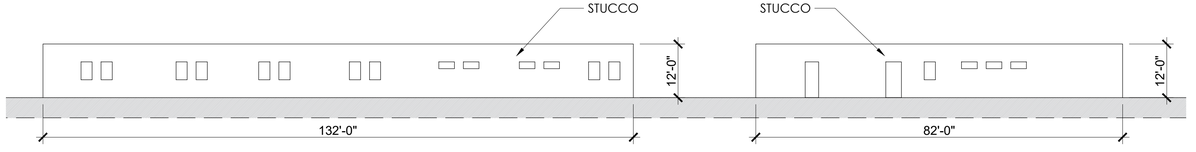
04 - HOUSEKEEPING (TYP)

SCALE 1/16"=1'-0"



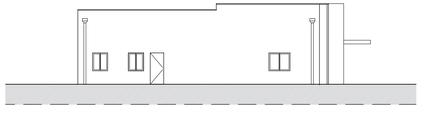
03 - POOL BAR

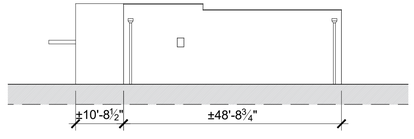
SCALE 1/16"=1'-0"

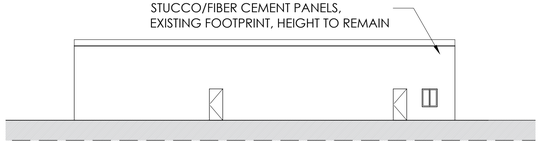


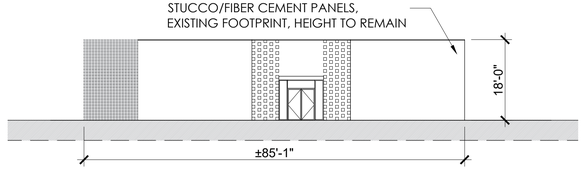
02 - BACK OF HOUSE SUPPORT

SCALE 1/16"=1'-0"









01 - CLUBHOUSE (EXISTING)

SCALE 1/16"=1'-0"

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED ARCHITECT
Joshua T. Shambaugh
C-38919
REN: 1-31-2023
STATE OF CALIFORNIA

CLIENT
A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
450 EGAN AVE.
BEAUMONT, CA 92223
PHONE: 951.845.7743

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP

N

REVISIONS

NO.:	DESCRIPTION:	DATE:

ISSUE DATE: 11-15-2021

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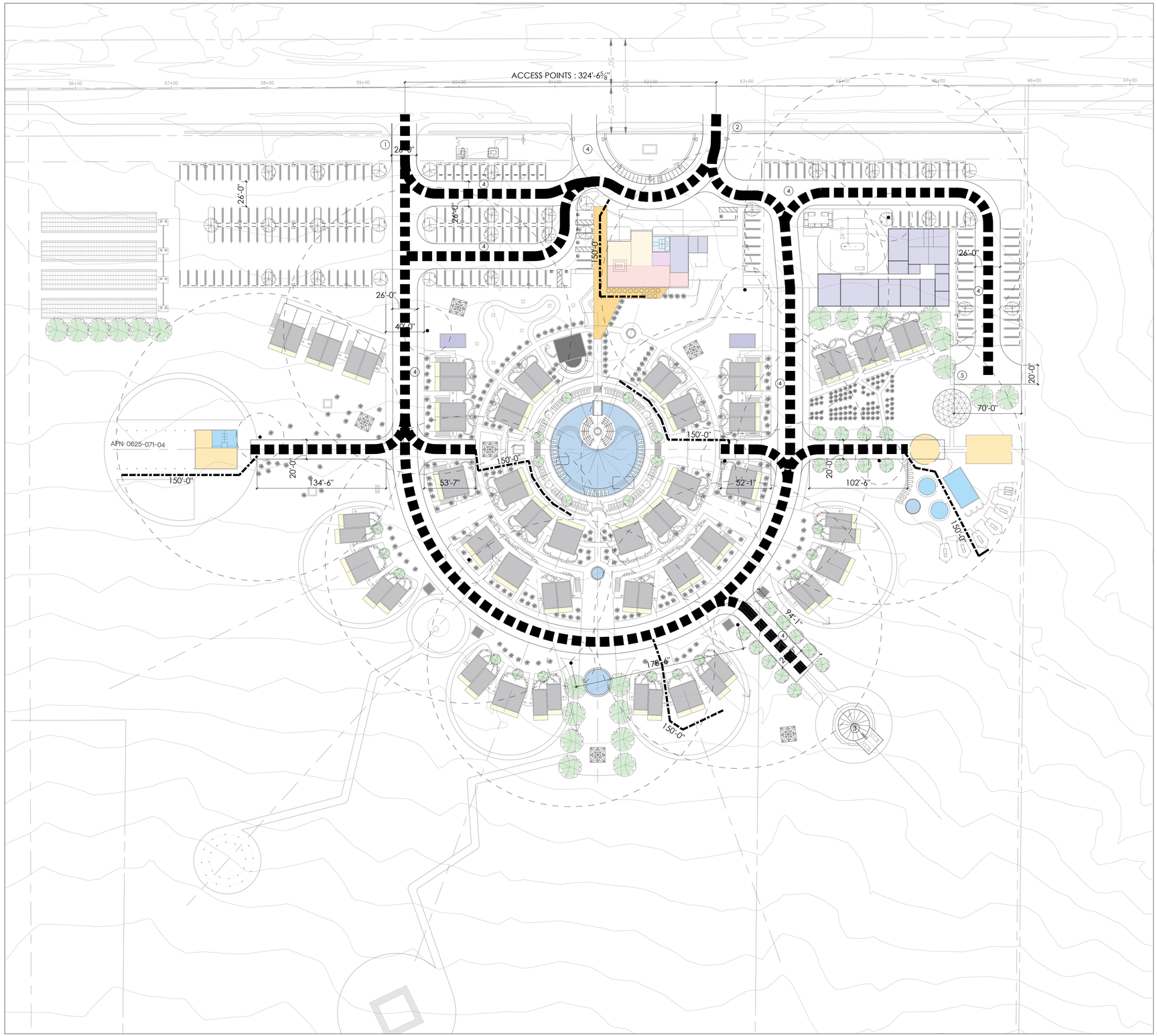
A0.4

ARCHITECTURAL ELEVATIONS



01 - FIRE ACCESS PLAN

SCALE 1"=50'-0"

KEY LEGEND

1 PRIMARY EMERGENCY VEHICLE ACCESS WITH POSTED ADDRESS, GATED

2 SECONDARY EMERGENCY VEHICLE ACCESS WITH POSTED ADDRESS

3 WATER TANK, 180,000 GAL, 11/A0.4

4 26' WIDE FIRE APPARATUS ACCESS ROAD

5 HAMMERHEAD TURNAROUND, PER DIAGRAM A-1.12

LEGEND

FIRE HYDRANT LOCATION WITH 150' RADIUS

FIRE TRUCK ACCESS ROUTE, DASHED LINE REPRESENTS 10' WIDE TRUCK WIDTH

HOSE PULL DISTANCE 150'-0"

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
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LICENSED ARCHITECT
Joshua T. Shambaugh
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78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
450 EGAN AVE.
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PHONE: 951.845.7743

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

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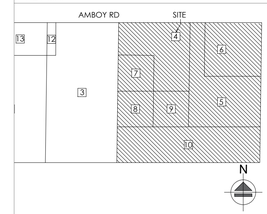

REVISIONS

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1	COUNTY RESPONSE	6-16-22

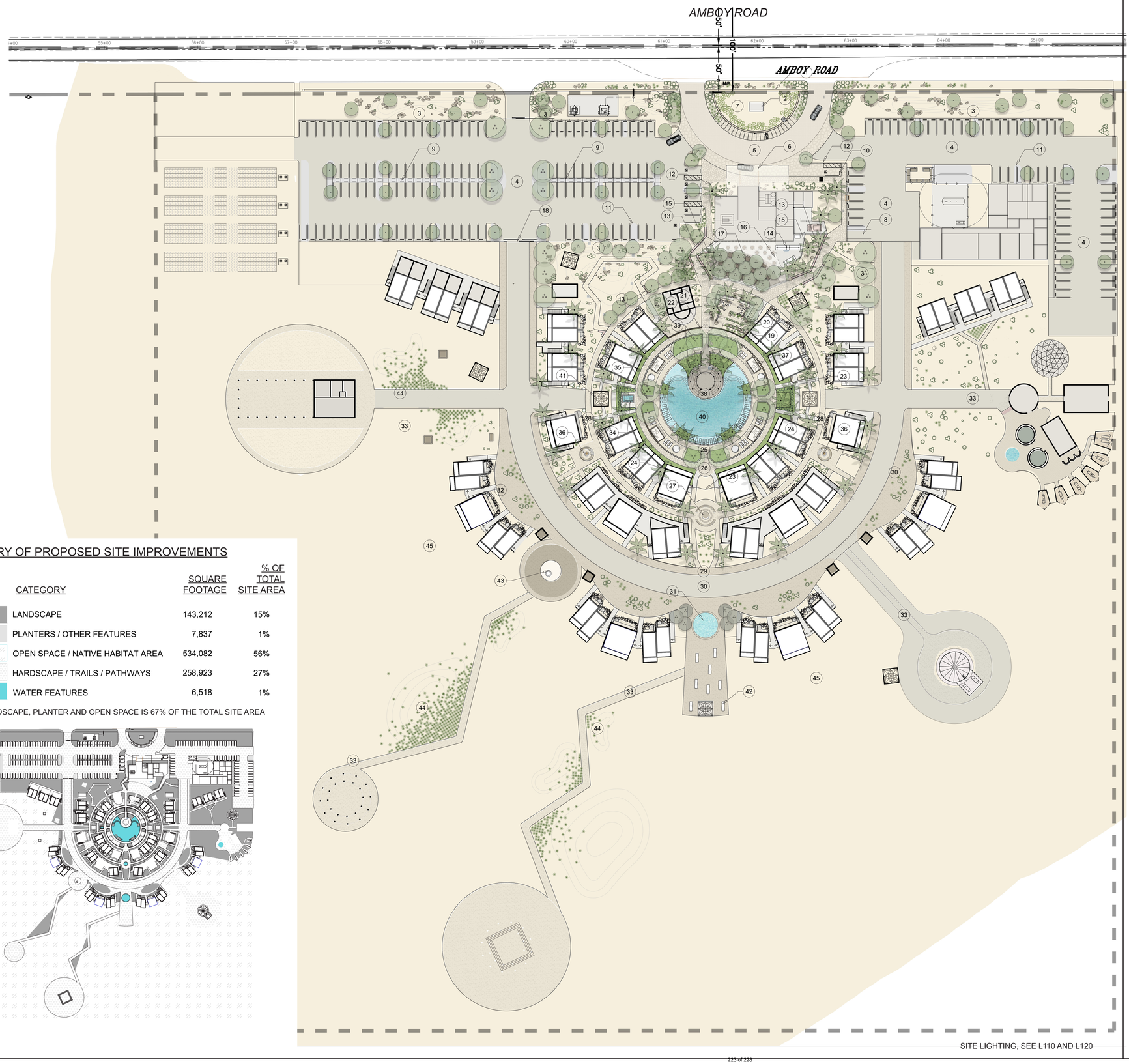
ISSUE DATE: 11-15-2021

CONDITIONAL USE PERMIT

SHEET NO.

A0.5

FIRE ACCESS PLAN



SUMMARY OF PROPOSED SITE IMPROVEMENTS

KEY	CATEGORY	SQUARE FOOTAGE	% OF TOTAL SITE AREA
	LANDSCAPE	143,212	15%
	PLANTERS / OTHER FEATURES	7,837	1%
	OPEN SPACE / NATIVE HABITAT AREA	534,082	56%
	HARDSCAPE / TRAILS / PATHWAYS	258,923	27%
	WATER FEATURES	6,518	1%

*TOTAL LANDSCAPE, PLANTER AND OPEN SPACE IS 67% OF THE TOTAL SITE AREA

SITE LIGHTING, SEE L110 AND L120

KEY LEGEND

1. ENTRY SIGN ON ROCK WALL
2. SCULPTURE
3. PRIVACY BERM WITH BOULDERS AND PLANTING
4. PARKING LOT, ASPHALT WITH CHIPSEAL
5. DRIVEWAY ENTRANCE CIRCLE, STONE OR CONCRETE PAVER
6. VALET, TRAFFIC GRADE NATURAL STONE OR CONCRETE PAVER
7. MOTORCYCLE PARKING, NATURAL STONE OR CONCRETE PAVER
8. GOLF CART PARKING
9. PATH, DECOMPOSED GRANITE OR PLANTED DRAINAGE SWALE
10. ENTRY PATH, NATURAL STONE PAVING OR TINTED CONCRETE
11. SHADE TREE PLANTING ISLAND, 7' W. MIN.
12. DRAMATIC DESERT PLANTING WITH BOULDERS
13. RAMMED EARTH SITE WALL
14. SPIT + BUFFET + SERVICE AREA
15. PALM GROVE PLANTING
16. OVERHEAD SHADE STRUCTURE
17. DINING AREA SEATING BENEATH GROVE OF TREES
18. FIRE ROAD GATE WITH KNOCK BOX
19. ADA RAMP
20. RAMMED EARTH SEAT WALL AROUND SUNKEN LOUNGE
21. FIRE PIT BOULDERS
22. POOL FENCE ON WALL
23. POOL FENCE
24. POOL WALL, TYP. BETWEEN GUEST ROOMS
25. INNER RING POOL PATH, DECOMPOSED GRANITE
26. OUTER RING POOL PATH, STONE PAVING OR TINTED CONCRETE
27. WATER FEATURE
28. INNER RING GUEST ROOM PATH, DECOMPOSED GRANITE
29. OUTER RING GUEST ROOM PATH, DECOMPOSED GRANITE
30. FIRE ROAD, ASPHALT WITH CHIPSEAL OR GRAVEL PAVE SYSTEM
31. WATER FEATURE
32. DESERT GUEST ROOM PATH WITH INFORMAL PLANTING
33. DESERT DISCOVERY PATH, DECOMPOSED GRANITE OR CLEARED AND GRUBBED
34. ACCESSIBLE SPA
35. ADA ACCESS
36. FIRE PIT AREA
37. CABANA
38. BOARDWALK
39. OASIS PLANTING
40. INFINITY EDGE POOL
41. TOWEL SERVICE AND KIOSK, EXISTING PYRAMID STRUCTURE
42. STONE BENCH
43. WIND CATCHER STRUCTURE
44. CREOSOTE MOUNDS
45. EXISTING AND OPEN DESERT LANDSCAPE

PLANT LIST

PALM TREE
WASHINGTONIA FILIFERA- CALIFORNIA FAN PALM
SHADE TREES
PARKINSONIA FLORIDA- PALO VERDE
PROSOPIS GLANDULOSA, VAR. TORREYANA- MESQUITE
PLANTING
ACHNATHERUM SPECIOSUM/ STIPA SPECIOSA- DESERT NEEDLEGRASS/DESERT STIPA
DASYLIRION WHEELERI- DESERT SPOON
DOLICHANDRA UNGUIS-CATI- CAT'S CLAW VINE
ECHINOCACTUS POLYCEPHALUS- COTTONTOP CACTUS
EPHEDRA CALIFORNICA- MORMON TEA PLANT
FOUQUIERIA SPLENDENS- OCOTILLO
LARREA TRIDENTATA- CREOSOTE BUSH
OPUNTIA BASILARIS- BEAVERTAIL PRICKLY PEAR CACTUS
SIMMONDSIA CHINENSIS- JOJOBA PLANT
SPHAERALCEA AMBIGUA VAR. AMBIGUA- MOUNTAIN APRICOT MALLOW
YUCCA ROSTRATA- BEAKED YUCCA

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED LANDSCAPE ARCHITECT
CRAIG ROY BIESECKER No. 6368
Signature
05-31-23
Renewal Date
7-15-21
Date
STATE OF CALIFORNIA

CLIENT
A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
45090 GOLF CENTER PARKWAY
SUITE F
INDIO, CA 92201
PHONE: 760.863.0713

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085
KEY MAP

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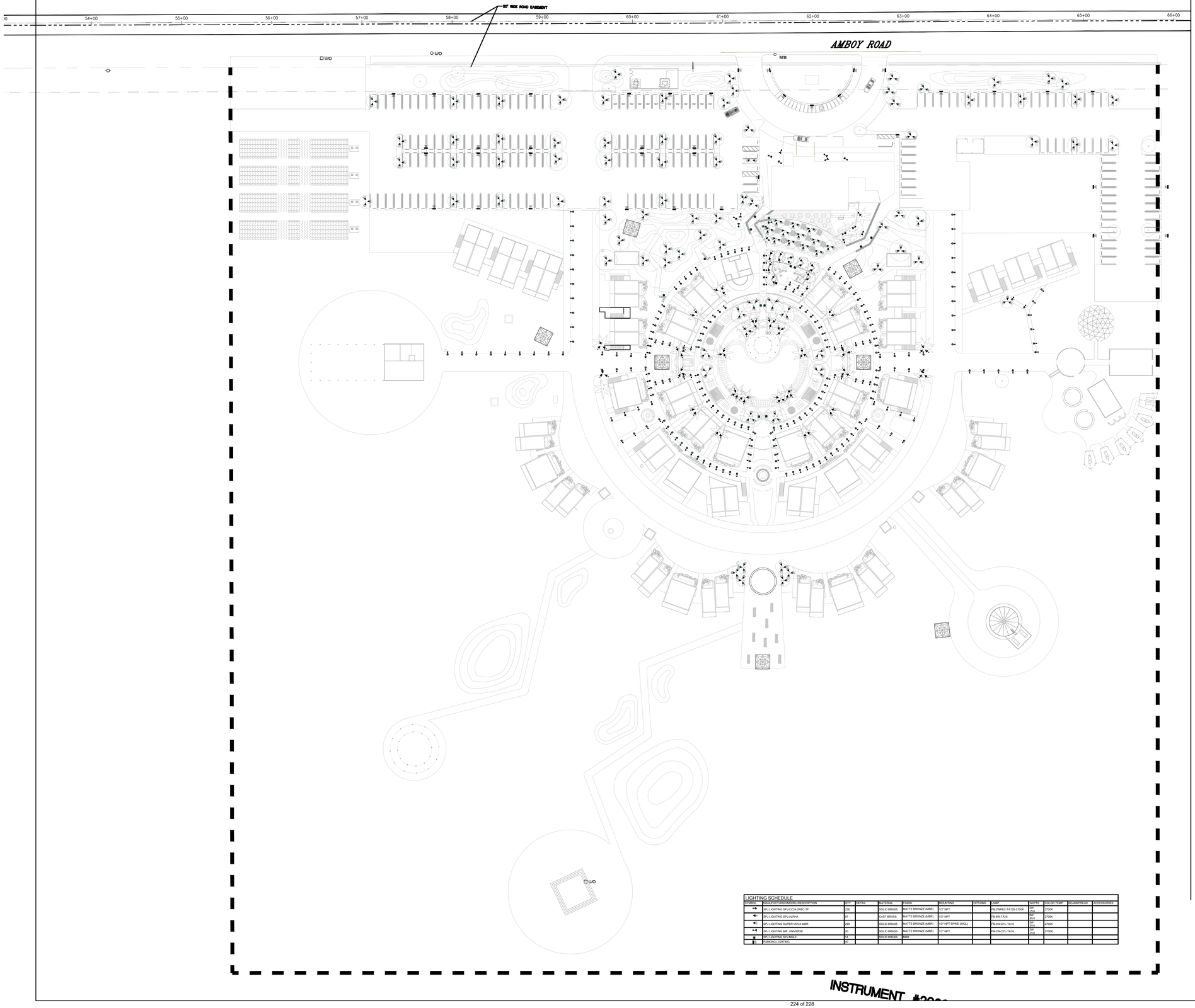
L100

LANDSCAPE SITE PLAN



LIGHTING SCHEDULE													
SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY	DETAIL	MATERIAL	FINISH	MOUNTING	OPTIONS	LAMP	WATTS	COLOR TEMP	SWARMSPREAD	ACCESSORIES
	SPJ LIGHTING SPJ-CC24-2REC-TF	226		SOLID BRASS	MATTE BRONZE (MBR)	12" NPT		FB-2WREC-TA/135-2700K	5W EVA	2700K		
	SPJ LIGHTING SPJ-ALPHA	67		CAST BRASS	MATTE BRONZE (MBR)	12" NPT		FB-8W-TA16	8W EVA	2700K		
	SPJ LIGHTING SUPER NOVA MBR	249		SOLID BRASS	MATTE BRONZE (MBR)	12" NPT SPIKE (INCL)		FB-3W-CYL-TA16	3W EVA	2700K		
	SPJ LIGHTING MR. UNIVERSE	50		SOLID BRASS	MATTE BRONZE (MBR)	12" NPT		FB-2W-CYL-TA16	2W EVA	2700K		
	SPJ LIGHTING SPJ-MSL2	74		SOLID BRASS	MBR							
	PARKING LIGHTING	40										

0 50 100 150 feet

1" = 50'

INSTRUMENT #2022

LANDSCAPE LIGHTING

SPJ LIGHTING ALPHA WITH SHROUD. DOWN LIGHT FROM PALM TREES TO WASH OVER PEDESTRIAN AREAS.

SPJ LIGHTING SUPER NOVA WITH SHROUD - DOWN LIGHT FROM SHADE TREES IN PEDESTRIAN AREAS AND AS SPOT LIGHT ON THE LOWER HALF OF SHADE TREES.

SPJ LIGHTING MR. UNIVERSE WITH SHROUD. SPOT LIGHT THAT HIGHLIGHTS SPECIMEN PLANTING

SPJ LIGHTING CONTEMPORARY PATH LIGHT WITH BUILT-IN SHROUD LIGHTS PEDESTRIAN AREAS WHERE TREE DOWN LIGHTS CANNOT. SPACED 6'-8' APART DEPENDING ON SURROUNDING LIGHT AND NEEDS.

SPJ LIGHTING RECESSED LIGHT MSL2. RECESSED LIGHT FIXTURE WITH BUILT-IN SHROUD TO BE USED ON STEPS AND/OR WALLS DIRECTLY ADJACENT TO STEPS.

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED LANDSCAPE ARCHITECT
CRAIG ROY BIESECKER NO. 5822
Signature
05-31-23
Renewal Date
11-15-21
Date
STATE OF CALIFORNIA

CLIENT
A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
45090 GOLF CENTER PARKWAY
SUITE F
INDIO, CA 92201
PHONE: 760.863.0713

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP

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ISSUE DATE: 00-00-0000

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SHEET NO.

L110

LANDSCAPE AND LIGHTING PLAN

Model: **SPJ-Alpha**

Forever Bright

SPECIFICATION FEATURES

Finish: Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".

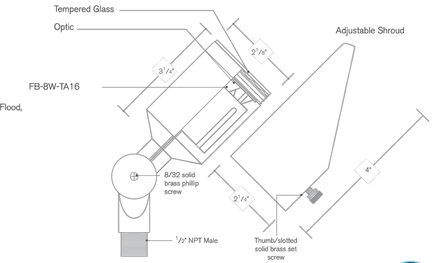
Electrical: Available in 12V-15V or 120V

Labels: ETL Standard Wet Label
C-ETL

Directional Light

DESCRIPTION

Model#: SPJ-Alpha
Material: Solid Brass
Finish: Matte Bronze
Electrical: 12V-15V, 120V
Engine: FB-8W-TA16
Lumens: 580
Color Temp: 2700K
Optic: Spot, Flood, Wide Flood, Wide Angle Flood
Mounting: 1/2" NPT.



Wet Listed

ORDERING INFORMATION

Model#	Finishes	Wattage	Optics	Lumens	Color Temp.	Electrical
SPJ-ALPHA12	MBR	8W	FLOOD	580	2700K	12V-15V
	V = Verde, M = Moss, AG = Aged Brass, MBR = Matte Bronze, SB = Satin Brass, GM = Gun Metal, B = Black, R = Rusty, PVDP = PVD Polished, PVDS = PVD Satin	8W	Spot, Flood, Wide Flood, Wide Angle Flood	380, 580	2700K, 4000K, 5000K	12V-15V, 120V

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Model: **Super Nova**

Forever Bright

SPECIFICATION FEATURES

Finish: Our naturally etched fi nishes will withstand the test of time. All fi nishes are individually treated insuring consistency. Our meticulous application results in a fi xture that truly becomes "a one of a kind".

Lens: Tempered glass, secured with a high temperature adhesive

Gasket: Housing and bezel are sealed with a high temperature "O" ring gasket

Housing: Machined corrosive-resistant solid brass. Stainless steel hardware.

Mounting: Equipped with standard ½" NPT threaded male fitting.

Adjustability: Allows full range of aiming from any mounting position.

Electrical: Available in 8-15V

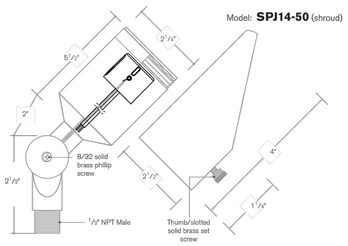
Labels: ETL Standard Wet Label
C-ETL

Directional Light

DESCRIPTION

Model#: Super Nova
Material: Solid Brass
Finish: Specify
Electrical: 8-15V
Lamp: FB-3W-CYL-TA16
Color Temp: 2700 k
Optic: Flood

Model: **SPJ14-50** (shroud)



ORDERING INFORMATION

Model#	Finishes	Optic	Color Temp.	Electrical
Super Nova	PVDS	Flood	2700K	8-15V
Super Nova	V = Verde, M = Moss, AG = Aged Brass, MBR = Matte Bronze, SB = Satin Brass, GM = Gun Metal, B = Black, R = Rusty, PVDP = PVD Polished, PVDS = PVD Satin	Spot, Flood, Wide Flood, Wide Angle Flood	2700K, 4000K, 5000K	8-15V

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Model: **Mr. Universe**

Forever Bright

SPECIFICATION FEATURES

Finish: Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".

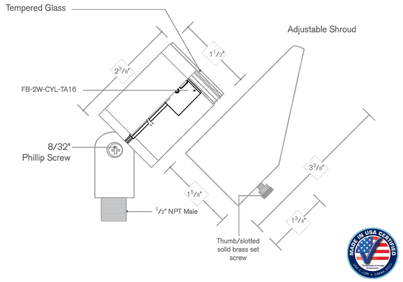
Electrical: Available in 8-15V

Labels: ETL Standard Wet Label
C-ETL

Directional Light

DESCRIPTION

Model#: Mr. Universe
Material: Solid Brass
Finish: Matte Bronze
Electrical: 8-15V
Engine: FB-2W-CYL-TA16
Lumens: 150
Color Temp: 2700K
Optic: Spot-19d
Flood-38d
Wide Flood - 54d
Wide Angle Flood- 120d
Mounting: 1/2" NPT.



Wet Listed

ORDERING INFORMATION

Model#	Finishes	Wattage	Optics	Lumens	Color Temp.	Electrical
MR. UNIVERSE	MBR	2W	FLOOD-38d	150	2700K	8-15V
	V = Verde, M = Moss, AG = Aged Brass, MBR = Matte Bronze, SB = Satin Brass, GM = Gun Metal, B = Black, R = Rusty, PVDP = PVD Polished, PVDS = PVD Satin	1W, 2W, 3W, 6W	Spot-19d, Flood-38d, W. Flood - 54d, Wsf- 120d	80, 150, 200, 300	2700K, 4000K, 5000K	8-15V

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Model: **SPJ-CC24-2REC-TF**
Finish: PVD Satin

Forever Bright

SPECIFICATION FEATURES

Finish: Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".

Electrical: Available in 9-15V

Labels: ETL Standard Wet Label
C-ETL

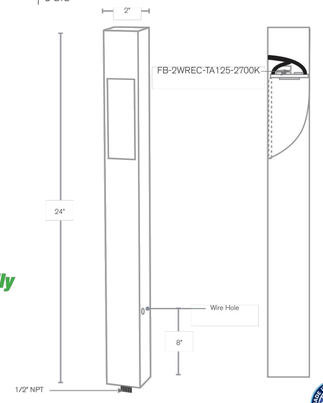
Contemporary Path Light

DESCRIPTION

Model#: SPJ-CC24-2REC-TF
Material: Solid Brass
Electrical: 9-15V
Engine: FB-2WREC-TA125-2700K
Lumens: 125
Color Temp: Amber
Mounting: 1/2" NPT
LED: Nichia

Model: DM6
Deck Mount or
1/2"NPT Option

Turtle Friendly



Wet Listed

ORDERING INFORMATION

Model#	Finishes	Wattage	Lumens	Color Temp.	Electrical
SPJ-CC24-2REC-TF	PVDS	2W	125	Amber	9-15V
	V = Verde, M = Moss, AG = Aged Brass, MBR = Matte Bronze, RC = Raw Copper, GM = Gun Metal, B = Black, R = Rusty, PVDP = PVD Polished, PVDS = PVD Satin	2W	125		9-15V

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Model: **SPJ-MSL2**
Finish: PVD Graphite

Forever Bright

SPECIFICATION FEATURES

Finish: Our naturally etched finishes will withstand the test of time. All finishes are individually treated insuring consistency. Our meticulous application results in a fixture that truly becomes "a one of a kind".

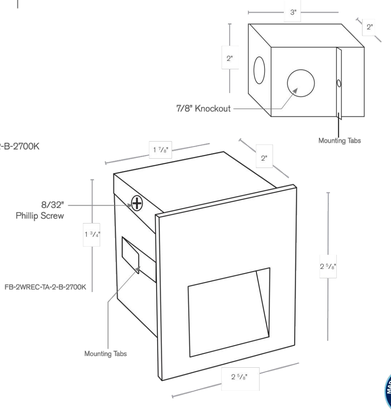
Electrical: Available in 9-15V or 120V

Labels: ETL Standard Wet Label
C-ETL

Recessed Fixture

DESCRIPTION

Model#: SPJ-MSL2
Engine: FB-2WREC-TA-2-B-2700K
Wattage: 2W
Lumens: 125
Color Temp: 2700K
Electrical: 9-15V, 120V
LED: Nichia



Wet Listed

ORDERING INFORMATION

Model#	Finishes	Wattage	Lumens	Color Temp.	Electrical
SPJ-MSL2	PVDG	2W	125	2700K	9-15V
	V = Verde, M = Moss, AG = Aged Brass, MBR = Matte Bronze, SB = Satin Brass, GM = Gun Metal, B = Black, R = Rusty, PVDP = PVD Polished, PVDS = PVD Satin, PVDG = PVD Graphite	2W	125	3500K, 4000K, 5000K, 6500K	9-15V, 120V

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LANDSCAPE LIGHTING

SPJ LIGHTING ALPHA WITH SHROUD. DOWN LIGHT FROM PALM TREES TO WASH OVER PEDESTRIAN AREAS.

SPJ LIGHTING SUPER NOVA WITH SHROUD - DOWN LIGHT FROM SHADE TREES IN PEDESTRIAN AREAS AND AS SPOT LIGHT ON THE LOWER HALF OF SHADE TREES.

SPJ LIGHTING MR. UNIVERSE WITH SHROUD. SPOT LIGHT THAT HIGHLIGHTS SPECIMEN PLANTING

SPJ LIGHTING CONTEMPORARY PATH LIGHT WITH BUILT-IN SHROUD LIGHTS PEDESTRIAN AREAS WHERE TREE DOWN LIGHTS CANNOT. SPACED 6'-8' APART DEPENDING ON SURROUNDING LIGHT AND NEEDS.

SPJ LIGHTING RECESSED LIGHT MSL2. RECESSED LIGHT FIXTURE WITH BUILT-IN SHROUD TO BE USED ON STEPS AND/OR WALLS DIRECTLY ADJACENT TO STEPS.

DESIGN ARCHITECT
NUNZIO MARC DESANTIS ARCHITECTS
1617, HI LINE DRIVE, SUITE 190
DALLAS, TX 75207, USA
PHONE: +1.469.730.0370
EMAIL: INFO@NMDARCH.COM

LICENSED LANDSCAPE ARCHITECT
CRAIG ROY BIESECKER NO. 5622
Signature
05-31-23
Renewal Date
11-15-21
Date
STATE OF CALIFORNIA

CLIENT
A.R. GREENBERG/JASON LANDVER
78201 AMBOY ROAD
29 PALMS, CA 92277

LANDSCAPE DESIGNER
ENVIRONMENTAL DESIGN STUDIO
201 NORTH WESTMORELAND AVE
SUITE 126
LOS ANGELES, CA 90004
PHONE: 213.302.2754

CIVIL ENGINEER
TRANSTECH
413 MACKAY DR.
SAN BERNARDINO, CA 92408
PHONE: 909.384.7464

SEPTIC ENGINEER
SLADDEN ENGINEERING
45090 GOLF CENTER PARKWAY
SUITE F
INDIO, CA 92201
PHONE: 760.863.0713

Disclaimer 1: NMDA's Contract Drawings are intended to illustrate the overall project design intentions and functional layout, and as such, NMDA's drawings DOES NOT represent the local Methods, Techniques and Means of Construction; Contractor shall issue their own shop drawings and only use NMDA's Contract Drawings as reference to meet the design intent.

Disclaimer 2: All Structural, Mechanical, Electrical and Plumbing Layout and Requirements are to be completed, verified and approved by the local Registered Structural, Mechanical, Electrical and Plumbing Engineers for compliance with the Local Building Safety, Codes and Regulations having jurisdiction over the Project's site.

THE WONDER INN
29 PALMS, CA

PROJECT NO. A10085

KEY MAP

N

REVISIONS

NO.:	DESCRIPTION:	DATE:

ISSUE DATE: 00-00-0000

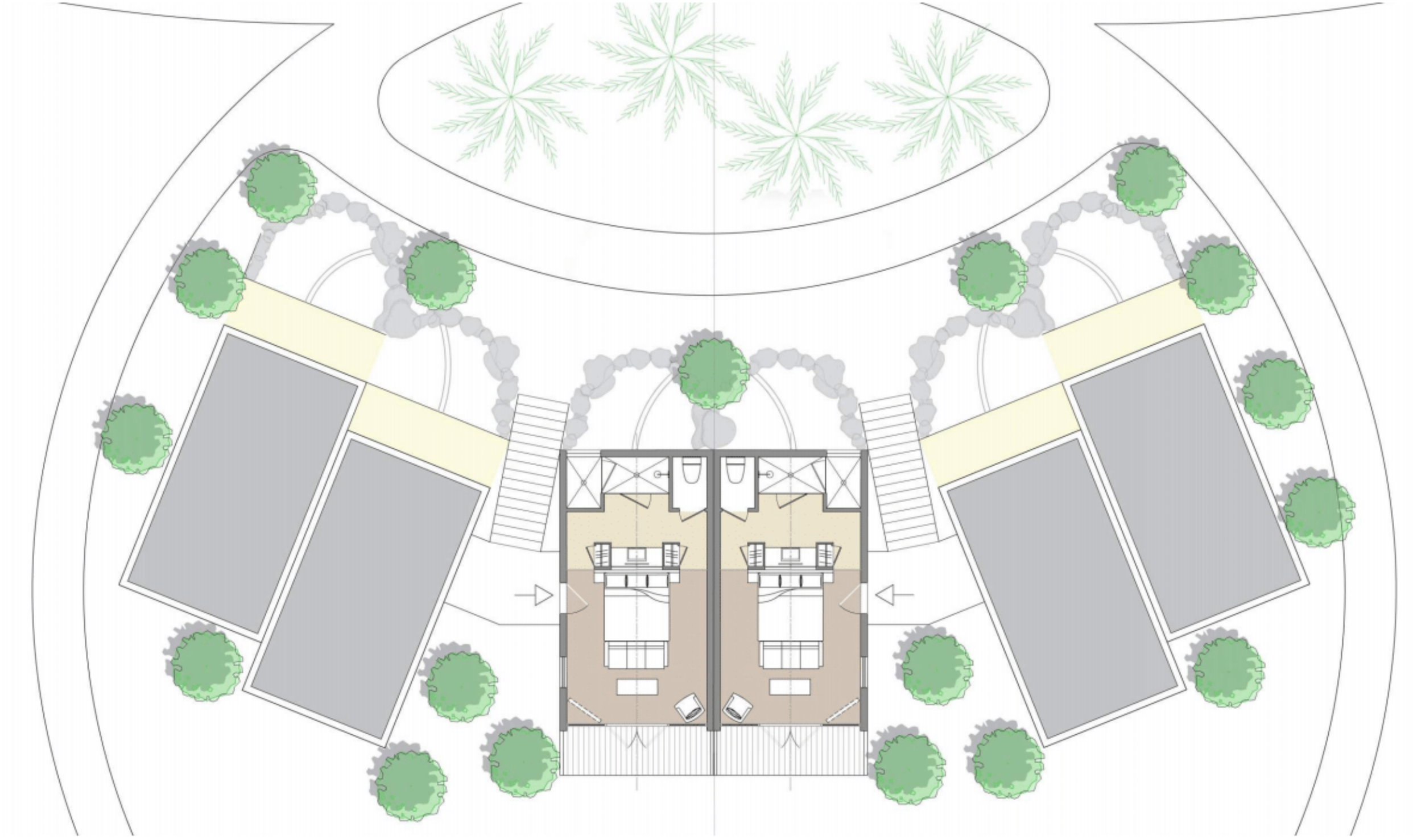
CONDITIONAL USE PERMIT

SHEET NO.

L120

LANDSCAPE AND LIGHTING PLAN

0 50 100 150 feet
1" = 50'



GUEST ROOM PLAN (3 MODULES / 2 LEVELS)